

Bashirov's, Bashirov was arrested during a raid on the medical students' dormitory where they both live, after the police found a photo album containing pictures of Chechen guerrillas. The following day the police claimed to have detained "Shamil Basayev's personal doctor." Batayev comments ruefully that Basayev, a Chechen terrorist and leader of the Chechen incursion into Dagestan, "has, unfortunately, never suffered a moment of ill health in his life."

In addition, it so happens that Bashirov is known to a number of Moscow's journalists, politicians and human rights activists because, in the early days of the war in Chechnya, he worked at a makeshift mixed-staff hospital in Grozny where wounded Chechens and Russians, both soldiers and civilians, were treated. These Good Samaritan credentials do not, of course, mean that Bashirov cannot be a terrorist, but, in conjunction with the random manner in which the police stumbled upon him, they make him a rather unlikely suspect. "The police don't care," explains Batayev. "They used to raid the dorm once a week or every few weeks. Now they've been told to check, say, 30 apartments and 45 people a day, so they come to my room in the dorm at least once a day, sometimes several times—so they can report back that they've done their checks."

Still, popular support for the emergency police measures appears to be overwhelming. Even many of the migrants from the Caucasus living here seem to support them, though for somewhat different reasons. "I think Moscow should be closed, a curfew and a state of emergency imposed," says Abuzar Bagirov, an Azeri activist and journalist who lives in Moscow. Azeris are the most numerous ethnic minority in Moscow—more than one million of them live in the city, compared to about 50,000 Chechens. They are also the most easily identifiable as being from the Caucasus since they tend to have darker complexions than representatives of other ethnic groups. As a result, Azeris are picked on by the police. But Bagirov, who has been one of the most outspoken critics of Moscow's unconstitutional passport regime and the resultant police practices, now withdraws his objections. "Now it would all be justified. If the police don't do it, with all this fear spreading, I am in danger from any crowd. They see I am black—and I am dead." (Though people from the Caucasus are indeed Caucasian, the dark hair and eyes characteristic of their ethnic group lead many Russians, who are generally fair-skinned, to refer to them disparagingly as "black.") In other words, Bagirov believes that only a state of emergency will be able to prevent anti-Caucasian pogroms in Moscow.

UNLIKE ORDINARY CITIZENS, most politicians have publicly spoken out against a state of emergency. A notable exception is the clown nationalist Vladimir Zhirinovskiy, whose unlikely but stable alliance with the Kremlin (his is the only faction in parliament that unflinchingly votes with the president) has led some journalists to speculate that a state of emergency may indeed be in the offing. No one knows quite what it would mean: the existing law on the state of emergency dates back to the late Soviet era, but, should the need and desire arise, the current parliament may push through a new law on an urgent basis. A perusal of the constitution indicates that a state of emergency would, in any case,

mean vastly increased police power, a curfew, censorship, and a variety of other limitations of civil liberties.

Then again, all of this is already happening. Politicians are uniquely unanimous in their response to the terrorist attacks. President Boris Yeltsin and Mayor Luzhkov have set aside their long-standing feud to cooperate on policing Moscow. Even the staunchly opposition left-liberal Grigory Yavlinsky has declared his Yabloko Party's support for "a number of extraordinary measures in Moscow." About a dozen major cities so far are following Moscow's example, instituting document checks and summarily lifting constitutional restrictions on searches and seizures. With cities deporting or detaining people not registered to live there, freedom of movement is becoming a thing of the past.

The same goes for freedom of assembly: permits for rallies, demonstrations, or pickets will not be issued as long as the authorities can claim that any large gathering is a potential terrorist target. Meanwhile, on September 14, the parliament introduced a resolution that, should it be enacted, would severely restrict the state media's coverage of military conflicts—a major move, given that Russia's two largest TV channels belong to the state. For its part, the General Staff has quietly—and unconstitutionally—expanded the list of classified topics, which the media are banned from covering.

In other words, the only thing that significantly distinguishes what is taking shape from a state of emergency is that there is no apparent plan to cancel this December's parliamentary elections—never mind that elections in the absence of basic civil liberties could hardly be called free and fair. And there is another important difference as well: Unlike a state of emergency, which would sooner or later have to be lifted, the erosion of democracy now under way threatens to be permanent. After all, at least one test of a democracy's strength is its ability to cope with an internal security threat without resorting to repressive measures. So far, it appears that Russian democracy is still too weak to resist the immediate temptation to reach for the billy club. ■

Of Clintons and clemency. Liberation Movement

By MICHELLE COTTLE

WAS BILL CLINTON'S offer of clemency to 16 convicted Puerto Rican terrorists a shameless attempt to curry favor with the 1.3 million Puerto Ricans of New York City, where wife Hillary is expected to run for Senate next year? No way, say the Clintons. You bet, say Republicans such as Representative Dan Burton of Indiana, who has called for an investigation. Burton's end-of-the-summer dream, no doubt, is to find a memo from the

Hillary 2000 headquarters to President Clinton, calculating just how many votes the first lady would pick up if Bill sprang the terrorists.

But it's doubtful that Burton's dream will come true. Although any conclusion about the truth behind this episode must remain tentative—except, briefly, for the president and first lady themselves, no one in the White House or Justice Department seems willing to talk about it, even off the record—it appears that Hillary's political ambitions were not crucial to the president's decision. That, of course, doesn't mean the clemency offer is OK. Indeed, it may be even more disturbing to think that the president acted because he was persuaded that releasing these convicted felons was the right thing to do—even though it sends a strange signal about the government's resolve to fight terrorism, and even though it was, foreseeably, a probable political loser for Hillary.

Our saga begins with the prisoners' trial and conviction back in the 1980s. The prisoners were members of a violent pro-independence group, the Armed Forces of National Liberation (known as FALN, their Spanish acronym). Although the prisoners had not been convicted of any crimes resulting in death or injury, their sentences ranged up to 90 years on such charges as seditious conspiracy and federal weapons violations.

Luis Nieves-Falcon, a Puerto Rico-based sociologist, felt so strongly that the FALN members had been railroaded that he dedicated his career to their cause. But the movement got off to a slow start. One problem was that the FALN members, wanting nothing to do with the American government, had requested that supporters not lobby for their release. Another problem was that the prisoners' cause, linked as it was to the issue of Puerto Rican independence, lacked broad appeal. Surveys show that only around four percent of New York Puerto Ricans favor independence—a figure consistent with the low support reflected in island referenda on the issue over the years. The problem, then, was to generate a groundswell, showing the White House that the issue was something Puerto Rican votes hinged on. The campaign began in earnest in 1990 with a grassroots effort in Puerto Rico itself. The prisoners' advocates also courted international support, winning the backing of South African archbishop Desmond Tutu. The objective, says Nieves-Falcon, “was to create a consciousness among people that these were political prisoners and not common criminals.”

Over the next couple of years, the clemency movement picked up steam. The prisoners themselves agreed to support the campaign for their release. In November of that year, Luis Gutierrez, a Puerto Rican politician in Chicago with a history of youthful *independentista* activism, was elected to the House of Representatives. Gutierrez took a special interest in the release of the FALN prisoners, two of whom had gone to grade school with him. From his congressional perch, Gutierrez helped push the clemency cause in the media. He was also involved with the original lobbying of the new Democratic administration, which began in 1993. In November of that year, Gutierrez, along with fellow Puerto Rican members of Congress Nydia Velazquez and Jose Serrano (both from the Big Apple), wrote to Attorney General Janet Reno requesting a meeting on the issue. The same

month, a petition was filed with the federal pardon attorney on behalf of the prisoners.

About this time, the marketing of the prisoners' cause began to change. Originally, many of the clemency advocates wanted to link their cause to Puerto Rican independence. But, over time, leaders of the movement recognized the need to frame the appeal in less-controversial terms. “Our issue would be that, in humanitarian terms, these sentences they got were really out of proportion,” says New York activist Angelo Falcon. As the humanitarian message took hold, says Falcon, the clemency effort gained momentum. “You started having people who were seriously lobbying the president. You had mainstream organizations doing this, not just fringe groups.” In October 1994, some 400 Puerto Rican community leaders gathered in Washington for a meeting of Boricua First—a New York-based organization aimed at increasing the profile and influence of the Puerto Rican community—at which a resolution calling for release of the prisoners was approved.

By 1996, the movement had built a critical mass of support. Advocates of clemency—who by this time claimed the backing of such luminaries as Tutu, Coretta Scott King, and Cardinal O'Connor—held several meetings with then-White House counsel Jack Quinn. In April 1996, demonstrators hand-delivered more than 15,000 pardon petitions to the White House. In December, 100,000 letters were delivered.

Clemency advocates felt they had to achieve their goal before Clinton finished his second term. “When Clinton first walks in, he don't know nothing,” says Gloria Quinones, a New York attorney and childhood friend of Dylcia Pagan, one of the prisoners. “He's from Arkansas. It takes time to educate folks.” Moreover, a first-term president would be much less likely to tackle such an issue, says Quinones. Only when a president isn't facing reelection “will he dare to make this move.” Thus, from the beginning, the activists' approach to the White House was pretty explicitly political; according to the New York *Daily News*, the clemency supporters presented the petition as something Clinton would be wise to dispose of before Al Gore's 2000 presidential bid. White House sources told the *Daily News* that the petitioners were informed that the issue would be decided purely on its merits.

Was it? In late 1997, Deputy Attorney General Eric Holder pledged to review the request and issue a recommendation to White House counsel Charles Ruff, who in early 1997 had replaced Quinn. The clemency advocates were told that the matter would be ruled on by the end of 1998. But, in January of that year, disaster struck in the form of Monica Lewinsky. Ruff found himself preoccupied with saving his boss. It wasn't until February of this year that the impeachment nightmare ended, freeing Ruff to return to the Puerto Rican matter. Right before Ruff decamped for private practice on August 6, his report hit the president's desk. Five days later, the president offered the conditional clemency deal.

Which brings us back to the issue of what the first lady knew, when she knew it, and just how much her Senate ambitions may have influenced the president's decision. Whether or not she was officially consulted on the matter, her recent claim that she literally “didn't know anything about the issue” before the president announced the clemency offer is hard to

believe. For starters, she certainly encountered this issue during her "listening tour" of New York. On August 9, New York City Councilman José Rivera personally presented Hillary with a packet on clemency, including a letter asking her to "speak to the president and ask him to consider granting executive clemency" to the prisoners. Even if she promptly tossed the packet aside, Rivera told me he wasn't the only New Yorker pressing her on this issue.

Hillary may also have heard something about the issue from clemency advocate Dennis Rivera, who happens to be the head of New York's politically powerful health care workers' union. Rivera was among the state leaders whom Hillary sought out in the earliest days of her Senate explorations. And Harold Ickes, Hillary's top political strategist, is a long-time lobbyist for the Puerto Rican government and has made a pretty penny representing the commonwealth's pro-statehood faction. He may never have spoken with anyone directly involved with lobbying for clemency, but how could he not be aware of the issue and its growing prominence among Puerto Ricans?

That said, from a purely political perspective, the electoral dynamics of New York suggest that, assuming Hillary and her advisers knew about the issue, they would have thought twice before lobbying the president to offer clemency. Latino voters make up about six percent of the state's electorate. Typically, the vast majority of them vote Democratic. In 1996, for instance, the president garnered 91 percent of the state's Hispanic vote. Granted, Mayor Rudolph Giuliani tends to fare better than the average Republican: in 1997, he drew 43 percent of New York City's Hispanic vote. But Giuliani's Democratic opponent that year was Ruth Messinger, widely recognized as a total disaster, whereas Clinton is riding into town on the coattails of a president who got 91 percent of the state's Hispanic vote in 1996. Does it really make sense that Hillary and Ickes (and Bill) would have risked losing the affections of all those law-and-order suburbanites on Long Island simply to woo a few additional votes, or boost turnout, from a community already strongly inclined to go Clinton?

Moreover, Hillary's behavior since the president announced the clemency offer gives little indication that she was calling the shots. Through her campaign spokesperson, the public learned that she did in fact support the prisoners' release, assuming they accepted the attached conditions. But she had little else to say in the early days of the flap. If she was a player, her subsequent call to rescind the offer, ostensibly because of insufficient outward contrition by the prisoners, could not have been more bizarrely timed. It came less than 24 hours after the White House had privately given the prisoners a week to make up their minds whether or not to accept the deal. It would appear, then, that the president kept the news of this crucial communication from the first lady—whether out of some misguided effort to protect her from politically inconvenient information, we can't know.

Indeed, it is worth noting that, at the time of the first lady's September 4 statement, the prisoners appeared disinclined to accept the offer. All those left-wing activists now singing the president's praises and bashing Hillary for her "flip-flop" were then denouncing the clemency offer because it wasn't unconditional. One day after the offer was extended, no less a

player in New York politics than Jesse Jackson was in Puerto Rico, grouching about the "extraordinary and humiliating" conditions. On August 29, thousands of protesters took to the streets of San Juan to demand an unconditional pardon.

But less than a week after Hillary's statement, twelve of the prisoners opted to accept clemency. This was no coincidence, says Carlos Romero-Barceló, Puerto Rico's non-voting delegate to Congress. "When the first lady came out with a statement that they were not sorry and that the president should cancel the offer, . . . it spurred them [the prisoners] to accept [the release]," he asserts. "They realized they weren't going to be able to get anything else by pressure."

No, we may need to look elsewhere to find the factors that tipped the balance. Start with Jimmy Carter, the man around whose neck Bill Clinton had just draped the Presidential Medal of Freedom. A longtime White House insider told me that Clinton has some inexplicable need to win the approval of his only living Democratic predecessor. If Clinton strongly opposed clemency, Carter's desire to see the Puerto Ricans freed may not have changed his mind. If Clinton had no real position, however, Carter's lobbying may have made a difference. The president also might have been swayed by Ruff—"a lawyer's lawyer," as a former White House insider describes him, whose numb political fingerprints and highly legalistic view of the world might have predisposed him to accept the argument that the prisoners had been unduly punished (just as it helped him craft key exculpatory arguments in a certain impeachment trial). Moreover, Deputy Attorney General Holder reportedly supported clemency, a fact likely reflected in the case review he sent the counsel's office, which apparently muted the fact that all federal law enforcement agencies had recommended against clemency. And, if Ruff—for whatever reason—decided that clemency was in order, Clinton was unlikely to override the man who had saved his bacon during the Monica disaster. (Both Ruff and Holder declined to discuss the matter.)

Whatever the truth is, two results seem clear. First, the controversy will leave an inaccurate imprint on the public's perception of Puerto Ricans' political attitudes. Romero-Barceló has repeatedly expressed concern that demonstrations on behalf of the prisoners would make stateside Americans think that Puerto Ricans advocate terrorism. "The real freedom fighters are the 197,000 Puerto Ricans who served the nation in times of war during this century," he has said.

Result number two is that, in the end, the first lady won't suffer unduly among Puerto Rican voters. Her disavowal of the clemency offer was carefully crafted, a classically Clintonian flourish that leaves all of her political options open. She did not criticize the president's offer on its merits; she merely pointed out that, if the prisoners were so hesitant to accept the parole conditions, perhaps they shouldn't be released. Now that they've accepted the offer, the first lady can claim she has always supported clemency, as long as the prisoners agreed to the terms. She knows perfectly well that New York's Democratic Puerto Rican activists aren't going to bolt to Giuliani over this. Indeed, the Puerto Rican leadership in New York already seems willing to grant her a pardon. As Roberto Ramirez, the Democratic assemblyman from the Bronx, has said, "we must move on." ■