



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for March 5th

14 Feb – Divest from the PIC and End Mass Incarceration by Jalil Muntaqim

We have two new pieces written by Jalil Muntaqim. If you haven't written to Jalil in the past, his writings are great points of discussion.

MORE:

February 14th - Divest from the PIC to End Mass Incarceration

Having recently learned of the diatribe among erudite scholars challenging the premise of Michelle Alexander's *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, I found the entire matter self-serving from each side. Often it is the case that intellectuals debate the validity of their works and avoid taking the necessary step of testing their theories in real life — doing the work in the streets. Where Michelle's work reached people who had not been aware of the conditions of mass incarceration, the debate serves to broaden the dialogue, possibly giving clarity to what actions need to be taken.

But let us not permit the hope of scholars to lead the way to disturb the potential to organize a mass and popular movement. In this regard, I would urge folk to re-read, or read if they have not already, my writings in 1994: *The Cold War of the '90s* and *The Criminalization of Poverty in Capitalist America*. I believe that you will note that back in 1994, I was sounding the alarm about mass incarceration. What now? For those activists who are conscious, especially after years of Critical Resistance's inability to substantiate a national determination, let's consider forging a campaign of divestment.

Prison is big business in this country, and for one corporation it is big business around the world. Corrections Corporation of America owns most of the private prisons and sells its stock and shares on the New York Stock Exchange. Its major stockholder is the Paine Webber Group. The multi-billion dollar industry has the capacity to influence public policy to ensure laws are implemented that preserve their capacity to influence public policy to ensure laws are implemented that preserve their capacity to operate and profit. For example, in the Corrections Corporation of America, 2010 Annual Report, it stated:

“The demand for our facilities and services could be adversely affected by the relaxation of enforcement efforts, leniency in conviction or parole standards and sentencing practices or through the decriminalization of certain activities that are currently proscribed by our criminal laws. For instance, any changes with respect to drugs and controlled substances or illegal immigrants could affect the number of persons arrested, convicted, and sentenced, thereby potentially reducing demand for correctional facilities to house them.”

During the struggle to end South African apartheid, activists across the country and around the world initiated a divestment campaign. Since prisons are big business, and mass incarceration serves to ensure profits for prisons, the logical/rational deduction is to identify and expose investors in the PIC, and demand that they divest. In essence, the challenge is to take the profits out of the prison system. A divestment movement of the PIC addresses the issue of mass incarceration in pragmatic terms, changing the paradigm of incarceration as a public safety issue, when it is actually a profit-motivated institution.

When talking about public safety, it is extremely important to know that people are the motivating force in creating history. Therefore, public safety is not an issue of law enforcement and the judicial system leading to imprisonment. Public safety is a matter of the public taking responsibility for their behavior in a revolutionary context. Public safety is citizens patrolling their own communities; it is parents taking responsibility for their children; it is developing after-school programs and community centers; public safety is generating funds for better educational facilities as opposed to prisons; public safety is housing the homeless and feeding the

disenfranchised; it is giving folks employment at living wages and forging revolutionary communities. Changing the paradigm of public safety removes the demand for repressive law enforcement and a racist judicial system. All of which must become part of principled dialogue and determination by the PIC divestment movement to take the profit out of prison to end mass incarceration. Let's initiate a national divestment movement, a take the profit out of prisons campaign, first identifying corporations invested in private and public prisons and tying them to the horrors of the public policy that supports mass incarceration.

February 19th – Targeted Killing

The U.S. Senate and various arms of the media are questioning the Obama administration's use of drones for targeted killings of U.S. citizens who are members of Jihadist Islamic groups. Senator Ron Wyden, an Oregon Democrat and member of the Senate Intelligence Committee, is quoted as stating his intent to: "pull out all the stops to get to the actual legal analysis, because without it, in effect, the administration is practicing secret law." (NY Times, 2/7/13)

On August 25, 1967, J. Edgar Hoover, Director of the FBU, initiated a counterintelligence program (COINTELPRO). On page 3, the memo reads: "You are also cautioned that the nature of this new endeavor is such that under no circumstances should the existence of this program be made known outside the Bureau, and appropriate in-office security should be afforded to sensitive operations and techniques considered under the program."

The COINTELPRO operation has been legalized under the auspices of the Patriot Act, so that the purposed of COINTELPRO as originally initiated is no longer unconstitutional. As a result of COINTELPRO, many Black Panthers during that time were targeted for killing, the most noted probably being Fred Hampton and Mark Clark in Chicago. The point is that the U.S. government has been involved in secret targeted killings of U.S. citizens for decades; many remember the bombing of the MOVE family in Philadelphia, from which collateral damage resulted in an entire community being destroyed.

So, as the Senate Intelligence Committee proclaims astonishment that the Obama would engage in a secret program to use drones to target and kill U.S. citizens deemed "terrorists," historically the U.S. government has been engaged in this practice for decades. "The purpose of this new counterintelligence endeavor is to expose, disrupt, misdirect, discredit, or otherwise neutralize the activities of Black nationalist, hate-type organizations and groupings, their leadership, spokesmen, membership and supporters, and to counter their propensity for violence and civil disobedience." Given the reality that drones are now being operated inside the U.S., coupled with the legalization of "neutralizing" U.S. citizens deemed "terrorists" by virtue of the Patriot Act and the broader 2012 National Defense Authorization Act, the progressive anti-imperialist and anti-racist activists should become wary. This is especially true when considering the FBI's March 9, 1968 COINTELPRO memorandum that specifically stated: "Negro youths and moderates must be made to understand that, if they succumb to revolutionary teachings, they will be dead revolutionaries."

The propensity of the U.S. government to kill (neutralize) its citizens to maintain the status quo corporate profit motive, i.e. capitalist-imperialist government, should not be mistaken in any activist's mind. The U.S. government, in its desperation to seek profits over the needs of people, will become ever more repressive. The overt development of the police state, with media acquiescence, presenting a moral imperative that members of law enforcement, by virtue of having passed a civil service exam, are heroes, creates a profound social contradiction. Whereas law enforcement personnel are to serve and protect citizens, the greater potential exists that they will operate as corporate automatons to preserve the capitalist ideal of profits over people. Hence, there is a need for initiating a broad-based national dialogue of the relationship between poor and oppressed peoples and law enforcement. This is essential to obviate the U.S. government's long history of targeted killing of citizens, dissenters or otherwise! (See Blog #2: Government Sanctioned Killings)

19 Feb - Jeremy Hammond and the Broken Rule of Law: The Other Bradley Manning

Jeremy Hammond recently had another court date, at which the judge in the case decided against recusing herself. In the wake of this court date, several articles have come out, including one by Hammond himself. We're

rounding them up below.

MORE:

Activist Jeremy Hammond has been held without bail since his arrest in March. He is accused of hacking into the computers of private intelligence firm Stratfor and giving million of emails to WikiLeaks. He has been called the other Bradley Manning. While Manning revealed government wrongdoing, Hammond is alleged to have leaked information from a private company, helping expose the inner workings of the insidious and pervasive surveillance state.

When he was 22, Hammond was called an “electronic Robin Hood” using hacking as a means of civil disobedience. He attacked a conservative group’s web site and stole user’s credit cards with the idea of making donations to the American Civil Liberties Union. His intention was in the spirit of taking from the rich and giving to poor. He later changed his mind and didn’t use the credit cards.

If he did what he is alleged with Stratfor, it was for the public good. Documents that he is alleged to have obtained and uploaded to WikiLeaks revealed spying on activists and others for corporations and governments. Furthermore, attorney and president Emeritus of the Center for Constitutional Rights Michael Ratner argued that the Stratfor hacking was a clear case of entrapment targeting online activist group Anonymous and Hammond. He explained there was an informant named Sabu and the FBI gave him the computer onto which the documents were uploaded.

Hammond now has been moved to solitary confinement and has been virtually cut off from all interaction with the outside world. On Feb 14, the Jeremy Hammond Support Network posted a message on social media that heavy restrictions were put on him. The Network reported Hammond now is not allowed any commissary visits to buy stamps for letters and food, as he does not get enough to eat. Now visits are limited to his lawyer and telephone contact is restricted to his brother.

His case is another example of the expanding unchecked authoritarian power in the justice system in general. Here Hammond appears to be following similar footsteps as Bradley Manning who also was placed into solitary confinement. Nahal Zamani, Advocacy Program Manager at the Center for Constitutional Rights argued how solitary confinement is a form of torture and is “clearly cruel and unusual punishment. Indeed, the use of solitary has been condemned as torture by the international community.”

Unlike Manning, who is subject to the military ‘justice’ system, Hammond is in a civilian court, which is supposed to follow the Constitution. What happens though when one is placed into jail outside of the public eye is that prisoners are more and more being stripped of their rights and treated inhumanely. Once they are behind bars, they become incognito, losing connection to the outside world. Inside the cage is a twilight zone where laws and conventions can be bent by those who are powerful, with little oversight or accountability.

This is just the tip of the iceberg of a deeply flawed justice system combined with an increasingly corporatized prison industrial complex. Prisoners are marginalized and many are forgotten. Hammond shared his personal experience as prisoner at the Metropolitan Correctional Center during Hurricane Sandy. He wrote how because of the storm, the Correctional Center lost power. They had no hot water or heat and prisoners were left behind with no phone calls, no visits and no mail. What was revealed was a callous system that abandons the poor, marginalized and disadvantaged. Hammond noted how as was seen in the Katrina disaster of New Orleans, New Yorkers experienced that relief came not from FEMA and government agency but from grassroots community groups such as Occupy Sandy. He ended his letter saying:

“Very frightening to consider what would happen to us prisoners – already disenfranchised, silenced, marginalized and forgotten – in the event of a more devastating natural disaster. There’s a universal consensus here – ‘they’d probably leave us to die.’”

In addition to this, the US legal system is more and more used to target political dissidents, especially

information activists. In November 2012, Hammond was denied bail despite his attorney convincingly arguing that he posed no flight risk and assuring that he would not have access to computers. The prosecutor insisted he is a flight risk and Judge Loretta Preska held a very hostile attitude toward Hammond and stated that the reason for bail denial was that Hammond poses “a very substantial danger to the community.” Hammond now faces indictments against him for various computer fraud crimes which could amount to 37 years to life in prison.

Ratner addressed obvious conflict of interests with judge Preska sitting on the case against Hammond. It came to light that Preska’s husband worked for a client of Stratfor, whose emails Hammond allegedly leaked. Ratner spoke of how the mere appearance of a conflict of interest is enough for her to recuse herself, according to judicial rules.

Jeremy Hammond’s case is showing how broken the rule of law has become in our time. Like Bradley Manning, Barret Brown and the late Aaron Swartz, this is another case of a high profile activist being severely targeted by having the book thrown at them with generally specious charges. The courts have become part of a rigged system that favors corporations and those politically connected to them. One thing that these activists seem to have in common is that they actually never really hurt anyone and are driven by one of the higher ideals that this country has been founded on -that of a truly informed populace, while those that are politically targeting them regularly harm and exploit innocent people.

Holding those who abuse power accountable is becoming nearly impossible with the current system. More than ever, checks and balance will only come from the people. It was in response to a public uproar that Manning was moved from Quantico where he had been subjected to cruel and inhumane treatment.

This Thursday, February 21, Preska will make a decision on the defense motion to recuse herself from the case against Hammond and supporters plan to pack the courtroom to demand a fair trial. We all have to stay awake and support those who have passed the twilight gate, who are rendered invisible, marginalized from the rest of the population. A broken rule of law can be corrected through the vigilance and conscience of ordinary people; witnessing injustice and challenging it from all sides. We will be watching.

February 20th - Aaron Swartz and the Criminalization of Digital Dissent by Jeremy Hammond

The tragic death of internet freedom fighter Aaron Swartz reveals the government’s flawed “cyber security strategy” as well as its systematic corruption involving computer crime investigations, intellectual property law, and government/corporate transparency. In a society supposedly based on principles of democracy and due process, Aaron’s efforts to liberate the internet, including free distribution of JSTOR academic essays, access to public court records on PACER, stopping the passage of SOPA/PIPA, and developing the Creative Commons, make him a hero, not a criminal. It is not the “crimes” Aaron may have committed that made him a target of federal prosecution, but his ideas – elaborated in his “Guerrilla Open Access Manifesto” – that the government has found so dangerous. The United States Attorney’s aggressive prosecution, riddled with abuse and misconduct, is what led to the death of this hero. This sad and angering chapter should serve as a wake up call for all of us to acknowledge the danger inherent in our criminal justice system.

Aaron’s case is part of the recent aggressive, politically-motivated expansion of computer crime law where hackers and activists are increasingly criminalized because of alleged “cyber-terrorist” threats. The United States Attorney for the Southern District of New York, Preet Bharara, whose office is prosecuting me and my co-defendants in the Lulzsec indictment, has used alarmist rhetoric such as the threat of an imminent “Pearl Harbor like cyber attack” to justify these prosecutions. At the same time the government routinely trains and deploys their own hackers to launch sophisticated cyber attacks against the infrastructure of foreign countries, such as the Stuxnet and Flame viruses, without public knowledge, oversight, declarations of war, or consent from international authorities. DARPA, US Cyber Command, the NSA, and numerous federally-contracted private corporations openly recruit hackers to develop defensive and offensive capabilities and build Orwellian digital surveillance networks, designed not to enhance national security but to advance U.S. imperialism. They even attend and speak at hacker conferences, such as DEFCON, offer to bribe hackerspaces for their research, and created the insulting “National Civic Hacker Day” – efforts which should be boycotted or confronted every step

of the way.

Aaron is a hero because he refused to play along with the government's agenda, instead he used his brilliance and passion to create a more transparent society. Through the free software movement, open publishing and file sharing, and development of cryptography and anonymity technology, digital activists have revealed the poverty of neo-liberalism and intellectual property. Aaron opposed reducing everything to a commodity to be bought or sold for a profit.

The rise in effectiveness of, and public support for, movements like Anonymous and Wikileaks has led to an expansion of computer crime investigations – most importantly enhancements to 18 U.S.C § 1030, the Computer Fraud and Abuse Act (CFAA). Over the years the CFAA has been amended five times and has gone through a number of important court rulings that have greatly expanded what the act covers concerning “accessing a protected computer without authorization.” It is now difficult to determine exactly what conduct would be considered legal. The definition of a “protected computer” has been incrementally expanded to include any government or corporate computer in or outside the U.S. “Authorization,” not explicitly defined by the CFAA, has also been expanded to be so ambiguous that any use of a website, network, or PC that is outside of the interest, agenda, or contractual obligations of a private or government entity could be criminalized. In Aaron's case and others the government has defined violating a service's Acceptable Use Policy (AUP), Terms of Service (TOS), or End-User License Agreement (EULA) as illegal. Every time you sign up for a service like Gmail, Hotmail, or Facebook and click the “I agree” button that follows a long contract that no one ever reads, you could be prosecuted under the CFAA if you violate any of the terms.

The sheer number of everyday computer users who could be considered criminals under these broad and ambiguous definitions enables the politically motivated prosecution of anyone who voices dissent. The CFAA should be found unconstitutional under the void-for-vagueness doctrine of the due process clause. Instead, Congress proposed bills last year which would double the statutory maximum sentences and introduce mandatory minimum sentences, similar to the excessive sentences imposed in drug cases which have been widely apposed by many federal and state judges.

The “Operation Payback” case in San Jose, California is another miscarriage of justice where 16 suspected Anonymous members (including a 16 year old boy) allegedly participated in a denial-of-service action against PayPal in protest of it's financial blockade of Wikileaks. Denial-of-service does not “exceed authorized access,” as it is virtually indistinguishable from standard web requests. It is more akin to an electronic sit-in protest, overloading the website's servers making it incapable of serving legitimate traffic, than a criminal act involving stolen private information or destruction of servers. PayPal's website was only slow or unavailable for a matter of hours, yet these digital activists face prison time of more that 10 years, \$250,000 in fines, and felony convictions because the government wants to criminalize this form of internet protest and send a warning to would be Wikileaks supporters.

Another recent case is that of Andrew “Weev” Auernheimer, who last November was convicted under the CFAA. Andrew discovered that AT&T was publishing customer names and email addresses on it's public-facing website, without password protection, encryption, or firewalls. Instead of acknowledging their own mistake in violating customer privacy, AT&T sought prison time for Andrew. Andrew has defended his actions saying, “We have not only a right as Americans to analyze things that corporations publish and make publicly accessible but perhaps a moral obligation to tell people about it.”

I am currently facing multiple computer hacking conspiracy charges due to my alleged involvement with Anonymous, LulzSec, and AntiSec, groups which have targeted and exposed corruption in government institutions and corporations such as Stratfor, The Arizona Department of Public Safety, and HB Gary Federal. My potential sentence is dramatically increased because the Patriot Act expanded the CFAA's definition of “loss.” This allowed Stratfor to claim over 5 million dollars in damages, including the exorbitant cost of hiring outside credit protection agencies and “infosec” corporations, purchasing new servers, 1.6 million dollars in “lost potential revenue” for the time their website was down, and even the cost of a 1.3 million dollar settlement for a

class action lawsuit filed against them. Coupled with use of “sophisticated means” and “affecting critical infrastructure” sentence enhancements, if convicted at trial I am facing a sentence of 30-years-to-life.

Dirty trial tactics and lengthy sentences are not anomalies but are part of a fundamentally flawed and corrupt two-tiered system of “justice” which seeks to reap profits from the mass incarceration of millions, especially people of color and the impoverished. The use of informants who cooperate in exchange for lighter sentences is not just utilized in the repressive prosecutions of protest movements and manufactured “terrorist” Islamophobic witch-hunts, but also in most drug cases, where defendants face some of the harshest sentences in the world.

For Aaron Swartz, himself facing 13 felony CFAA charges, it is likely that it was this intense pressure from relentless and uncompromising prosecutors, who, while being aware of Aaron's psychological fragility, continued to demand prison time, that led to his untimely death.

Due to widespread public outrage, there is talk of congressional investigations into the CFAA. But since the same Congress had proposed increased penalties not even one year ago, any efforts at reform are unlikely to be more than symbolic. What is needed is not reform but total transformation; not amendments but abolition. Aaron is a hero to me because he did not wait for those in power to realize his vision and change their game, he sought to change the game himself, and he did so without fear of being labeled a criminal and imprisoned by a backwards system of justice.

We the people demand free and equal access to information and technology. We demand transparency and accountability from governments and big corporations, and privacy for the masses from invasive surveillance networks.

The government will never be forgiven. Aaron Swartz will never be forgotten.

February 21st - Judge Rules No Evidence to Disqualify Her from Hearing Case

The federal judge presiding over the case of Jeremy Hammond, who faces charges for allegedly hacking into the private intelligence firm Stratfor, has denied a defense motion to recuse herself. Hammond’s defense argued that it appeared there was a conflict of interest since her husband had his email and major corporate clients of the law firm where he is employed disclosed in the Stratfor hack.

Hammond’s lawyers from the National Lawyers Guild (NLG) filed a recusal motion in December because the husband of Judge Loretta Preska of the US District Court for the Southern District of New York, Thomas Kavalier, was among the names of individuals who had their emails and passwords disclosed in the hack. Kavalier has continued to use the email address that was revealed at the law firm where he is a partner, Cahill, Gordon & Reindel, and where Preska once worked. The motion further alleged “more than twenty Cahill Gordon clients were victims of the Stratfor hack, including Merrill Lynch.

Apparently, this was not enough for the judge to be convinced that she had an obligation to recuse herself. Preska concluded in her decision:

Upon review of the record, Defendant has failed to carry his substantial burden of showing that a reasonable observer, with knowledge and understanding of the relevant facts, would “entertain significant doubt that justice would be done absent recusal,” Lauersen, 348 F.3d at 334. Finding otherwise on a record as suspect as here would only encourage supporters of this defendant—or other defendants—to allege unsubstantiated conflicts of interest against any of my brothers and sisters of the Court until no judge remained qualified to hear his case. Therefore, accepting Defendant’s invitation for recusal in this case would actually undercut the very policy Defendant prays this Court to sustain—namely, promoting public confidence in the Judiciary. Accordingly, Defendant’s motion to disqualify is DENIED. [emphasis added]

In other words, the judge concluded Hammond and his supporters would never be happy with the judge who replaced her so, even if there were significant allegations about a conflict of interest, it was not worth it to step

aside because doing so would embolden Hammond and supporters to challenge the next judge assigned to hear the case and the next judge assigned to hear the case and so on and so forth.

Preska did not find there was evidence to substantiate allegations of an appearance of a conflict of interest. She found that the only damage to her husband had been that his public email had been disclosed. She cited an FBI review, which had concluded “Stratfor’s data did not contain any credit card information associated” with Kavalier. It contained one record of a subscription between March 18 and April of 2008, but Kavalier had no “recollection of that two-week subscription.”

The judge added, “According to Mr. Kavalier’s undisputed sworn affirmation, he never provided his credit card information or any other personal financial or identifying information to Stratfor.” Kavalier never “received any notification of the Stratfor class action or information that would lead him to believe that he was a member of the class or victim of the hack and has never received any benefit from the Stratfor Class Action Settlement Order.” Essentially, the judge did not find there was evidence to support that he had been a victim.

During the hearing on the motion this morning, according to NLG Executive Director Heidi Boghosian, Judge Preska said that any suggestion of a connection between her and the leaked emails of Stratfor clients who were also clients of the law firm Cahill Gordon, where Preska’s husband is a partner, was “rank hearsay.” Boghosian explained, “The standard for recusal is not partiality but the appearance of partiality. These rules are in place not to test the personal relationships of judges but to ensure that those relationships do not erode public trust in the judicial system.”

“This is not about how much Kavalier suffered but whether or not the integrity of the court will suffer if she continues to preside over this case in which she has a personal interest,” Boghosian added.

Michael Ratner of the Center for Constitutional Rights (CCR) is a lawyer who represents WikiLeaks. The media organization published emails from Stratfor, which Hammond allegedly obtained through hacking into Stratfor. Because Hammond is an alleged source of WikiLeaks, Ratner has been following the case closely.

Ratner told Firedoglake he had “trouble understanding how she’s sitting on the case.”

If I am a reasonable person on the street looking at this case and the trier of fact had a husband whose email was made public and the clients of his firm were made public—It would seem to me that looking at the judge I would say I am worried about this because, even if her husband did not feel any real harm from that or even if the clients did not feel like they lost money from it, the fact that I have on trial in front of me the person who allegedly did this, wouldn’t that give a reasonable person watching the perception that [the judge] might not be fair in this case?

At a press conference before the hearing this morning, Ratner condemned how the US government is “hitting people” like Hammond “with sledgehammers for telling the truth because they don’t want government and corporate corruption, hypocrisy and criminality” to be exposed. He suggested that Hammond’s case was part of a struggle over whether citizens are going to have a transparent government and corporations that are transparent or a society with government and corporations that continue to engage in “dirty tricks, hypocrisy and secrecy.”

His twin brother, Jason Hammond, was at the press conference this morning. He said he believes Hammond is being prosecuted in the way he is being prosecuted because he is a political activist. He said he expected the judge to recuse herself because her husband was affected by the charged act and played a song for his brother on his banjo.

As someone who has covered the case of Pfc. Bradley Manning extensively, this episode seems comparable to when Manning’s defense lawyer David Coombs filed a motion for the judge to recuse himself during the Article 32 hearing in December 2011. The investigative officer, Lt. Col. Paul Almanza, had worked for the Justice Department, which has an ongoing investigation into WikiLeaks. Almanza had approved all government

witnesses requested for the hearing but only approved two of thirty-eight of the witnesses requested by the defense. He did not think Almanza could be fair and impartial, but Almanza decided a “reasonable person” would not conclude he was “biased.”

Jeremy Hammond is currently being held at the Metropolitan Correctional Center in New York. He has been in prison and held without bail since his arrest in March 2012. According to Boghosian, he currently faces a one-year ban on family visits and a two-year ban on community visits. He also was placed in solitary confinement—a special housing unit (SHU)—because a urine sample tested positive for marijuana.

February 22nd – Hacker and Activist Jeremy Hammond in Court

On his 355th day in custody awaiting a "speedy trial" as guaranteed by law, alleged LulzSec hacker and lifelong activist Jeremy Hammond had his second week in solitary confinement interrupted by yet another pretrial hearing.

The 27-year-old anarchist is in custody pending trial for his alleged involvement in hacking the private intelligence contractor Stratfor, releasing more than 5 million emails to WikiLeaks, which rebranded them "The GI Files" and has been making news with them ever since.

LulzSec was a hacking crew that broke away from the main body of Anonymous, impatient with the slow, messy decision-making process of a hydra-headed hive mind. They were looking for action, for impact, and for a time, they found it. And then the Feds found them.

The Stratfor hack, it would appear, was orchestrated by the FBI through LulzSec leader Sabu (Hector Monsegur), who seems to have originated and directed the plan during the time he was working as an FBI informant.

The main issue at the hearing was not bail, which had been denied by Judge Loretta Preska back in November of last year. It was not a change in the charges or potential sentences (Hammond faces a potential 37 years to life in prison). It was not the role of the FBI in initiating the Stratfor hack in the first place which, if true, would almost certainly constitute entrapment.

It was whether or not the judge would recuse herself for conflict of interest.

Judge Preska's husband Thomas Kavalier, who has not hesitated to mix it up with his wife's critics on Twitter, turns out to have been a Stratfor client whose data was revealed by the hack. The defence lawyers filed a motion for the judge to recuse herself, which today she denied in a 27-page finding.

Her husband insists that he was basically spammed by Stratfor and cannot recall ever signing up for their email newsletter, while Stratfor corporate emails released in the GI files clearly indicate that Stratfor only sent out its newsletters to those who has requested them, and did not engage in random spamming. Judge Preska said that she will decide on whether or not to recuse herself at the next hearing, set for April 20.

Reaction from Hammond supporters was predictably outraged. Attendees of the hearing were outraged at Judge Preska's frequently dismissive language, and within a few hours a parody Twitter account was set up. No matter what you ask it, it shoots back a snippy response, ending each statement with "So what?"

Other Anonymous members are less subtle: "I'm about to fire up metasploit and fuck some shit up," one wrote on Facebook.

Some court-savvy supporters took a different path and pointed out different legal avenues to pursue. Hammond's support is both broad and deep, each of his well-attended hearings being accompanied by a public rally and press conference which has been livestreamed. WikiLeaks Truck artist Clark Stoekley attended yesterday's hearing, acting as courtroom artist and supplying his mother, Rose, with proof that he was looking good and growing his

hair again. Hammond was also the subject of a sympathetic Rolling Stone profile in December.

It's not clear who coined the term "the Other Bradley Manning" to describe him, but the term has come into wide use over the past month, and WikiLeaks itself frequently tweets Hammond-related news. On the site ThisDayinWikiLeaks, statistics always include the days in custody of both Manning and Hammond, alongside the number of days Julian Assange has been at the Ecuadorian Embassy.

One of the cards Assange displayed as part of the Bitnik art project read "Free Jeremy Hammond." Awareness of his case is so widespread that twice I have been given a thumbs-up while wearing a Free Hammond tee, even though I don't even live in the U.S.

Until April 20, Hammond will remain at the Metropolitan Correctional Center in New York, where he has 30 days in solitary confinement yet to serve. This hasn't stopped him from issuing a powerful statement on "Aaron Swartz and the Criminalization of Digital Dissent," although it presumably puts a cramp in his ability to lead the art workshop in the prison as he was doing before. He reportedly got them to make Anonymous posters.

From Jeremy Hammond, we should indeed have expected that.

19 Feb - The NLG-NYC Muslim Defense Project Calls for Lynne Stewart Support

The NLG-NYC Muslim Defense Project has voiced their deep concern about the treatment and health of political prisoner Lynne Stewart, and urge prison authorities to move quickly to provide the cancer treatment she needs.

MORE:

For more than three years, Lynne, who is 73 years old, has been held at the Carswell Medical Center in Fort Worth, Texas, thousands of miles away from her family and community in New York City.

As members of the radical legal community, we will not allow the government to silence Lynne and isolate her case from public discourse. While the government has attempted to use her case to instill fear in others who defend the oppressed and advocate for dignity and human rights, we recognize Lynne as among the ranks of freedom fighters who do not stand down in the face of government repression of marginalized groups. She has dared to speak out for them.

Throughout her legal career, Lynne defended those who so many had abandoned: Muslims, people of color, and those individuals the government labeled "terrorists." Lynne did not shy away from placing her clients' cases in the larger political context under which they occurred, under the umbrella of the U.S. government's war on terror used to justify the occupation and complete dismantling of entire countries in the Muslim world, to justify larger police and military defense budgets and funding of the prison industrial complex. Sadly, her own case became an example of government overreach and vindictiveness—from the political motivations compelling her prosecution to judicial coercion of an unduly harsh punishment.

Even while fighting her appeal, she has never stopped devoting her time to helping others; she spends these days supporting and advocating for other women imprisoned with her. She continues to speak out in support of human rights and radical causes from the confines of her own cell.

We demand that Lynne not only receive the immediate treatment she needs, but call on her peers in the progressive and radical community to continue to stand by her. We cannot forget the larger context within which Lynne's own targeting and incarceration take place, i.e., as a restraint on us to provide zealous advocacy to those who the government has marked as its enemies. For her courage and strength to defend and fight for others at the expense of her own liberty, we are forever indebted to our freedom fighter Lynne Stewart and send our solidarity and love in this time of struggle.

Latest updates at lynnestewart.org

To send Lynne a letter, write:
Lynne Stewart #53504-054
FMC Carswell
Post Office Box 27137
Fort Worth, Texas 76127

The Muslim Defense Project (MDP) of the New York City Chapter of the National Lawyers Guild (NLG-NYC) was formed to combat the anti-Muslim rhetoric and policies that have created a comprehensive system of illegal surveillance, predatory prosecutions, and the targeting of entire Muslim communities — in New York City and beyond. We stand in solidarity, as members of these communities and their allies, to seek the elimination of laws that enable the discrimination of Muslims. We will arm our communities with the knowledge and information they need to protect themselves. We will put our legal skills to use defending those who have fallen prey to predatory prosecutions. We recognize that community ties through trust and activism have been under attack over the past several years, and we endeavor to safeguard and build those precious relationships. Through organizing and activism, we seek to build a strong front by developing alliances with other communities who have also been the subject of the government's repression. Together, we will fight this government onslaught on our fundamental rights — as history has taught us that the rights of one community or individual belong to us all.

19 Feb – Summary Judgment denied in Aref v. Holder (CMU civil suit)

One of the plaintiffs in this case is recently released CMU prisoner Daniel McGowan

MORE:

What it means is the defendant's (govt) motion to get 'summary judgement' (akin to a dismissal) on the original retaliation claim (pertains to McGowan, et al being sent to the CMU for the first time) has been denied. This is a good thing. The government filed the motion in October 2011 and the plaintiffs have been waiting since then. The government's reasoning was McGowan did not sufficiently explain the legal issue at hand and exhaust the administrative remedy on this issue-- it was a legally weak argument.

The government just filed their second motion to dismiss on the plaintiff's amended complaint (when they added two new claims) and the plaintiffs have their response coming soon.

A new flyer should be up soon on ccrjustice.org/cmu

21 Feb - Norberto Gonzalez Claudio denied medical attention

Puerto Rican liberation prisoner Norberto Gonzalez Claudio was recently diagnosed with a cancerous legion on his leg. He is not receiving proper medical attention, adding to a list of ailments that have gone unaddressed.

MORE:

The Committee to Support Avelino and Norberto González Claudio, The Caribbean and Latin American Coordinating Committee of Puerto Rico, The Human Rights Committee of Puerto Rico, The Resistance Collective, The Socialist Front, The New School, The Movement for Socialism, The National Hostosiano Independence Movement, The Socialist Movement of Workers, The Puerto Rican Independence Party of Puerto Rico, The Nationalist Party of Puerto Rico, The Revolutionary Party of Puerto Rican Workers-Macheteros, and The ProLibertad Freedom Campaign in New York City announce that during the opening of the Festival for Claridad Newspaper in Puerto Rico, they will launch a campaign to denounce the inhuman treatment that political prisoner Norberto González Claudio is currently receiving and to demand that he receive urgently needed medical attention. The aforementioned organizations will request that the House and Senate of Puerto Rico approve the concurrent Resolution 500, that has been presented by Senator María de Lourdes Santiago in the legislature.

Norberto González Claudio was arrested May 10, 2011, for an expropriation that was carried out by the Macheteros (Machete Wielders) in 1983 in Harford, Connecticut, as part of the struggle for the Independence of

Puerto Rico. At the time of his arrest Norberto was in an excellent state of health and was wearing an orthopedic shoe. In the course of his detention it was "discovered" that Norberto had a lesion in his leg that a biopsy established was cancerous.

His orthopedic shoe was taken away, they refused to provide him with one and they have prevented his family from providing him with another one. The little medical attention to treat the cancerous lesion has been limited and deficient and it has also been revealed that he has not received any treatment for yet another lesion that is potentially cancerous.

At present, Norberto is in the process of being transferred to an institution where he will complete his sentence. It has been the custom of the Federal Bureau of Prisons to submit it's Puerto Rican political prisoners to lengthy and discriminatory processes of transfer during which they are sent from prison to prison for long periods of time.

In this process they are kept incommunicado from their families, their lawyers and they are denied the most minimum medical attention and the medications that they have been prescribed. We recall the treatment that Avelino González Claudio, Norbertos' brother and comrade in struggle, who was also arrested in excellent health and was released suffering from Parkinsons Disease, was denied medications, suffering from a possible tumor in his back -- that they refused to treat.

The absence of medical evaluation and treatment for cancerous lesions and the denial of an orthopedic shoe, clearly place the life of Norberto González Claudio in danger.

We hereby denounce these flagrant violations of the human rights of this patriot and announce the commencement of a petition campaign to bring a halt to this abuse.

Contact:

Elda Santiago, Wife of Norberto González Claudio: 787.479.0730

Benjamin Ramos, ProLibertad NYC: 718.601.4751

20 Feb - A letter to you, from Maddy

There have been some big developments in the resistance to a grand jury in the pacific northwest. The biggest news is that two of the imprisoned resisters, Matt Duran and Katherine "KteeO" Olejnik were released, with the judge citing the strength of their convictions as the reason for the release. We're including a letter written by another of the resisters, still imprisoned Matthew "Maddy" Pfeiffer, as well as recent articles about the grand jury.

MORE:

A Letter from Maddy

February 1st, 2013

I am a few days past my one-month mark as I write this. I am still isolated in the Special Housing Unit here at FDC SeaTac and I have not heard any word on how long I will remain here.

I want to thank everyone who has sent me a letter thus far. Your letters and warm gestures of support from all over the world have helped remind me that I am not alone. Especially wonderful are all of the people who supported me before going in as well as those who showed up for court dates. Your advice and embraces have helped me in so many ways. Thanks to CAPR and Denver ABC for keeping my commissary full. I think of y'all every morning when I drink my instant coffee.

I am using my time to read, listen to the radio and exercise. I have been sticking to a routine, which has helped me stay grounded. I am trying my best to respond to all of the letters I have received, but am limited by stamps and supplies. I apologize if you have not received a response. Though I really should also apologize to those who

have received letters from me; I am practicing to improve my handwriting.

I have particularly enjoyed receiving letters with pictures of nature/cute animals, news/goings on and jokes. I have found great strength in laughter while in here.

My main frustration thus far has been that, despite my many requests, I have still not been able to call my lawyer. It has been more than a month and I have not even seen so much as a response to my requests.

Regardless of that, I am generally in good spirits and I am looking forward to the day when I can thank everyone, in person, for their support.

February 23rd – Support Statement and Materials for NW Grand Jury Resisters

For months now, three courageous individuals—Matt Duran, Katherine Olejnik, and Maddy Pfeiffer—have been held captive in the Federal Detention Center in Seatac, Washington for refusing to cooperate with a grand jury currently underway in Washington state. Another person, Kerry Cunneen, has been subpoenaed but declines to appear. Convened in March of 2012, the grand jury is clearly intended to discourage anarchist activity, which has proliferated on the West Coast over the past few years.

In the following statement, we emphasize the urgency of offensive as well as defensive strategies, and present new support materials to draw attention to the grand jury resisters. This situation has been going on for many months now, but it's important to renew public awareness on a regular basis.

Support Material

Corina Dross has created a postcard to raise funds for the Committee Against Political Repression's fund for material and legal support for Grand Jury resisters. We are offering pdfs of a handbill and of a color version of the poster, in order that supporters around the world might print them out and distribute them.

Postcard text:

Grand juries are used as a tool to coerce people to provide testimony to the authorities about their friends or acquaintances, whether or not they are involved in illegal activity. Those who refuse to testify may be held in jail for the duration of the grand jury—often a year or more—for choosing to protect their privacy and the privacy of others.

Recently, a grand jury has been convened in the northwest to investigate anarchist organizing. Three courageous young people are imprisoned for refusing to cooperate, while more subpoenas are forthcoming.

Let's show the investigators that our lives and friendships are none of their business. Support the grand jury resisters!

Why Solidarity Means Attack

Until someone takes a step to oppose them, the tragedies that are heaped upon us daily cannot even be recognized as tragedies—they remain invisible, merging with a sea of other misfortunes, a few more threads in the grey fabric of existence. That's life.

This is why it doesn't make sense to premise the right to act on victimhood: today's outrages will be taken for granted tomorrow. All it takes to cease being recognized as a victim is to suffer the same offense long enough that everyone gets used to it. Think of all the atrocities everyone is resigned to today! Justifying our actions as responses grounds them on an ever-receding foundation.

So it is always the right time to act out, to revolt against age-old tragedies as well as brand new ones—even if the news of the day offers no rationale for our actions. If we want evictions, incarceration, deforestation, and

genocide to be recognized as tragic, we have to attack their perpetrators ceaselessly. It is too easy to become accustomed to our cramped conditions, the tiny bubbles of freedom that remain to the obedient. Only in straining against the walls of our cages can we rediscover in our bodies that we were made for forests and open fields.

Likewise, when new tragedies are forced on us, if we do not wish to be alone in our outrage, we have to act immediately: to show to others that these are not just reprehensible but intolerable. If we do this, others may feel entitled to do the same—and together, we will be able to feel something that would have been impossible otherwise: that we deserve better. We remember Alexis Grigoropoulos, but not the thousands of people shot by police since his murder. Tragically, a tragedy is not a tragedy unless we respond appropriately.

For these reasons, we applaud the anti-capitalist march that took place in Seattle on May Day 2012, during which hundreds of people cheered as a black bloc destroyed government and corporate property. Capitalism and the state are responsible for most of the needless suffering taking place on this earth, but this will remain invisible unless we strike against them openly. It is all too rare for people to take the offensive and give shape to the discontent seething below the surface of this society.

The empire always strikes back, and a large number of people have been subpoenaed to a Washington State grand jury intended to map anarchist activity and relationships. Six of these subpoenas have been served; several more subpoenas are known to exist, but have not been successfully served. The government has very little to show for this effort, as all but one of the subpoenaed have refused to cooperate in any way and the entire operation is proving to be a media debacle.

In addition to commending the resisters, we extend our heartfelt gratitude to everyone who has acted out in solidarity with the people being held captive in Washington. This kidnapping might otherwise have passed unnoticed, like the imprisonments of nearly two and a half million more people in the United States—yet another blow to isolate and demoralize those who desire another world. Instead, it has become a rallying point for new acts of revolt. When we take practical steps against the injustices around us, we recognize ourselves in others' attempts to do the same, and the state's assault on them becomes an assault on us. Some of the most inspiring actions have been the ones that open space for revolt to spread, like the marches in Portland, Olympia, Atlanta, and Bloomington.

If you have not done anything yet to support the grand jury resisters, there is unfortunately still time. The more opposition this witch hunt generates, the more hesitant the state will be to use this tactic against others.
What You Can Do

- Write to the prisoners
- Donate to their legal support
- Organize solidarity actions
- Learn more about Matt Duran, Katherine Olejnik, and Maddy Pfeiffer
- Read the text of Kerry Cunneen's powerful and defiant radio interview

...and strike against the system that kidnapped them!

February 24th – New Letter from KTeeO

Hey Everybody,

First of all, thank you, thank you, thank you, THANK YOU!! Thank you for your incredible support, your kindness, and your strength! Ya'll are the best.

So, today is my six week anniversary of being in the SHU. Yesterday was my first day with a pen (or pencil, or quill, or marker, or...) in a little over a week. (What? What?) That's write (like my pun?). I haven't had access to a writing utensil in over two weeks...Let me explain.

ktoOk, so in general population, you can order pens on commissary (if you have the funds to do so), and there are pencils provided by the institution (they run out...often), BUT in the SHU have to use special writing utensils, provided by the institution and they run out...ALL THE FUCKING TIME (I think this time they were out of SHU pens for 3 or 4 weeks. Luckily I got one right before they ran out, and it held out for a bit). So as I sit here with a pen in my hand :) I got to thinking about what I wanted to write to y'all about and I guess this is what's on my mind...

So, in the SHU, you get one phone call a month (which I know I rambled on for a bit in my last public letter, but this will tie back to the pen thing...I promise. :) Well, it should be noted that some people's phone privileges get taken away completely so that they get zero phone calls a month. Or, because they can no longer make the minimum amount of money that they made at their prison job before life in the SHU,(you can't work in SHU) then those folks have zero access to phone calls too. Phone time costs!! Any way, what I', trying to get at is in the SHU the phone is not a consistent form of communication, so letters become even more essential than ever. They are our lifelines to our families and our family's lifeline back to us. They are how we handle our responsibilities, and how we stay connected. When we are not allowed our writing utensils, (whether it be an oversight, budgetary, or intentional form of punishment, the result is the same and the implications are pretty similar. It is either more important that people are hurt, without communication, or that communication doesn't matter). Our communication with the outside world; with our families and communities, drops to basically ZERO, which hurts and which hurts our loved ones.

PRISONS AND PUNISHMENT WITHIN THE PRISON DOES NOT JUST EFFECT THOSE WHO ARE INCARCERATED.

I don't know...I don't mean to continue to harp on that point, but almost everything here (at least in my head it seems) goes back to that. It's why (again, in my head) a simple thing as a pen running out of ink has such larger consequences...and speaking of those consequences that are associated with this issue, there are more. (I hope y'all don't mind if I ramble on a bit more) :)

It limits our creativity, our self-expression, and our academic pursuits. If we always have to worry about; "When is my pen gonna run out?" "I need to save my ink to write letters.", or simply; "Shit, my pen ran out...wonder when I will get another." (All three are regular musings in my brain), then the time our pens spend creating; drawings, verses, and prose; it becomes limited. Even if the primary use of your pen is academic and/or creative, when that pen runs out, one can become lost.

This was just something that I wanted to share with y'all. I know that before this experience, even in general population, I had never thought of pens when considering prisoner's rights, now the two will be forever linked.

So, the SHU is meant to punish, and it does...it totally DOES, but honestly y'all, I feel stronger than ever. After being in the SHU for six weeks, (five by myself, with a bunkie for weeks 3-4.) I now feel like there is nothing in the world that I can't accomplish or do now. I wake up every morning with a smile on my face, and I know that they will never, no matter how hard they try, be able to take that; my smile, no one can take that away from me, and that knowledge makes me strong.

The knowledge that there are women in my unit (at least back when I was there), but women, who smile everyday, who laugh everyday, and who resist everyday by not allowing this place, this institution, to have complete control over their emotions makes me strong. Y'all make me strong! Your support, your kind words, your passion, our funny drawings of animal friends—knowing you're out there, makes me strong, and with every letter I read, I grow stronger.

The amazing work that people are doing in support roles makes me strong. What I am doing would not be possible without the hard work of those awesome folks (this includes my lawyer, she is the raddest). The love of my families, both the one I was born into, and the beautiful ones that my friends and I have created makes me strong. The fact that every single one of those people have not let a second of this experience go by without

making me feel their incredible love, that makes me strong.

Well, before I close this, I want to say I do have a pen now, but that is not a constant state. The ink issue, along with postage is going to make letter response time even longer, plus its taking longer for my mail to get through; both in and out. Please know how much I appreciate you all, and that the long response time is not due to a lack of gratitude, I cherish every single one of your letters. I truly hope everyone is doing well.

Keep smiling, keep struggling,
In solidarity and gratitude,

February 27th - Grand Jury Refusers Katherine Olejnik and Matthew Duran Are Free

Or they will be at 4 pm tomorrow afternoon. Judge Jones has granted Duran and Olejnik's attorneys' request to release their clients, who have been in prison—without being accused of any crime—for five months and in solitary confinement for two months.

I wrote about visiting them in prison, and how they got there, in this story.

More details after I get Judge Jones's ruling. And it's a correction of a situation in the justice system that has seemed very, very far from just.

The third grand jury refuser, Maddie Pfeiffer, is still in prison, but Pfeiffer's attorney did not join the motion to file for release. That motion, I'm guessing, isn't too far away. And sources say Pfeiffer has been moved out of solitary confinement and into the general population.

Of course, all three might eventually be charged with criminal contempt—but at least that would have a semblance of due process, an opportunity for a trial (or some semblance of one), and a fixed term of incarceration instead of you just sit in this cell until you tell us what we want to hear.

You know, the stuff most American citizens expect when dealing with judicial branch of American government.

UPDATE

Judge Jones's ruling is here, with selected paragraphs after the jump. In short, it reiterates what we've been saying for many months: That they weren't there on May Day, that their confinement is looking awfully punitive even though it's not legally supposed to be, that they have shown their resolve to not testify, and that the feds are asking them for testimony that would be tangential at best. (Not who threw the brick through the window?, but who is this person and what are her political and social affiliations?)

Read it in Judge Jones's words below the jump:

Both Ms. Olejnik and Mr. Duran have provided extensive declarations explaining that although they wish to end their confinement, they will never end their confinement by testifying. The court finds their declarations persuasive. They have been submitted to five months of confinement. For a substantial portion of that confinement, they have been held in the special housing unit of the Federal Detention Center at SeaTac, during which they have had no other contact with detainees, very little contact even with prison staff, and exceedingly limited ability to communicate with the outside world...

The government does not dispute the witnesses' assertions that confinement in the special housing unit entails 23 hours of solitary confinement in their cells and an hour of solitary time alone in a larger room each day, a single fifteen-minute phone call each month (as opposed to five hours of monthly phone time for detainees outside the special housing unit), and exceedingly limited access to reading and writing material. Their physical health has deteriorated sharply and their mental health has also suffered from the effects of solitary confinement.

Their confinement has cost them; they have suffered the loss of jobs, income, and important personal relationships. They face the possibility of criminal convictions for contempt... both she and Mr. Duran have nonetheless refused to testify...

The court has observed both Ms. Olejnik and Mr. Duran in their prior appearances before the court. Whatever the merits of their choices not to testify, their demeanor has never given the court reason to doubt their sincerity or the strength of their convictions.

The witnesses and the government also invite the court to consider arguments specific to the grand jury investigation at issue. The witnesses argue, for example, that any testimony they could offer would be, at best, tangential to the investigation... Although they remain in contempt of court, the court finds no basis for their continued confinement.

February 28th - Two grand jury resisters walk free

Two anarchists from the Pacific Northwest endured five months in federal custody, often in solitary confinement, without conviction or charges, for simply staying silent. As we noted last year, Kteeo Olejnik and Matthew Duran were among activists subpoenaed by a Seattle grand jury understood to be investigating property damage exacted on the city during May 1 demonstrations last year. Olejnik and Duran, following a tradition of activist and anarchist solidarity, publicly announced their refusal to cooperate with the grand jury. For their silence, they were sent to SeaTac detention center. On Thursday afternoon the two grand jury resisters were freed.

Another young woman, 24-year-old Leah Lynn Plante, was also taken into federal custody last year when she refused to talk. Unlike Olejnik and Duran, however, Plante was released after one week. Anarchist networks following the case feared that Plante's resolve broke and that she had agreed to cooperate when faced with the reality of a potential 18 months or more in prison — the details of Plante's case remain unknown. Both Olejnik and Duran maintained their resistance and walked free Thursday without having shared information with the authorities on other Northwest activists. Their release came after a federal judge agreed to a request for release issued by Olejnik and Duran's attorneys.

The judge's ruling (in full here) noted:

Both Ms. Olejnik and Mr. Duran have provided extensive declarations explaining that although they wish to end their confinement, they will never end their confinement by testifying. The court finds their declarations persuasive.

The judge's comments explicitly note the physical and psychological toll of federal custody and the extensive solitary confinement to which the two detainees were subjected. The ruling reads as an unexpected testament to the activists' resilience and the prosecutors' punitive overreach:

Their physical health has deteriorated sharply and their mental health has also suffered from the effects of solitary confinement. Their confinement has cost them; they have suffered the loss of jobs, income, and important personal relationships. They face the possibility of criminal convictions for contempt... both she and Mr. Duran have nonetheless refused to testify.

"After both are released, though, they still could be convicted of contempt of court," the Seattle Times reported. As I explained last year, the imprisonment without charge of grand jury resisters is legally permitted by the peculiar structure of grand juries:

As was the case with the Northwest grand juries resisters, the grand jury can grant a subpoenaed individual personal immunity; Fifth Amendment rights against self-incrimination are therefore protected, but silence is not. In these instances, refusal to speak can be considered civil contempt. Non-cooperators can be jailed for the 18-month length of the grand jury.

A fourth resister, Maddy Pfeiffer, who was taken into custody late last year, remains at SeaTac detention center and continues to refuse to talk. As the resister dictum goes, "No one talks, everyone walks."

21 Feb - Gulf Port 7 Accept Misdemeanor Plea Bargain

Of the Gulf Port 7, only Eric Marquez remains imprisoned. He's one of the folks to whom we're sending cards tonight. Recently, he and his co-defendants reached a non-cooperating plea agreement to a Class B misdemeanor

for blocking a roadway. We're also including a piece on the infiltration on the group by no less than six Austin Police Department officers.

MORE:

Corey Williams of Occupy Austin traveled to Houston today with some defendants in the Gulf Port 7 trial. His Twitter feed (@iamed_nc) suggests a tense court room situation, but lawyers ultimately agreed on a deal. Under the plea bargain, all seven defendants will accept the Class B Misdemeanor charge of Obstructing A Roadway. This is the same charge faced by the other participants in the Gulf Port Blockade on December 12, 2011 who did not use the lock box devices.

Previously, the seven defendants faced a charge of Manufacture or Use of a Criminal Device, a state felony that included serious jail time. Additionally, the court commuted the group's sentences to time served, covering the need for future jail time or paying court costs. The decision is a relief, especially as the case's sympathetic judge was due to be replaced by a more conservative Rick Perry appointee due to impending retirement.

The arrests occurred during a national day of action at the ports against Goldman-Sachs, organized by Occupy Oakland. The Gulf Port 7 made use of PVC-pipe devices called lock boxes, also known as sleeping dragons, to link their arms together. During the trial, it was revealed that the lock boxes were constructed by three undercover Austin Police Department officers assigned to infiltrate Occupy Austin. Austin Police Chief Art Acevedo continues to insist that this was done "for safety" rather than a deliberate act of provocation and entrapment.

Defendant Ronnie Garza told Firedoglake,

We won. We got the charges we originally were expecting and we got 400 pages of emails, texts and embarrassing photos along with the names of 3 undercover officers. We also found the role the fusion centers played in all of this. All that is left is to reveal the name of a fourth undercover we recently found.

According to Ronnie, now that the court case is over the emails and texts released during pre-trial will be released to journalists and the public after the redaction of some sensitive personal details of the named activists.

One of the seven, Eric Marquez, is still imprisoned in the Dallas area, and may face as much as another year in jail, but Corey told @OccupyAustin he hoped this decision makes his situation "a little easier."

February 23rd - APD Infiltrates Occupy: How Many Officers Does it Take to 'Protect' Free Speech?

It was the arrest of six members of Occupy Austin during a Houston demonstration in December 2011 that led to the discovery last year that three Austin Police officers had infiltrated the movement. The charges against the protesters have been resolved, but: Were as many as six officers surveilling the actions of local Occupiers?

The Austin protesters were arrested and charged with felony "possession of a criminal instrument" in connection with their use of a so-called "lockbox" – a PVC-fashioned sleeve that allows protesters to link themselves together – during a demonstration in Houston that was part of a nationwide "Occupy the Port" action. As the criminal cases proceeded, the protesters learned that there were three APD officers who had not only infiltrated the group, but who actually built the lockboxes used in the port action. Without the device, which locks protesters together and makes them difficult to separate, the group would have been arrested only on the misdemeanor charge of blocking a roadway, as were other protesters arrested that day.

According to the Austin occupiers, the police – eventually identified as Shannon Dowell (aka "Butch"), Deek Moore (aka "Dirk"), and Rick Reza (aka "Rick") – were the ones that promoted the decision to create and use the sleeve device, entrapping them into committing a felony.

The cases against the Austin protesters resolved in court in Houston Feb. 21 with the dismissal of the felony charges. The group instead pleaded guilty to the misdemeanor charge of blocking the roadway and were spared both fines and jail time, said attorney Greg Gladden, who represented Austin protester Ronnie Garza.

Still a question, however, is how many Austin officers were actually involved in the Occupy Austin infiltration. According to Gladden, documents given to the judge in Garza's case indicated that as many as six officers were actually involved. The names of additional officers were not revealed, however, because the judge ruled that they had played no part in the "manufacture, adaptation, purchase, or delivery" of the lockboxes crafted by Moore, Dowell and Reza, said Gladden. "We still do not know what their role was in this," he said of the other, unnamed officers apparently implicated in documents made available for judicial inspection, but ultimately not turned over to the defense.

APD Chief of Staff David Carter said that the three named officers were the only ones directly involved with the Occupy movement, but that additional officers had been identified by the department as backup should there be some need for them to become involved.

Garza today released a packet of emails among APD and other law enforcement officials regarding Occupy Austin activities that he and Gladden received as part of the discovery in the criminal case. In a lengthy overview of the documents, Garza writes on the Occupy Austin website that it appears at least six undercover officers were among more than two dozen APD officers and supervisors involved in keeping tabs on OA.

Still, Gladden says there is additional information left to discover, including the extent of surveillance of the Occupy protesters by any number of federal agencies. As part of discovery in Garza's case, Gladden subpoenaed records not only from the Austin Regional Intelligence Center – the local so-called "fusion" center – to which Dowell, Moore, and Reza had been assigned, on loan from APD's narcotics division, Gladden said, but also from the state Department of Public Safety's fusion center. Documents provided by DPS were almost entirely redacted, leaving open the question of who was paying attention to Occupy Austin and why.

Gladden says he is considering filing a federal Freedom of Information Act request, and possibly a federal civil rights suit against the APD and others. Police are "supposed to be using the ... fusion center to [investigate] domestic terrorism, not to make the world safe from peaceful sit-ins," said Gladden. "I think the [APD] officers' misbehavior was intended to chill [the Occupiers'] First Amendment right of free speech and assembly."

Former APD Assistant Chief Sean Mannix told us last fall that the undercover officers were working inside the movement in order to safeguard the rights of the protesters. Informants inside Occupy had told police that there were certain persons inside the movement who were advocating violence and that having undercover officers inside would help to spoil any potential threats. Moreover, the officers got involved with the building of the lockboxes because they were trying to ensure that the opaque devices would be assembled in such a way that they could be easily removed by police, if necessary, without injuring any of the protesters, Mannix told us.

Nonetheless, Chief Art Acevedo told us in September, the department would conduct a review to see where the mission might have gone astray, to ward against any future incidents. Indeed, Carter said the department has done just that. First of all, he said, officials have concluded that the officers acted in "good faith" and not in an attempt to coerce protesters into breaking any law. And he said that the department will not rule out the possibility of any future "surveillance operations" in "unusual cases like this," but said oversight of any and all such operations would be vigilant and that officers assigned to any such operations would come from the department's Organized Crime Division. Finally, he said, all future surveillance operations of this type will first be vetted by the Fifth Floor – either by the chief or the chief of staff – and that county prosecutors will also be brought into the loop.

21 Feb - Call for Actions in Solidarity with Fugitive Felicity Ryder by Mexico City ABC

We recently received this from comrades in Mexico City Anarchist Black Cross. There are still a couple of days left before the call ends.

MORE:

A call for two weeks in solidarity (February 21st- March 7th) with Felicity Ann Ryder, an anarchist comrade on

the run.

Greetings in Solidarity to all anti-authoritarian hearts who read this wherever they may be. To everyone who, with conviction and strength, combat, in whatever manner they see fit, every institution and symbol of the apparatus of capitalist patriarchy, oppression, domestication and the farce of power.

Comrades, we put this call out from inside of the beast to howl our solidarity with our sister and comrade Felicity Ann Ryder, who remains fugitive from the claws of the state after more than 7 months.

In the early hours of June 27th, 2012 an unfortunate event occurred: an explosive device detonated leaving our comrade Mario “Tripa” López injured (and behind bars for 6 months). Mario is now “free” on Conditional Release and has an ongoing case against him. After police and government forces found Felicity’s passport, and facing the risk of also being put in jail, our comrade began life as a fugitive.

Since then we know that there has been constant harassment of her relatives in her country of birth (Australia) as well as throughout the so-called social networks. It is also possible that more investigations have been opened in other countries attempting to tie together various action oriented anarchist cells. This all forms part of a frame-up instigated by police forces on an international level that is used to attack the anarchist movement using fear and terror in an attempt (unsuccessfully) to immobilize us.

We understand the difficult situation that Felicity must be facing after all these months. Living clandestinely, despite being a better option than the cold bars and cynicism of a jail cell, also becomes a form of prison in that it stands in the way of enjoying full liberty because of the constant threat of possible detention. This situation brings many difficulties in terms of mobility, for self-sufficiency, and struggle; isolation and distance from loved ones and the abandoning of life plans.

Clandestine life as a necessity, and not as a privilege of an authoritarian vanguard, also requires our solidarity, the obligation of our comrades to constantly be on the run, pushed underground and forced to dig their way to liberty, deserves our support.

Living clandestinely does not afford the same support, material and emotional, that a comrade in prison receives from the outside. We know that wherever our comrade Felicity may be, she stands firm in her convictions as an anarchist, she laughs at the enemy while continuing to attack them, face to face.

From here we send a warm greeting and call on all of our forces as anti-authoritarians to participate in two weeks of activities, greetings, and gestures in solidarity with our comrade Felicity from the 21st of February until March 7th, to take the form that one sees fit, so Felicity knows that she is not alone and that solidarity between anarchists in struggle is not merely a written word, or a phrase used to adorn pretty “revolutionary” pamphlets.

For us solidarity is a weapon that destroys power. We also wish to remember that there are other comrades living as fugitives like Hans Niemeyer, persecuted by the Chilean State, as well as Grigoris Tsironis, Marios Seisidis, Vassilis Palaiokostas, Nikos Maziotis and Pola Roupa from Greece.

No Remorse, No Defeat!!!!
Free and Wild, Felicity is with us!!!
Comrade, you are not alone!!!! Many of us follow you in struggle and embrace your convictions!!
Freedom to all prisoners of the social war!

22 Feb - U.S. activist arrested, facing extradition to Canada

Just as Canadian activists are starting to be released from prison-- convicted of actions taken during the 2010 G20 summit in Toronto, U.S. citizens are facing extradition. So far five folks are facing prosecution for allegedly taking part in property destruction and violence against cops at the same summit. For now, more information can be found at supportdanerossman.blogspot.com and supportjoel.com

MORE:

Over two years since the G20 summit in Toronto, which saw a significant amount of property damage exacted on the city, an American activist has been arrested and faces extradition to Canada.

Joel Bitar was granted bail for \$500,000 and will face an extradition hearing in March, according to a release published Friday at SupportJoel.Com:

On Thursday, February 14th, at 6 o'clock in the morning, federal marshals arrested an American activist, Joel Bitar, in his New York, NY home on a provisional arrest warrant issued by the US Attorney's office, acting on a foreign extradition request from Canadian authorities. The complaint against Joel cites 26 counts, almost all relating to property damage that occurred during the G20 summit protests in Toronto, Ontario, Canada in June 2010.

In 2010 it was announced that extradition was being sought for three Americans on property damage charges. However, no arrests have been made until this month.

According to the release, the assistant U.S. Attorney has stated that Bitar's charges are "extraditable offenses that endangered Canadian citizens." As the release also notes, however, the extradition of a protester for property damage is "almost unprecedented in the histories of both the United States and Canada."

Messages of support for Bitar from activist and anarchist circles in New York and beyond quickly spread online. "We are in solidarity with Joel Bitar — who is a friend, a son, a nephew, a Palestine solidarity activist, a co-worker, a prospective nursing student," noted the release on his support site. Another online commenter wrote of Bitar that he "has a pure heart and true courage." "This is terrifying," the commenter noted.

February 26th - Support Eva Botten

On Friday, January 11th, Eva Botten was found guilty of 6 counts of mischief over \$5k and disguise with intent in relation to the 2012 Toronto G20 protests.

Her sentencing date is March 28th at 2:15pm, at the Ontario Superior Court, 361 University Avenue.

February 28th - Dane Rossman in Federal Custody

Early on the morning of Thursday, February 21st, U.S. Marshals arrested Dane Rossman at his home in Tucson, AZ on a provisional arrest warrant issued by the U.S. Attorney's office, acting on a Canadian extradition request. Dane is one of five Americans sought in Canada for alleged offenses stemming from the G20 summit.

On June 26th and 27th, 2010, tens of thousands of individuals gathered in Toronto to protest the G20 summit. The G20 is a group of finance ministers and central bank governors from nineteen powerful countries plus the European Union. During the 2010 summit, Canadian authorities specifically targeted people involved in migrant justice, indigenous solidarity and anarchist organizing for prosecution. Dane was arrested along with over 1,100 other protesters in the largest mass arrest in Canada's history. He was processed and released without charges. Now, three years later, he is facing three charges related to alleged property damage.

Dane is a dedicated social justice advocate, humanitarian aid volunteer, and student. He has spent the past several years in Arizona providing humanitarian relief on the US/Mexico border, and organizing against racist profiling laws and mass incarceration.

The extradition of an individual from the U.S. to Canada for property damage is almost unheard of. Dane's extradition is political in nature because it is meant to create fear and criminalize dissent. As long as global institutions exploit our communities for profit, people will cross nation-state boundaries to protest and make known the suffering in their home communities.

Dane is currently being held at the federal Corrections Corporation of America facility in Florence, AZ, a private prison where most of his fellow inmates are being held on immigration related offenses. As Dane's supporters and friends, we extend solidarity to all those who face state repression, those in prison due to G20 protest charges, and those incarcerated for crossing nation-state boundaries. Dane has an extradition hearing set for April 16th, 2013.

February 28th - Welcome back Kelly!

On Thursday February 28th Kelly Pflug-Back was released from Vanier after serving 7.5 months.

22 Feb - Bradley Manning's One Thousand Days of Imprisonment Without Trial

A lot can happen in two weeks. In these last two, PFC. Manning has plead guilty to a handful of the original charges. We're including a roundup of recent news regarding Manning's case.

MORE:

For more than two and a half years, the military has been prosecuting Pfc. Bradley Manning for allegedly releasing classified information to WikiLeaks and this Saturday, February 23, he will have been imprisoned without trial for one thousand days.

The military judge in his court martial at Fort Meade ruled on January 8 that he was punished "unlawfully" during his nine months of confinement at the Quantico Marine Brig in Virginia. He was given a 112-day sentencing credit.

In March 2012, United Nations Special Rapporteur on Torture Juan Mendez released a report where he condemned how the military had imposed "seriously punitive conditions of detention on someone" who had "not been found guilty of any crime." He stated the treatment he had endured was "a violation of his right to physical and psychological integrity as well as of his presumption of innocence."

Mendez contended Manning had been held in conditions of solitary confinement, since he was confined to his cell for 23 hours a day. Judge Army Col. Denise Lind disagreed. She concluded in her ruling the government had "not held" Manning in solitary confinement because that means "alone and without human contact." There were no doors separating him and there were regular walkthrough visits by commanding officers. He had human interaction.[The American Civil Liberties Union (ACLU), which has represented clients in solitary, criticized the judge's conclusion.]

Manning is no longer being held at Quantico. After media began to report on his confinement conditions in December 2010, supporters pushed to have him moved from the facility. Then-State Department spokesperson PJ Crowley said he believed how Manning was being treated was "ridiculous and counterproductive and stupid." The attention his case was receiving led the military to move him to Leavenworth in Kansas on April 20, 2011, where he is now.

Remarkably, when Manning arrived at Leavenworth, he was allowed to move about without restraints for the first time in nine months. He was "concerned about it" because he was not used to being able to move freely. He went through the intake process without any shackles and expected to be subjected to the restrictive conditions he had been subjected to before at Quantico. A staff sergeant issued him some items and brought him to his cell.

He entered the cell and the door closed. It was a “huge upgrade” and “completely different” from Quantico.

Throughout his confinement at Quantico, the Brig claimed to be afraid he would harm himself and they kept him on “prevention of injury” (POI) watch, a clinical psychiatric status for detainees who pose a risk to themselves. He was kept on this status even though a medical officer objected. He was also put on suicide risk twice and, when the medical officer recommended he be taken off that status, the Brig commanding officer disobeyed his recommendation.

On March 2, 2011, Chief Warrant Officer Denise Barnes abused her authority and took Manning’s underwear away from him. Manning was frustrated with being kept on POI. He had been on the status for a long time. He was not doing anything to harm himself. He was not throwing himself against the walls or trying to drown his head in the toilet. So, he expressed to a superior officer, Master Sergeant Brian Papakie, that if he really wanted to commit suicide, he could use the waistband of his underwear. This was his way of communicating that, if he really wanted to act out, he would “generally act out.” If he wanted to hurt himself, he would use the things he had here now. But, the Brig took this statement and used it to justify keeping him in a status where he slept naked with two coarse and stiff suicide blankets for the rest of the nights that he was at the prison.

The following morning Manning stood naked at parade rest during morning count after an officer said something from an observation room that led Manning to believe he could not use his blankets to cover himself until he was given his clothing. No Duty Brig Supervisor objected to a soldier standing there naked. This was a moment that further galvanized support for having Manning moved from Quantico, and, in court, during deliberation over whether Manning was “unlawfully punished,” no officers could explain why Manning was permitted to stand naked (some even suspected he chose to stand naked because it would generate media attention).

Manning ate meals in his cell on a plastic tray with a metal spoon. He would request toilet paper when he wanted to use the bathroom. He would read books by authors like Brian Greene or Richard Dawkins. He was allowed only one book in his cell at a time and, when he wasn’t reading, the book would be taken away. He was prohibited from exercising so he would sometimes do various dance moves because that was not expressly unauthorized in his handling instructions. He would pretend he was “sword fighting,” lift imaginary weights or play peek-a-boo with himself in the mirror, which was the “most entertaining thing” in his cell.

The cell was 6 X 8 feet. He had a “rack,” a mattress on a large metal fixture where he he slept. It was maybe two feet off the ground. There was a toilet and sink about “waist high”—maybe three and a half feet. Nothing obstructed the view of the toilet. The observation room was slightly offset but right across from his cell and could see his entire cell. He was constantly observed. He would also be regularly asked by an officer in the Brig to answer if he was “okay.”

Manning suffered from “sheer complete out of my mind boredom.” He spent “a lot of time looking for things to stay active” and keep his mind from going back to a state similar to what his mental state was like in Kuwait. He tried to feel like he was not trapped in a cage. He tried to make sure he knew where he was and still knew his environment. He tried to keep from falling asleep. The appearance of sleep was considered sleeping and sleep was prohibited.

*

At the end of July 2010, he was transferred from Camp Arifjan in Kuwait to Quantico. He was imprisoned for nearly two months in the camp and initially allowed to be in general population. There was an incident, however, where he had a mental breakdown and from that point onward he was kept in isolation.

He was put in what he saw as an “animal cage.” Guards would do what Manning called a “shakedown” and come in and tear his stuff up. He thought, “I am going to die and I am in a cage and I don’t know what’s going to happen and that’s how I saw it.” He contemplated taking his life but it was futile. He had no means to do it. There wasn’t anything to hang a noose on if he made one. It “felt pointless” to try and commit suicide. (Guards

found nooses during one of their “shakedowns.”)

Manning spent at least thirty days in this cage. According to Manning, “My world had just shrunk. It just shrunk to this 8 X 8 metal cell. I didn’t know what time it was.” Usually, he had known what was going on in the world before his confinement. He had a “solid knowledge of what [was] going on in terms of [his] job and family.” He knew current events that were happening. He was “grounded pretty firmly” and knew how to connect to the rest of the world. But, after being cut off, he started to not get everything. “Living inside limited surroundings,” his “world just shrunk to Camp Arifjan and then that cage.”

He was arrested on May 29, 2010, at Forward Operating Base Hammer in Baghdad, Iraq, where he had been working as an analyst. He had been chatting with hacker Adrian Lamo for the past days and Lamo informed the authorities of what Manning was telling him in confidence during the chat about handing over information to WikiLeaks to expose corruption and start worldwide discussions throughout the world.

The date of his trial has been postponed four times: first it was scheduled for sometime in September 2012, then it was scheduled for February this year, then it was scheduled for mid-March of this year and now it is scheduled for June 3 of this year.

His defense argues he has had his speedy trial rights violated. The military prosecutors have requested delay after delay after delay for various reasons: a sanity review board to determine whether Manning was fit to stand trial was having trouble getting organized, classified information prosecutors thought they needed for the Article 32 hearing in December 2011 was not processed, more classified information for the court martial needed to be processed, etc. (The judge has not ruled on the speedy trial motion yet.)

He has had three birthdays while in prison. For one of them, he was denied a birthday package from family because, as Master Sgt. Craig Blenis, who was supposed to be Manning’s counselor and advocate at Quantico, joked in an email, officers “felt like being a couple of dicks.”

Manning faces 22 charges. The most significant charge is that of “aiding the enemy.” If convicted of “aiding the enemy,” he would serve life in prison without parole.

The government argues his act helped al Qaeda. In fact, they went to the trouble of declassifying information that showed Osama bin Laden obtained copies of the US State Embassy cables and some war logs released. They haven’t demonstrated that any members of al Qaeda shared these with Bin Laden after requesting them from a staffer at WikiLeaks. They are simply saying it was available on the internet for terrorists to read and exploit for their own purpose so Manning should be convicted of “aiding the enemy.” But, there is virtually no difference between the New York Times publishing information that terrorists can read and WikiLeaks publishing information that terrorists can read.

Manning’s case has developed into the biggest and one of the most important military justice cases in history. He has endured punishment in prison that no person should have to endure, even if they have been convicted. Incidentally, the longer it takes to get to trial, the more Americans support him as they come to the conclusion the military has mishandled the case. He has been punished enough for his alleged acts and should be set free now.

February 26th - In Military Court Plea, Manning to Explain Released Information to WikiLeaks

Pfc. Bradley Manning, the soldier who the United States military is prosecuting for providing classified information to WikiLeaks, will read from or refer to a typed thirty-five page statement on February 28 when he gives his proposed plea. The statement will include his understanding of why he is guilty of committing elements of the original charges or lesser-included offenses, along with why he decided to provide information to WikiLeaks.

David Coombs, Manning’s defense lawyer, said during proceedings at the military court at Fort Meade that

Manning himself had typed it up and signed it. He said the court agreed to allow Manning to read the statement aloud.

The government argued a motion objecting to parts of the plea. They had a problem with Manning reading a statement in court. The government suggested that Manning's statement included uncharged misconduct.

Judge Army Col. Denise Lind asked what the defense's position was on having uncharged misconduct in the statement. Coombs mentioned the Iraqi federal police and said it goes to why he would have released "certain information to WikiLeaks."

The concern was that Manning could be admitting to uncharged misconduct that could be used as an aggravating factor in sentencing. Coombs said he recognized the uncharged misconduct is in the statement, but he did not feel it would be damaging to Manning.

What is likely being referred to can be found in the chat logs between Manning and hacker Adrian Lamo:

(02:31:02 PM) Manning: i think the thing that got me the most... that made me rethink the world more than anything

(02:35:46 PM) Manning: was watching 15 detainees taken by the Iraqi Federal Police... for printing "anti-Iraqi literature"... the iraqi federal police wouldn't cooperate with US forces, so i was instructed to investigate the matter, find out who the "bad guys" were, and how significant this was for the FPs... it turned out, they had printed a scholarly critique against PM Maliki... i had an interpreter read it for me... and when i found out that it was a benign political critique titled "Where did the money go?" and following the corruption trail within the PM's cabinet... i immediately took that information and *ran* to the officer to explain what was going on... he didn't want to hear any of it... he told me to shut up and explain how we could assist the FPs in finding *MORE* detainees...

(02:35:46 PM) Lamo : I'm not here right now

(02:36:27 PM) Manning: everything started slipping after that... i saw things differently

(02:37:37 PM) Manning: i had always questioned the things worked, and investigated to find the truth... but that was a point where i was a *part* of something... i was actively involved in something that i was completely against...

(02:38:12 PM) Lamo: That could happen in Colombia.

(02:38:21 PM) Lamo: Different cultures, dude.

(02:38:28 PM) Lamo: Life is cheaper.

(02:38:34 PM) Manning: oh im quite aware

The uncharged misconduct may be that he was talking to Lamo about the Iraqi federal police and that was classified or sensitive information he was not to disclose. However, this goes to what he was thinking when he passed on the information to WikiLeaks and he rightfully wants to get it into the record.

The government has an interest in not having this in his plea. Under the guise of concern for Manning's rights to fair trial, they objected. Coombs and Lind had an exchange and decided to waive appeal if the judge talks with him on Thursday, uncharged misconduct comes out in court and the judge decides to cite it in her ruling to convict or sentence him. The judge informed Manning of what his defense lawyer was doing and he demonstrated to her that he understood what it meant to waive his right to appeal.

Judge Army Col. Denise Lind, in addressing the government's opposition, explained she did not want Manning to read a "sworn written statement" he had signed. She preferred he answered questions when giving his plea. She added, "He can try to read it, but I am going to stop him," if what he is saying is not relevant to being guilty of committing the offenses of which he is pleading guilty.

Coombs said it had been discussed that he would read the statement. He claimed the court had "implied" it wanted him to read it. It was created by Manning to "give the court background facts" for questions when he gives the plea (a portion that is technically called a providence inquiry).

The judge asked military prosecutor Cpt. Joe Morrow if there was any prohibition on dialogue between the judge

and accused to prevent mitigating issues from coming out. Morrow, arguing why the government objected, did not disagree that aggravating evidence (evidence that could increase a sentence) and mitigating evidence (evidence that could decrease a sentence) could come out. However, he claimed it was “highly irregular” for a sworn statement to be written and read into the record. He also contended it would make it difficult to cross-examine him during trial.

Morrow went over some of the portions in the statement that the government specifically objects to being read in court. One of them talks about “staying in contact” with Nathaniel and how Manning thought he was “developing a friendship.” They would talk about not only the publications WikiLeaks was working. He later realized he valued the friendship himself more than Nathaniel. (“Nathaniel Frank,” the name on the account the government has claimed was being used by WikiLeaks editor-in-chief Julian Assange, though no actual proof of him sending messages to Manning has been presented.)

The judge asked how this would be prejudicial if he talked about it. Morrow said he couldn’t articulate why. The judge decided she would go through and look at portions. The government should look at portions and, if they find aspects that suggest conduct that would bring discredit to the military, raise it in court.

The other issue the judge raised was the fact that Manning intends to tell her about how I committed certain acts with “noble motive.” She said, “What is at issue is whether it was service discrediting or prejudicial for that matter.” He might describe acts when pleading guilty that one could consider helpful to the military. She requested Coombs speak to Manning and make sure when giving his plea his statement contains information that shows he engaged in service that discredited the military.

“We’ve had this discussion and he knows,” Coombs responded. “He understands his statement and he understands the elements he needs to plead guilty.”

February 28th - Bradley Manning: the face of heroism

In December, 2011, I wrote an Op-Ed in the Guardian arguing that if Bradley Manning did what he is accused of doing, then he is a consummate hero, and deserves a medal and our collective gratitude, not decades in prison. At his court-martial proceeding this afternoon in Fort Meade, Manning, as the Guardian's Ed Pilkington reports, pleaded guilty to having been the source of the most significant leaks to WikiLeaks. He also pleaded not guilty to 12 of the 22 counts, including the most serious - the capital offense of "aiding and abetting the enemy", which could send him to prison for life - on the ground that nothing he did was intended to nor did it result in harm to US national security. The US government will now almost certainly proceed with its attempt to prosecute him on those remaining counts.

Manning's heroism has long been established in my view, for the reasons I set forth in that Op-Ed. But this was bolstered today as he spoke for an hour in court about what he did and why, reading from a prepared 35-page statement. Wired's Spencer Ackerman was there and reported:

"Wearing his Army dress uniform, a composed, intense and articulate Pfc. Bradley Manning took 'full responsibility' Thursday for providing the anti-secrecy organization WikiLeaks with a trove of classified and sensitive military, diplomatic and intelligence cables, videos and documents. . . .

"Manning's motivations in leaking, he said, was to 'spark a domestic debate of the role of the military and foreign policy in general', he said, and 'cause society to reevaluate the need and even desire to engage in counterterrorism and counterinsurgency operations that ignore their effect on people who live in that environment every day.'

"Manning explain[ed] his actions that drove him to disclose what he said he 'believed, and still believe . . . are some of the most significant documents of our time'

"He came to view much of what the Army told him — and the public — to be false, such as the suggestion the military had destroyed a graphic video of an aerial assault in Iraq that killed civilians, or that WikiLeaks was a nefarious entity. . . .

"Manning said he often found himself frustrated by attempts to get his chain of command to investigate apparent abuses detailed in the documents Manning accessed. . . ."

Manning also said he "first approached three news outlets: the Washington Post, New York Times and Politico" before approaching WikiLeaks. And he repeatedly denied having been encouraged or pushed in any way by WikiLeaks to obtain and leak the documents, thus denying the US government a key part of its attempted prosecution of the whistleblowing group. Instead, "he said he took 'full responsibility' for a decision that will likely land him in prison for the next 20 years — and possibly the rest of his life."

This is all consistent with what Manning is purported to have said in the chat logs with the government snitch who pretended to be a journalist and a pastor in order to assure him of confidentiality but then instead reported him. In those chats, Manning explained that he was leaking because he wanted the world to know what he had learned: "I want people to see the truth ... regardless of who they are ... because without information, you cannot make informed decisions as a public." When asked by the informant why he did not sell the documents to a foreign government for profit - something he obviously could have done with ease - Manning replied that he wanted the information to be publicly known in order to trigger "worldwide discussion, debates, and reforms". He described how he became deeply disillusioned with the Iraq War he had once thought noble, and this caused him to re-examine all of his prior assumptions about the US government. And he extensively narrated how he had learned of serious abuse and illegality while serving in the war - including detaining Iraqi citizens guilty of nothing other than criticizing the Malaki government - but was ignored when he brought those abuses to his superiors.

Manning is absolutely right when he said today that the documents he leaked "are some of the most significant documents of our time". They revealed a multitude of previously secret crimes and acts of deceit and corruption by the world's most powerful factions. Journalists and even some government officials have repeatedly concluded that any actual national security harm from his leaks is minimal if it exists at all. To this day, the documents Manning just admitted having leaked play a prominent role in the ability of journalists around the world to inform their readers about vital events. The leaks led to all sorts of journalism awards for WikiLeaks. Without question, Manning's leaks produced more significant international news scoops in 2010 than those of every media outlet on the planet combined.

This was all achieved because a then-22-year-old Army Private knowingly risked his liberty in order to inform the world about what he learned. He endured treatment which the top UN torture investigator deemed "cruel and inhuman", and he now faces decades in prison if not life. He knew exactly what he was risking, what he was likely subjecting himself to. But he made the choice to do it anyway because of the good he believed he could achieve, because of the evil that he believed needed urgently to be exposed and combated, and because of his conviction that only leaks enable the public to learn the truth about the bad acts their governments are doing in secret.

Heroism is a slippery and ambiguous concept. But whatever it means, it is embodied by Bradley Manning and the acts which he unflinchingly acknowledged today he chose to undertake. The combination of extreme government secrecy, a supine media (see the prior two columns), and a disgracefully subservient judiciary means that the only way we really learn about what our government does is when the Daniel Ellsbergs - and Bradley Mannings - of the world risk their own personal interest and liberty to alert us. Daniel Ellberg is now widely viewed as heroic and noble, and Bradley Manning (as Ellsberg himself has repeatedly said) merits that praise and gratitude every bit as much.

UPDATE [Friday]

In the New Republic this morning, Harvard Law Professor Yochai Benkler has a superb article warning of the radical theories being used to prosecute Manning, entitled "The Dangerous Logic of the Bradley Manning Case". Among other things, he explains that a conviction on the "aiding and abetting the enemy" charge "would dramatically elevate the threat to whistleblowers" and "the consequences for the ability of the press to perform its critical watchdog function in the national security arena will be dire". That, of course, is precisely why the

Obama administration is doing it. That's the feature, not a bug. He concludes: "what a coup for Al Qaeda" that the US has obliterated its core freedoms under the pretense of national security.

Meanwhile, the outstanding independent journalist Alexa O'Brien was present at the court-martial proceeding and has created a transcript of Manning's statement. Among other things, he describes his reaction when he first saw the video of the Apache helicopters in Baghdad shooting at journalists and then those who came to rescue them ("The most alarming aspect of the video to me, however, was the seemingly delightful bloodlust they appeared to have. They dehumanized the individuals they were engaging and seemed to not value human life by referring to them as quote 'dead bastards' unquote and congratulating each other on the ability to kill in large numbers"). The US government, its media and other assorted apologists have tried to malign Manning as a reckless and emotionally unstable malcontent who could not possibly have read what he leaked or made an informed choice to do so. Just read what he says to understand how thoughtful, rational, and deliberate of an act this was: "The more I read, the more I was fascinated with the way that we dealt with other nations and organizations. I also began to think the documented backdoor deals and seemingly criminal activity that didn't seem characteristic of the de facto leader of the free world. . . .The more I read the cables, the more I came to the conclusion that this was the type of information that should become public."

25 Feb - Fugitive Summons Issued for Black U.S. Anarchist, Lorenzo Komboa Ervin

In an attempt to disrupt the anti-police brutality work in Memphis, Tennessee and the city's March 30th Anti-Klan protest, the Hamilton County Sheriff's department in Chattanooga, Tennessee has issued a "fugitive" summons for U.S. Black anarchist, Lorenzo Komboa Ervin. He is the author of Anarchism and the Black Revolution and the co-founder of the Black Autonomy Federation, whose chapter in Memphis has organized several protests against police brutality and made the national call for the upcoming Anti-Klan protest.

MORE:

Background

The summons stems from court costs the county claims that Lorenzo owes in connection with a 12-year-old misdemeanor conviction. Damon McGee, Mikail Musa Muhammad (Ralph P. Mitchell), and Lorenzo were convicted in January, 2001, for disrupting a Chattanooga (Tenn.) City Council meeting in 1998 where they went to protest against police brutality. At the time, Chattanooga had the highest number of people killed by police in U.S. cities with populations under 200,000..

Damon has also received a "fugitive" summons. Mikail died in 2006. There is no statute of limitations in the U.S. on the collection of court fees and fines, and Damon and Lorenzo could be arrested at any time.

The Chattanooga 3, as they were called, were convicted for violating Tennessee's "Disrupting Meetings Law," which makes it illegal for anyone by "physical action or verbal utterance" to interfere with a lawful meeting. The law should be declared unconstitutional because it violates the First Amendment rights of free speech and assembly.

At the May 19, 1998 city council meeting, the chairman of the council had agreed to allow Lorenzo to speak on behalf of the Coalition Against Police Brutality to present a proposal for community control of the police. More than 100 people packed the meeting to back the proposal. But when the time came, the city council president would not allow Lorenzo to speak. Police arrested him when he attempted to read the proposal from the speaker's podium. Damon and Mikail, who were at the podium with Lorenzo, were also arrested.

The Chattanooga 3 went on trial in a kangaroo courtroom. For one thing, the jury pool was tainted. One juror was a neighbor of the prosecutor. Worse, a married couple was on the same jury pool! The judge refused to allow defense attorneys to use the First Amendment in arguing their cases.

The conspiracy against the Chattanooga 3 became crystal clear after sheriff's deputies allowed a black man to bring a gun into the courtroom. The man, who said he was a supporter of Osama Bin Laden, claimed that

Lorenzo told him to bring the gun to the courtroom. The defendants had to remove some of the jurors prior to jury deliberations because of this prejudicial orchestrated event.

The Chattanooga 3 had support from activists around the world, who sent hundreds of emails to the Hamilton County district attorney. This international support and the fact that two days prior to sentencing, supporters held a big rally in Chattanooga that was widely publicized in the ruling class media, forced the judge to give the three activists suspended sentences.

The Chattanooga 3 case was Lorenzo's second conviction for violating the disruption meetings law. In 1994, he and another activist were convicted for protesting against police brutality across the street from a memorial service for police held in Chattanooga in 1993. In this case, the Tennessee Supreme Court refused to hear Lorenzo's appeal.

What You Can Do To Help:

1. Contact Criminal Court Judge Rebecca Stern, who presided over the Chattanooga 3 trial. Email , call or fax her and demand that she withdraw the “fugitive” summonses issued for Lorenzo and Damon McGee. Send email using the URL below.

<http://www.hamiltontn.gov/EmailForm.aspx>

If you are in the U.S., call Stern at (423)209-7500 or send a fax to her at (423)209-7501.

2. Make protests to Hamilton County Sheriff Jim Hammond, using the URL below for email)

<http://www.hcsheriff.gov/feedback/feedback.php>

Call the sheriff at(423)209-7000, or send a fax to (423)209-7001 (if you are in the U.S.)

3. Circulate this email widely to ABC, autonomist and left groups around the U.S.and internationally.

25 Feb - Legal Update on and New Writing by Mumia Abu-Jamal

On Monday, February 25, 2013, Professor Judith Ritter of Widener Law School and Christina Swarns of the NAACP Legal Defense & Educational Fund, Inc. filed an appeal in the Superior Court of Pennsylvania challenging the fairness of the Philadelphia Court of Common Pleas' surprise August 2012 Order resentencing Mumia Abu-Jamal to life imprisonment without parole.

MORE:

That brief demonstrates that the trial court violated state and federal law by resentencing Mumia without providing him, his counsel or anyone else notice that a resentencing would occur; by failing to give Mumia or his counsel the opportunity to appear or present information or argument prior to sentencing; and by failing to make any effort to ensure that Mumia was informed of his appellate rights. Given these errors, the appeal requests a new sentencing hearing. Here are the next steps:

The Philadelphia County District Attorney's Office will file a brief responding to our appeal, we will file a reply to the DA's brief, there may be oral argument, and then the Superior Court will issue an opinion.

The Court has three options:

1. conclude that there was nothing wrong with what the trial court did and uphold Mumia's life without parole sentence;
2. conclude that the trial court made mistakes but there was no harm to Mumia because the outcome -- a life without parole sentence -- would be the same even if the proper procedures had been followed; or
3. vacate the trial court's order and send the case back to the Court of Common Pleas for a new sentencing hearing that complies with state and federal law.

It is hard to know how the court will rule, or how soon an opinion will be issued. We will certainly let everyone know as soon as a decision is announced.

February 26th - The Ballsiness of the Long Distance Runner: A Chat With Mumia Abu-Jamal

Mumia Abu-Jamal has been one of journalism's most outspoken voices for nearly 40 years. However, Mumia's greatest fame has come not from his written work, but from the fact that he is one of the most famous state "employees" in the country: he has been in state prison since 1982, serving on death row until just over a year ago.

Born Wesley Cook in Philadelphia, Abu-Jamal made his name as a tireless writer and journalist during the racially-charged 1970s that often portrayed the City of Brotherly Love as anything but. With his intense coverage of the M.O.V.E. organization, a black empowerment group whose ongoing battle with the police and city hall came to a fiery end in 1985, Abu-Jamal became a constant thorn in the side of the city's powerful establishment. Things came to a sudden head for Abu-Jamal himself on the evening of December 9, 1981 when he was accused of murdering a Philadelphia police officer. He received a death sentence the following year, and had been on Pennsylvania's death row until last year, when his death sentence was commuted to a life sentence in December, 2011.

Abu-Jamal's case remains one of the most controversial and heatedly debated in American legal history, with participants on both sides either protesting his innocence in the murder of Officer Daniel Faulkner or his absolute guilt with equal passion and more often, great vehemence.

As the focus of Stephen Vittoria's new documentary MUMIA: Long Distance Revolutionary, Mumia's story unfolds with the trajectory of a Greek tragedy, the truly tragic aspect being that far from being set in Greece, Mumia's story is all-too American.

In addition to their collaboration on Long Distance Revolutionary, Mumia and Vittoria are currently working on Murder Incorporated: Empire, Genocide, and Manifest Destiny, which began as a documentary in 2006 to also be helmed by Vittoria. After a year in production, Vittoria decided that "telling the 500-year story of the Euro-American march of genocide and exceptionalism across the Americas was too ambitious for a two-hour documentary." At the time, Abu-Jamal had recorded 25 short essays for the film -- essays Vittoria says "were some of Mumia's most brilliant pieces." It was this genesis that drew both men together and they decided to collaborate on a new tome of history (same title) that hopes to pick up where Howard Zinn left off. At this point, Abu-Jamal and Vittoria are writing hard and expect to be complete by the end of 2013.

MUMIA: Long Distance Revolutionary is a powerful indictment of the hypocrisy inherent in the American dream and is a must-see for any and all who are concerned with upholding the constitutional rights of all Americans. The film features appearances from a disparate group of Mumia supporters, including Dr. Cornel West, Alice Walker, Angela Davis, Rubin Hurricane Carter, Tariq Ali, Ruby Dee, Dick Gregory, Peter Coyote, Giancarlo Esposito, M-1, and Amy Goodman. Eddie Vedder sings "Society." MUMIA: Long Distance Revolutionary is produced by Stephen Vittoria, Katyana Farzanrad, and Noelle Hanrahan of Prison Radio, and Stephen Vittoria, and is written, directed, and edited by Stephen Vittoria.

Mumia spoke with me via telephone from SCI Mahanoy in Frackville, Pa. recently. Here is what was said:

Alex Simon: I find the title of the film, Long Distance Revolutionary, fascinating, as well as the fact that the film focuses less on your case, and more on your lifetime's work as an activist and journalist.

Mumia-Abu Jamal: I'm told that the title came from the honorable Cornel West. Cornel speaks and we listen. (laughs) As far as the film's focus, I think Steve felt it was important to focus on the bigger picture.

Regarding that, where do you feel your precocity came from as a 15-year-old journalist for the Black Panther newspaper?

It came from something called Ramparts magazine and a sister named Andrea giving me a copy of the Black Panther newspaper. Those two journals blew my 14 and 15-year-old mind. I didn't think such a thing was possible. It was just electrifying and turned me on to revolutionary journalism in a way that was mind-blowing. I

remember thinking while I was reading them, 'This can't be true. These people can't really exist.' They were like black angels from heaven.

It sounds like once you started writing, you found your voice almost immediately.

I think it should give some insight into what inspiration does. It charges you. It empowers you. It transforms you, actually. To have read those periodicals and then become part of the party. And that's my long distance battery. Remember the old slogan: "It keeps going and going and going?" This was a great time in black America. It was basically teenagers, manning and womaning a national and international organization and learning to do what needed to be done literally on the cuff. And we were doing it. We were writers, we were photographers, we did layout. And that paper came out without ads for the better part of a decade. And I don't know an example of another publication like that outside of the party. One hundred and fifty thousand copies every week. Not a bad piece of work. A lot of us were high school dropouts, like me. It shows what people can do when they get together and are inspired. Huey P. Newton was all of 24 years old when he founded the party with Bobby Seale.

Your late sister Lydia is prominently featured in the film. Can you talk a bit about her?

Up until the very recent time, I would never have been in existence without my sister being there. She was my older sister, although she didn't look it, and her spirit was certainly young. She was a beautiful, vibrant, always growing, always learning person. Think about a young woman growing up with five brothers. (laughs) She was a tough cookie. I always used to feel sorry for her boyfriends, because she would take no guff. I remember being a young kid of 8 or 9 years old, and I saw her knock her boyfriend over a railing. She was a tough cookie, but she loved her little brother, she loved her people and in many ways, our lives followed a similar trajectory in that she became more revolutionary as she got older. And that usually isn't the case, except with someone like W.E.B. Du Bois; most of us followed the exact opposite path: we're revolutionary in our teens and our youth and then become more conventional as we get older. But she was a great thinker, activist and revolutionary. I will love her forever and I miss her dearly.

So far, most of the reactions to Long Distance Revolutionary have been either great praise or outright vilification. What's your take on that?

I'm glad it's like that. If it's either/or, that shows they have an investment either positively or negatively. That's how change happens. We're all tempted sometimes to not rock the boat, but dammit, if we didn't rock the boat sometimes, I was about to say millions of African-Americans would still be walking around in chains, although that's a debatable issue still, given the mass incarceration so many of us are under. But change always happens in the face of controversy. We're going to need a movement to challenge this mass incarceration and the growth of the world's largest prison industry, the largest prison industry in human history. Controversy can be a good thing.

The Prison Industrial Complex is something that is addressed heavily in the film. Tell us a bit more about that.

The recent book *The New Jim Crow*, written by Michelle Alexander, has opened a lot of people's heads. There are generations now of people who live inside the reality of prison. It's a place where many sons meet their fathers and grandsons meet their grandfathers. It is an immense and stupefying industry of such proportions that most Americans have no idea. Michelle makes the point that there are more black men in prison now than there were slaves in 1860. I mean, damn! There more people in prison today in the U.S. than during the Apartheid regime in South Africa. Most people aren't aware of this, or they don't give a damn. So there needs to be a movement, and I hope that *Long Distance Revolutionary* plays a role in that movement.

What I wasn't aware of, is how much money prisons make for a whole lot of people.

It's not just prisons. It goes deeper. I watched Michelle today on C-SPAN. When she said that the drug war has

cost over a trillion dollars, that blew my mind, particularly with all the economic hardship so many Americans are facing. And has the drug war been even remotely successful? Drugs are available in every prison in America. If they're available in every prison, they're available everywhere else in America: schools, street corners, office buildings. In fact, it's enriched the drug cartels. So it's a monumental failure, but it's also a trillion dollar industry.

Last year, you were released into the mainstream prison population for the first time after spending 30 years on death row. What's the adjustment been like?

In many ways, I'm still adjusting because I learn something new seemingly every day. I still have not gotten used to seeing long rows of men in wheel chairs, young men. That's something I rarely saw on death row. I'm also shocked at the age of some of these men. I mean men who've never shaved, but have been tried and convicted as adults, then on the opposite end of the spectrum, men who are very, very old. This is an incredible experience to see what prison populations are today. It ain't pretty, but it's something that people are going to have to come to grips with.

What's your opinion of the current state of American journalism?

The current state of American journalism is monstrous. I think the business of journalism has had its heyday. The reportage today, most of it is about fashion, sex, and just fluff. It's mind blowing and just painful for me to watch.

26 Feb – Albert Woodfox (Angola 3) Conviction Overturned for Third Time

On February 26th, District Court Judge Brady released a 34-page ruling that granted habeas to Albert Woodfox on the issue of racial discrimination in the selection of the grand jury foreperson for his 1998 retrial. This decision now overturns Albert's conviction for a third time. We're including a couple of news articles below.

MORE:

February 27th - Albert Woodfox's 40 Years of Solitary Confinement

Albert Woodfox has been in solitary confinement for 40 years, most of that time locked up in the notorious maximum-security Louisiana State Penitentiary known as "Angola." This week, after his lawyers spent six years arguing that racial bias tainted the grand-jury selection in Woodfox's prosecution, federal Judge James Brady, presiding in the U.S. District Court for the Middle District of Louisiana, agreed. "Accordingly, Woodfox's habeas relief is GRANTED," ordered Brady, compelling the state of Louisiana to release Woodfox. This is the third time his conviction has been overturned. Nevertheless, Woodfox remains imprisoned. Those close to the case expect the state of Louisiana, under the direction of Attorney General James "Buddy" Caldwell, to appeal again, as the state has successfully done in the past, seeking to keep Woodfox in solitary confinement, in conditions that Amnesty International says "can only be described as cruel, inhuman and degrading."

Woodfox is one of the "Angola 3." Angola, the sprawling prison complex with 5,000 inmates and 1,800 employees, is in rural Louisiana on the site of a former slave plantation. It gets its name from the country of origin of many of those slaves. It still exists as a forced-labor camp, with prisoners toiling in fields of cotton and sugar cane, watched over by shotgun-wielding guards on horseback. Woodfox and fellow inmate Herman Wallace were in Angola for lesser crimes when implicated in the prison murder of a guard in 1972. Woodfox and Wallace founded the Angola chapter of the Black Panther Party in 1971, and were engaged in organizing against segregation, inhumane working conditions and the systemic rape and sexual slavery inflicted on many imprisoned in Louisiana's Angola.

"Herman and Albert and other folks recognized the violation of human rights in prison, and they were trying to achieve a better prison and living conditions," Robert King told me last year. "And as a result of that, they were targeted." King is the third member of the Angola 3, and the only one among them to have finally won his freedom, in 2001.

King went on: “There is no rationale why they should be held in solitary confinement—or, for that matter, in prison. This is a double whammy. We are dealing with a double whammy here. We are not just focusing on Herman’s and Albert’s civil- or human-rights violation, but there is question also as to whether or not they committed this crime. All the evidence has been undermined in this case.” Since his release, King has been fighting for justice for Wallace and Woodfox, traveling around the U.S. and to 20 countries, as well as addressing the European Parliament.

The devastating psychological impacts of long-term solitary confinement are well-documented. Solitary also limits access to exercise, creating a cascade of health complications. The Center for Constitutional Rights is challenging the use of solitary confinement in California prisons, writing: “Ever since solitary confinement came into existence, it has been used as a tool of repression. While it is justified by corrections officials as necessary to protect prisoners and guards from violent superpredators, all too often it is imposed on individuals, particularly prisoners of color, who threaten prison administrations in an altogether different way.”

In a recorded phone conversation from Angola, Herman Wallace explained: “Where we stay, we’re usually in the cell for 23 hours, and an hour out. I’m not ‘out.’ I may come out of the hole here, but I’m still locked up on that unit. I’m locked up. I can’t get around that. Anywhere I go, I have to be in chains. Chains have become a part of my existence. And that’s one of the things that people have to fully understand. But understanding it is one thing, but experiencing it is quite another.”

Despite the decades in solitary confinement, Woodfox remains strong. As he said over a prison pay phone in one of the documentaries about the case, “In the Land of the Free”: “If a cause is just noble enough, you can carry the weight of the world on your shoulders. And I thought that my cause, then and now, was noble. So therefore, they could never break me. They might bend me a little bit, they might cause me a lot of pain. They might even take my life. But they will never be able to break me.”

February 27th - Amnesty International urges the State to not appeal third overturned conviction

Amnesty International is urging the Attorney General of Louisiana not to appeal a federal court ruling overturning the conviction of Albert Woodfox of the ‘Angola 3’ for the second-degree murder of a prison guard in 1972. This case, litigated for over four decades, has raised serious human rights concerns.

In his ruling on 26 February, which followed an evidentiary hearing in May 2012, District Judge James Brady of the US District Court for the Middle District of Louisiana found that racial discrimination lay behind the under-representation of African Americans selected to serve as grand jury forepersons in the jurisdiction in which Albert Woodfox, who is African American, was retried after his original conviction was overturned in 1992.

Judge Brady found that the State had failed to meet its burden “to dispel the inference of intentional discrimination” indicated by the statistical evidence covering a 13-year period from 1980 to 1993 presented by Albert Woodfox’s lawyers. The State, Judge Brady found, had failed to show “racially neutral” reasons to explain the under-representation of African Americans selected as grand jury foreperson during this period.

Albert Woodfox was convicted in 1973 along with a second prisoner, Herman Wallace, of the murder of Brent Miller. This conviction was overturned in 1992, but Albert Woodfox was re-indicted by grand jury in 1993 and convicted again at a 1998 trial, and sentenced to life imprisonment in 1999. In 2008 a US District Court ruled that Albert Woodfox had been denied his right to adequate assistance of counsel during the 1998 trial and should either be retried or set free. The court also found that evidence presented by Woodfox’s lawyers of discrimination in the selection of the grand jury foreperson warranted a federal evidentiary hearing. While the State appealed the District court for a retrial – and won, yesterday’s ruling from the evidentiary hearing, once again sees the conviction overturned.

The organization has repeatedly expressed concern that many legal aspects of this case are troubling: no physical evidence links Albert Woodfox and Herman Wallace to the murder, potentially exculpatory DNA evidence was lost by the State, their conviction was based on questionable testimony – much of which subsequently retracted

by witnesses, and in recent years, evidence has emerged that the main eyewitness was bribed by prison officials into giving statements against the men. Both men have robustly denied over the years any involvement in the murder.

Albert Woodfox, now 66, has been held since his conviction over 40 years ago in solitary confinement. The extremely harsh conditions he has endured, including 23 hour cellular confinement, inadequate access to exercise, social interaction and no access to work, education or rehabilitation programmes have had negative physical and psychological consequences. Throughout his incarceration he has been denied any meaningful review of the reasons for being kept in isolation; and records indicate that he hasn't committed any disciplinary infractions for decades, nor, according to prison mental health records, is he a threat to himself or others. Amnesty International has repeatedly called on the authorities that both he and Herman Wallace be removed from such conditions which the organization believes can only be described as cruel, inhuman and degrading.

That Albert Woodfox's conviction has been overturned again gives weight to the organization's concerns that the original legal process was flawed. Amnesty International urges the State desist from appealing this latest ruling.

March 1st - Judge reverses conviction

State Attorney General Buddy Caldwell said Wednesday his office will appeal a federal judge's decision to reverse Albert Woodfox's 1998 conviction in the 1972 stabbing death of a guard at the Louisiana State Penitentiary.

U.S. District Judge James Brady agreed Tuesday with Woodfox's claim that his 1993 indictment by a West Feliciana Parish grand jury was tainted by discrimination in the grand jury foreperson selection process.

Brady noted in his ruling that only five of the 27 grand jury forepersons judicially selected in West Feliciana Parish between 1980 and March 1993 were black; the other 22 were white. The judge said the state failed to convince him that "objective, race-neutral criteria" — such as education and employment — were used in the selection process.

Grand jury forepersons in Louisiana are now randomly selected, East Baton Rouge Parish First Assistant District Attorney Prem Burns said.

Woodfox, of New Orleans, a former member of the Black Panther Party, has been convicted twice of fatally stabbing Brent Miller, a 23-year-old guard, at the Angola prison .

"We are preparing our appeal now, and we are confident that the grand jury forepersons were appropriately picked and that the state will prevail and give this family peace after 40 years of dealing with this career criminal," Caldwell said in a prepared statement.

Woodfox's attorney, Nick Trenticosta, said he is confident the 5th U.S. Circuit Court of Appeals will uphold Brady's ruling.

"We're extremely pleased with the judge's ruling. We're not surprised," Trenticosta said via telephone. "We look forward to a new trial and to Mr. Woodfox being exonerated."

Woodfox's first conviction in Miller's death was overturned after he challenged the grand jury indictment.

Brady ruled in 2008 that Woodfox's defense counsel in his retrial was ineffective. The judge ordered the state to try Woodfox for a third time or drop the case.

The 5th U.S. Circuit in 2010 reversed that order, saying Brady erred in concluding Woodfox had ineffective counsel in his second trial. The appellate court sent the case back to Brady for a determination concerning the

selection of the grand jury foreperson.

Woodfox, along with prisoner Herman Wallace and former inmate Robert King, joined the Black Panthers after arriving at the Angola prison in the late 1960s and began organizing a prison chapter of the group in 1971.

The trio, who became known as the Angola 3 for spending decades in solitary confinement, set up demonstrations in the prison and organized strikes for better conditions there.

Woodfox and Wallace, who were serving 50-year sentences for armed robbery convictions when Miller was killed, were convicted of second-degree murder in separate trials during the 1970s in Miller's slaying and were sentenced to life in prison.

Trenticosta, who also represents Wallace, said Wallace has an appeal pending before U.S. District Judge Brian Jackson.

Trenticosta said both men are from New Orleans.

Miller's death occurred during a period of heightened security caused by an arson incident in which another security officer was injured two days earlier.

Eighteen days after Miller's murder, Woodfox, Wallace and two other Angola inmates — Gilbert Montegut and Chester Jackson — were indicted by a West Feliciana Parish grand jury for that crime. Montegut was acquitted at trial. Jackson pleaded guilty to a reduced charge of manslaughter and testified against his co-defendants. He died in prison in 1988.

27 Feb - Attorney Claims USA Chills Rights of Environmentalists

Marie Mason's attorney claims the FBI denied her FOIA request in an attempt to cover up the government's "Green Scare" program, meant to chill the speech rights of environmental activists.

MORE:

New York City attorney Susan Tipograph sued the Department of Justice in Federal Court, seeking records on her client, imprisoned activist Marie Mason.

"The draconian sentencing of Marie Mason to nearly 22 years in federal prison has undoubtedly chilled the free speech practices of other animal rights and environmental activists," Tipograph says in the complaint.

She claims Mason accepted a plea bargain in 2008 to avoid facing a life sentence for the role she played in "two acts of property destruction, which involved damage to a Michigan State University office conducting GMO (genetically modified organism) research and a piece of logging equipment."

Tipograph claims Mason has been placed in a "control-management"-type prison unit because of her status as a political prisoner.

"Ms. Mason is one of the hundreds of activists targeted by the government in its attempt to quell First Amendment protected activity related to animal rights and the environment, which has become known as the 'Green Scare,'" the complaint states.

Tipograph says she sent the FBI a FOIA request for records on Mason in 2011, but was denied under exemption 7a of FOIA, which allows the government to withhold records or information that if released would interfere with law enforcement.

"The Green Scare and the disproportionate sentencing of Ms. Mason for a crime that resulted in no injuries to human life are illustrative of the profound influence of private business on government operations," the complaint states. "Corporate America has played a key role in lobbying the government to create laws and enhanced sentencing that punish political speech and direct action with the potential for disrupting a corporation's bottom line. The Animal Enterprise Terrorism Act is just one example of the government's

overreaching, overbroad and unconstitutional legislation designed to privilege the desires of corporations over the rights of citizens to dissent."

Tipograph claims: "Mason is one of many activists who have been labeled a domestic terrorist for engaging in activities with the potential to disrupt corporate profits and, as a result, received an unduly harsh sentence for crimes that are routinely punished with much less severe consequences."

Since 2000, the government has prosecuted and imprisoned several environmental activists, including Mason, on felony charges spanning from arson to conspiracy to damage telephone towers.

Tipograph wants the court to declare the FBI in violation of FOIA, and order the agency to release the records immediately.

1 Mar - Jock Palfreeman ends hunger strike

We recently wrote to Jock at our card-writing for international anarchist prisoners. Having received an answer from the Bulgarian government regarding his ability to pursue studies while imprisoned, he has ended a hunger strike after 30 days. However, he still needs support, especially international support and attention.

MORE:

Australian Anti-fascist prisoner Jock Palfreeman, serving 20 years in Sofia/Bulgaria for defending two Roma boys from a racist mob, was on hunger strike from the 13th January 2013. The Director of the Central Sofia Prison had ordered another punishment measure because of Jock's activist work as chairman of the Bulgarian Prisoner's Association. Due to this punishment Jock is now not allowed to finish his studies which is very important to him.

After 30 days Jock ended his hunger strike because he got an answer from the Bulgarian authorities. The prison administration responsible for his case answered that he can only study in a Bulgarian University, and not in a foreign one. But, if he wants to study in a Bulgarian University he cannot do this from prison, so he is not permitted to continue his studies. This 'official' answer means that he can now apply in the courts against the decision. After losing 20 kilos in weight he ended his hunger strike and will continue his protest by legal ways.

Jock is very thankful for the support he received. But the issue of being able to continue his studies is not resolved, so it is still useful for friends and supporters to write letters to the Ministry of Justice in Bulgaria.

The fight continues! Please keep writing letters of complaint to:

Ministry of Justice
Diana Kovacheva
No. 1, Slavanska
Street
Sofia 1040
Bulgaria

A week of solidarity action for Jock is being planned for April, more information will be available soon...

For other ways to support Jock, write letters of support to:

Jock Palfreeman
Sofia Central Prison
21 General Stoletov Boulevard
Sofia 1309
Bulgaria

Check out these websites for more information about his case:

<http://www.freejock.com>

<http://www.jockpalfreeman.com>