



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for October 15th

16 Sept - Chris Lagergren Case Closed

As is fairly common, an activist in Florida was essentially boxed into taking a plea to avoid a trial, potential prison time, and outrageous legal fees.

MORE:

Thank you all for your support in any form over the past 2 years, without it I would not have been able to endure this. It has been an exhausting and dragged out ordeal that came to an end today in Court. I pleaded No Contest (Nolo-Contendere) to 1 count of Criminal Mischief and 1 count of Trespassing for the incident that occurred on August 22, 2011.

There were numerous factors involved in my decision to plead No Contest and not proceed to trial. The foremost was the likelihood of losing a trial in Monroe County where most people are not sympathetic to animal issues. The jury would have consisted of only 6 jurors, and there was a risk of alleged affiliation to the ALF coming out, although that's not allowed in Court, the State has not been playing by the book nor have the witnesses been forthright in their testimony in this case. Robert Lingenfesler was prepared to take the stand and unequivocally identify me as one of the individuals removing the fence at 2am on that August night. While there was no physical or forensic evidence, his statement could be enough for a jury in that County to find me guilty. The State came with a Plea Offer late last week of no jail time and they would drop the second trespassing charge where Sgt. Javier Ortiz alleges he sees me dismantling the fence in broad daylight on September 10, 2011. They also said there would be no restitution to the Marine Mammal Conservancy.

Both Robert Lingenfesler and Sgt. Javier Ortiz were present in Court today. Both had nothing to say. The Judge honored the Plea Agreement, the details are:

12 months probation (criminal mischief) and 6 months probation (trespassing) to run concurrent. Pay the State of Florida a \$500 fine, pay court/prosecution costs of \$323, and stay away from the Marine Mammal Conservancy.

I want to thank those who were personally involved in the legal aspects of my case at one point or another. Those people are Rick Wunsch, David Tenenbaum, Lauren Reagan, Belinda Morris, Ale, and Jeff Geragi. I'm grateful for all of your help. Also a big thanks to those who through media express our/their concern for the animals and activists in general, great people like Will Potter, David Brensilver, Peter Young and Dr. Steve Best.

Sadly pilot whale R300 died at SeaWorld Orlando around August 27, 2013. R301 (the baby) is still alive and is forced to perform daily at SeaWorld Orlando, her new name is Freddie.

30 Sept - Marissa Alexander released pending new trial

An important victory in the struggle to free Marissa Alexander was won Sept. 26 when the District Court of Appeals for Florida's First District granted Alexander a new trial.

MORE:

By Amy Chang

Marissa Alexander is a 32-year-old Black woman from Jacksonville, Fl., who was sentenced last year to a mandatory minimum of 20 years in prison for aggravated assault with a deadly weapon. Alexander has a master's degree and no prior criminal history. Her alleged victim was her abusive ex-partner Rico Gray who beat Alexander repeatedly, including while she was pregnant, and has a history of physically abusing other women.

In 2010, Gray saw that Alexander had been exchanging text messages with her ex-husband. Despite Gray's two

impressionable sons being in the home, Gray became enraged, threatening to kill Alexander. When Alexander, who had given birth a few days earlier, locked herself in the bathroom for protection, Gray broke through the door, strangled Alexander and shoved her head into the bathroom door. Alexander ran to the garage in an attempt to escape, but forgot her keys. When she realized she had to go back inside, she brought a handgun she kept in her car—a firearm for which she had a concealed weapons license. Gray continued to threaten her life and charged at her. In a clear case of measured self-defense, Alexander fired one warning shot upward into the ceiling causing no injuries and ceasing Gray’s attacks.

As a result of this incident, Alexander was convicted of aggravated assault with a deadly weapon, and sentenced to a mandatory twenty years in state prison under Florida Statute 775.087, also known as “10-20-life,” which provides for enhanced penalties for the use of a firearm during the commission of certain felony crimes. In Alexander’s case, because she discharged the firearm, her punishment was a non-negotiable 20 years. Since Florida has abolished parole, a 20-year mandatory sentence would mean that Alexander would be imprisoned for every single day of those twenty years—7,300 days—without the possibility of getting time off for good behavior in prison.

New trial granted

That was Alexander’s fate until Florida’s appellate court reversed her conviction on Sept. 26. The court’s decision to reverse Alexander’s conviction and grant a new trial was based on the instructions the judge gave to the jury prior to deliberations. Jury instructions, which are generally drafted and issued by the Florida Supreme Court, tell the jury how to apply the facts to the law to determine the verdict. In Florida, jury instructions are both read to the jury in the courtroom, and a hard copy of the instructions are provided to the jury for use in the deliberation room.

In an absurd miscarriage of justice, the jury instructions in Alexander’s trial illegally shifted the burden of proof to the defense. In Florida, when the defendant claims self-defense, it becomes the prosecution’s burden to not only prove each element of the alleged crime beyond a reasonable doubt, but also to prove beyond a reasonable doubt that the defendant did not act in self-defense.

In Alexander’s trial, the jury instructions indicated that the jury could not acquit Alexander unless Alexander proved beyond a reasonable doubt that Gray inflicted serious bodily injury upon her. In effect, Alexander was required to prove her innocence beyond a reasonable doubt. The jury deliberated for 12 minutes before convicting her. Due to the fundamental error in the jury instructions, the appellate court granted Alexander a new trial.

While a new trial is a tremendous victory for Alexander, it is important to note that the court agreed with the State of Florida that Alexander should not be granted a new trial on the basis that Alexander was wrongfully denied immunity from prosecution under Florida’s controversial Stand Your Ground law, which does not require an individual to retreat in certain circumstances even if retreat from the conflict is possible.

Disparate application of Stand Your Ground law

This is the same law that the State of Florida cited in defending its decision to not charge George Zimmerman for 44 days following the murderous shooting death of unarmed Black teenager Trayvon Martin. As a self-appointed neighborhood cop, Zimmerman stalked Martin against the instructions of a 911 dispatcher. During that 911 call, Zimmerman made a number of vile and racist comments about Black males. Zimmerman harassed and attacked Martin when Martin posed no threat as he walked to his father’s house after getting candy and iced tea at a convenience store. Zimmerman then fatally shot Martin point-blank in the chest.

The State of Florida gave Zimmerman the benefit of the doubt, allowing him to assert that he acted in self-defense rather than in perpetuation of a vicious campaign to demonize and criminalize young Black males. Zimmerman did not even have to request a hearing on whether he was legally entitled to immunity under Stand

Your Ground. He roamed free until an outburst of anger and militant organizing at the grassroots level forced the hand of the State of Florida to press charges. Elected State Attorney Angela Corey charged Zimmerman with second-degree murder instead of pursuing the more appropriate charge of first-degree murder. As if from an alternate universe, a jury of six people of whom five were white acquitted Zimmerman, stating the race was not a factor in the death of Martin. Now, too little too late, multiple jurors and Zimmerman's wife have come forward lamenting that Zimmerman got away with murdering Martin.

Compare the State of Florida's treatment of Zimmerman against its treatment of Alexander. State Attorney Corey was the prosecutor in both Zimmerman's and Alexander's trials. Florida's preference was to not prosecute Zimmerman at all despite evidence that Zimmerman was trigger-happy, racially motivated to target young Black males and had a history of violence. In contrast, Alexander had no criminal history, suffered multiple violent attacks at Gray's hands, and was being threatened with death at the moment she fired a warning shot to keep Gray away from her so that she could retreat.

Under oath, Gray admitted to physically abusing Alexander to the point of hospitalization, and threatening to hire a hit man. Alexander would have been justified in shooting Gray in self-defense. But, in her own words, Alexander chose the "lesser of two evils," meaning she chose to fire a warning shot to discourage Gray from continuing to attack her, rather than incapacitating Gray with a gunshot wound. Yet, Alexander was sentenced to a mandatory minimum of 20 years in prison, while Zimmerman is roaming free with a concealed weapon.

Racism of criminal justice system

What does this all mean? In the U.S. criminal "justice" system, the actual facts and circumstances surrounding an alleged crime are not as important as is the race of the defendant—the race of the person holding the gun. Had Zimmerman been a Black man, would he be free today? If Alexander were a white woman defending herself against domestic violence, would she have been sentenced to 20 years in prison? Does Stand Your Ground apply equally across nationalities and genders?

The answer to these questions are no. Had it not been for grassroots organizing and unrelenting protests and demonstrations, Zimmerman would not have even been charged in the death of Martin, and Alexander would not have been granted a new trial. Left to its own devices, the criminal "justice" system would have been happy to see Zimmerman continue to do the job of cops on the beat for free by harassing young Black males in his gated community. The system would have had no problems with Alexander missing the first twenty years of her child's life while falsely imprisoned.

This is not just "left-wing hyperbole." State Attorney Corey complained to the Washington Post, "I think social media is going to be the destruction of this country," referring to the online agitation and organizing that was key in bringing Alexander's story to the forefront and securing a new trial. Perhaps she was also alluding to the role of social media in forcing her to reluctantly prosecute Zimmerman.

While a new trial is a crucial victory for Alexander and her supporters, a new trial does not guarantee that Alexander will be acquitted. The same racist laws and predispositions of the criminal "justice" system that were present at the first trial will still be at play. True justice would be for Alexander to walk out of prison immediately a free woman. But the State of Florida would be foolish to dismiss the power of the people when they unite and fight back, which has shown time and time again throughout history to be a force more powerful than the gavel.

1 Oct - Herman Wallace News Roundup

Since our last letter-writing dinner, Angola 3 prisoner Herman Wallace was released from prison by a federal judge's order and within a few short days passed away from terminal liver cancer.

MORE:

October 1st - Free At Last! Herman Wallace Has Finally Been Released

After a long, dramatic day, we are humbled to report that the indomitable, irrepressible Herman Wallace has just been released after spending over 4 decades in solitary confinement.

Even after Judge Jackson's late evening ruling denying the State's attempt at a stay and again ordering his immediate release, the State continued to stall. Once notified of the continued delay, Judge Jackson stoically refused to leave his quarters until Herman was released, and just minutes ago, Herman was driven away from the prison a free man, awake and able to revel in this miraculous turn of events.

The State will likely still appeal to the 5th Circuit and attempt to have the order reversed, and may even re-indict him, but it seems that Herman, against all odds, has won.

Despite all the exciting drama of the day, this is obviously a deeply bittersweet moment for all those involved in the campaign as we know Herman may not have much longer amongst us, but thanks to the unwavering commitment to justice that those on this list have demonstrated over the years on A3's behalf, he will not die in prison behind solitary bars.

Now we must resolve collectively to harness this rediscovered energy and excitement and dedicate ourselves to getting Albert the same result without delay.

If you happen to be in New Orleans, supporters are holding a vigil tonight starting in just a few moments at 8pm. Everyone is welcome to come and celebrate this incredible news. Coliseum Square was the original location, but it has been changed to LSU, outside the hospital emergency room, at 2021 Perdido Street New Orleans, Louisiana 70112.

With awe, bewilderment, and a renewed optimism, we will keep supporters updated.

October 1st - After 40 years in solitary confinement, the terminally ill inmate may be going home.

by Andrew Cohen (*The Atlantic*)

U.S. District Judge Brian A. Jackson did a remarkably good and decent thing today -- something that every judge should aspire to do in the right circumstances. He found a way to bring a small measure of justice to a man whose entire life had been rife with injustice. He found a way to order the immediate release of Herman Wallace, a terminally ill prisoner at the notorious Angola prison in Louisiana who spent 40 years in solitary confinement in a 6' by 9' cell for a murder there was no valid evidence he committed.

Last week, I wrote about this case here at The Atlantic because I felt it comprised so many of the failings of the American justice system. A black man whose trial is marked by racial animus. A defendant whose attorney does unconscionable work. A lack of physical evidence or adequate investigation. Co-defendants and state witnesses with obvious incentives to lie. Punishment that was both cruel and unusual. Deliberate indifference on the part of reviewing courts. It all happened to Herman Wallace. All of it and more; his case was a disgrace from the beginning.

Here is the link to Judge Jackson's order. If you read it, you will discover that he did not focus upon any of these constitutional infirmities in granting Wallace the relief he sought. Instead, Judge Jackson held that the original indictment against Wallace, over 40 years ago, was constitutionally flawed because women were excluded from his grand jury. So you can add "equal protection violation" to the heap of ways in which Wallace's rights were denied by our courts for four decades. Here is what the judge wrote:

The record in this case makes clear that Mr. Wallace's grand jury was improperly chosen in violation of the Fourteenth Amendment's guarantee of "the equal protection of the laws," and that the Louisiana courts, when presented with the opportunity to correct this error, failed to do so.... Our Constitution requires this result even where, as here, it means overturning Mr. Wallace's conviction nearly forty years after it was entered.

In the hours after the ruling was made public, state lawyers rushed to object to the judge's ruling, arguing that Wallace, who is dying of liver cancer and may have only days to live, did not deserve to be allowed to be freed on bail while Louisiana decides whether to retry him or not. The conduct of these officials on this day is nothing if not consistent with Louisiana's treatment of this man throughout his entire adult life -- cruel and unusual to the bitter end.

At long last, Herman Wallace should be allowed to die in peace, and in freedom, as far away from that dreaded prison as his breath will take him. Let his miserable life and his early death become a symbol for all that is wrong about what America accepts today in its justice systems. Let it be a lesson, too, about perseverance and the ceaseless value of redemption. For decades, while he sat alone in that tiny, fetid cell, justice delayed to Wallace was justice denied to him. But today, while he is still alive to savor it, the law has turned away from injustice.

It is the first day of the rest of Herman Wallace's life -- and I sure hope it is not too late for him to enjoy it.

October 2nd - Four Decades of Cruel, Degrading & Inhuman Treatment in prison—But Herman Wallace is Now Free

By Kevin Gosztola (*The Dissenter*)

For over four decades, Herman Wallace (one of the Angola 3) was held in solitary confinement in the Louisiana State Penitentiary. The facility, also known as Angola prison, denied him the right to have the reasons for his cruel confinement conditions reviewed. This took place on top of the fact that there was significant corruption in the state's case that led to his conviction for the murder of an Angola prison guard. But now, Wallace has been set free.

A district court judge in Louisiana vacated his conviction and sentence yesterday on the grounds that women had been systematically excluded from the grand jury that indicted him, a violation of his Fourteenth Amendment guarantee of equal protection under the law.

Judge Brian A. Jackson ordered the state to immediately release Wallace from custody and, within thirty days, the state would have to notify Wallace if they intended to re-indict him for allegedly being involved in the murder of a prison guard.

Compounding the cruelty of his decades of imprisonment, Wallace is dying. He has advanced liver cancer. In fact, he sent a message to those who had supported him informing them on August 31 that "chemo treatments had failed and were making matters worse so all treatment came to an end. The oncologists advised that nothing can be done for me medically within the standard care that they are authorized to provide."

It was recommended that he be "admitted to hospice care to make" his "remaining days as comfortable as possible." He was given "2 months to live."

Despite the reality that Wallace is dying from liver cancer and had been ordered to be released, the state of Louisiana would not immediately let him go free. Wallace's legal team spent most of October 1 trying to convince state officials to quit stalling and allow an ambulance to take him to hospice care. The state refused and pushed for a stay from the district court judge.

Jackson issued a second ruling late in the evening. He denied the motion for a stay and found Wallace had a "significant interest in his release" as he had "spent more than forty years in prison under a conviction and sentence based on an unconstitutional indictment." The state was informed "failure to immediately release" Wallace from custody would result in "a judgment of contempt." (Jackson reportedly did not leave his quarters until Wallace was released.)

The barbarism of the state of Louisiana, which has been directed at Wallace over the past four decades, is a product of systemic racism—the fact that Wallace was a Black Panther in the prison.

In the 1970s, as an Amnesty International report details, prisoners were segregated. Inmates were guarded by white officers and armed white inmates. There were a “high number of murders” and also “widespread use of sexual slavery among inmates.”

Wallace, along with Albert Woodfox, who were both imprisoned for “unrelated cases of armed robbery,” started a prison chapter of the Black Panther Party. Robert King joined them. The men “campaigning for fair treatment and better conditions for inmates; racial solidarity between black and white inmates; and an end to the rape and sexual slavery that was then endemic in the prison.”

On April 17, 1972, the day after a guard shack was firebombed, Miller was found dead. Herman Wallace and Albert Woodfox were convicted of the crime, but, for the next decades, several details highlighted by NPR have become known: Hezekiah Brown, a serial rapist who claimed to be the key witness to the murder, was apparently offered a pardon for his testimony. The deputy warden even recalled that “you could make him say anything you wanted him to say.”

There was a “single bloody fingerprint ” found at the scene. It did not match Wallace or Woodfox, but the print was never tested by the state. The state adamantly refused.

Anne Butler, a forewoman of the grand jury that reindicted him in the 1990s, was the former wife of a warden in the Angola prison, Murray Henderson. She is known to have passed around a book to fellow jurors informing them that Woodfox and Wallace committed the murder. She even wondered why she was allowed to be a part of the jury and said to the district attorney at the time, “You are going to put me off this,” and he said “no.”

Many of these issues were raised in the courts, but the evidence never led a single court to vacate Wallace’s conviction and sentence and order the state to re-indict him if they thought he really did it and should remain in prison.

Why were they kept in solitary confinement conditions longer than any Americans in the history of this country? State and prison officials remained convinced they would practice “Black Pantherism” if they were released from isolation.

Burl Cain, an Angola prison warden, said in a deposition in 2008 that he would keep Woodfox in solitary confinement because he was “still trying to practice Black Pantherism, and I still would not want him walking around my prison because he would organize the young new inmates. I would have me all kinds of problems, more than I could stand and I would have the blacks chasing after them. I would have chaos and conflict and I believe that. He has to stay in a cell while he’s at Angola.”

In 2008, the Warden of Angola prison said that Wallace’s record didn’t “really matter a lot.” Whether he had a clean record in the prison was irrelevant. “The original sentence, that’s why he’s there, that’s why he’s there and that’s why he’s going to stay there.”

The state could not have the Blacks organizing and possibly pushing for better conditions in the prison so Wallace and Woodfox had to be subjected to cruel, inhuman and degrading treatment for decades.

Now, the state did remove him from isolation in July after it was reported that he was gravely ill. That removal was after the conditions had already aggravated his osteoarthritis, caused him memory loss and resulted in insomnia. It was after he was held near mentally ill inmates, who would shout and scream, making it near impossible to sleep.

It was after he had to live in a cage slightly bigger than six by nine feet. As he described in the film, Herman’s House:

HERMAN WALLACE: Being in a cage for such an extended period of time, it has its downfalls. I mean,

you may not feel it, you may not know it, you may think that you're OK, and you just perfunctorily move about, you know. However, when you was removed from out of that type of situation and placed in an open environment where, you know, you're even breathing that oxygen and it's getting into your lungs and you're feeling something growing within you, and—you begin to develop a different mode within your body. I even watched my body. I've looked in the mirror, and I've seen muscles and [bleep] begin to pop out there. I began to run even faster and [bleep]. And I'm saying, "Whoa, what the hell is going on here?" Much was preserved. But then I got locked up again after eight months. And being locked up like that, the whole body just got confused.

On "Democracy Now!" this morning, it was reported by artist and supporter Jackie Sumell, who was at his bedside in the LSU Medical Center, that he had "taken a turn for the worse." Doctors think his kidneys might be failing in addition to his liver. He is also unable to "speak a word." And, "if you move him around, he'll yell or indicate that he's uncomfortable, but he doesn't seem to be cognizant in any other way."

Wallace's defense attorney, George Kendall, also highlighted the current degrading treatment Woodfox is experiencing:

GEORGE KENDALL: [H]e has just recently again been subjected to anal searches every time he leaves his cell, whether it's just a walk down the tier to take a shower. Albert, 30 years ago, on his own, filed a lawsuit and won a lawsuit that prohibited the Department of Corrections from engaging in those kind of searches. And we called that to the attention of the Corrections Department when they started doing it again, and they said, "We're going to continue to do it." We filed yesterday in federal court in Baton Rouge a lawsuit seeking an injunction barring the Department of Corrections from using that kind of search on Mr. Woodfox and others in that cell block.

AMY GOODMAN: The judge who issued the order that he should not be strip-searched like this—anal cavity, oral cavity strip-searched—died.

GEORGE KENDALL: That's correct.

Woodfox's case has "three times had his case overturned." He won a case, where he argued there had been "racial discrimination in the grand jury composition in his case." The state appealed and the Fifth Circuit Court of Appeals is in the process of overturning this victory.

The third member of the Angola Three, Robert King, was released in February 2001, after being held in solitary confinement for 31 years. He, too, was targeted for his activism as a Black Panther. Authorities tried to accuse King of being involved in Miller's murder, but he had been in a different prison. They could not successfully do this and ultimately placed him "under investigation," which gave them the pretext to put him in solitary confinement. Then, in 1973, he was convicted of being involved in the murder of a prisoner simply because officials said he was nearby Grady Brewer, the prisoner who actually admitted committing the murder in self-defense.

This is the racist system Michelle Alexander calls the New Jim Crow. As she's comprehensively explored, "There are more African Americans under correctional control today — in prison or jail, on probation or parole — than were enslaved in 1850, a decade before the Civil War began." Wallace, Woodfox and King are cases where it was excruciatingly difficult (and has been excruciatingly difficult) to free one's self of the shackles imposed upon them unjustly.

Wallace may be free—and that is a huge victory for the movement that spent decades fighting to win him justice—but the state has not changed its attitude. Officials who have the decision-making power are infected with prejudice and could re-indict him if he does not die within the next 30 days.

And, in this system of injustice, absent a strong movement, there will be no punishment for the individuals in Louisiana state government, who perpetrated this racial violence against Wallace and continue to perpetrate

racial violence against Woodfox as he remains in prison.

October 3rd - Message from PP Jaan Laaman on Herman Wallace

Hi -- I just heard, on Amy Goodman's Democracy Now, that Herman Wallace - from the Angola 3, Black Panther Party case, was released from prison last night -- he went right to the hospital outside and is dying of Liver cancer -- 41 years in segregation, but will die free, well kind of free as one can be in this land of imperialist racist war and hate. A federal judge ordered his immediate release and they actually let him out last night. To finally beat his racist frame up case is a victory, no doubt, to spend 41 years in segregation and to leave dying is a pretty hard win. Albert Woodfox, Herman's comrade, remains in prison -- and what about Lynne, dying in that Texas federal prison? A luta continua - jaan

October 4th - Herman Wallace, Held in Solitary Confinement for 41 Years, Dies After Three Days of Freedom

by Kevin Gosztola (*The Dissenter*)

The movement for human rights and justice mourns the loss of Herman Wallace, a former prisoner of the Louisiana State Penitentiary (Angola prison) who was held in solitary confinement for forty-one years before having his conviction and sentence for murder vacated by a judge this week.

Wallace was released from prison because his Fourteenth Amendment right to equal protection under the law had been violated when he was convicted by a jury that no women. The judge immediately moved to have Wallace released. Only after the district court judge threatened to hold the state in contempt of court if they did not obey him and let him go free did the prison allow him to be put into an ambulance that would take him to a hospital.

This conduct on the part of the state took place in spite of the fact that the man known as a member of the Angola 3 was dying from advanced liver cancer and would be dead very soon.

Yet, the callousness did not stop there. Two days after he was sent home to die amongst his friends and family, the terminally ill political prisoner and former Black Panther was re-indicted by a grand jury in Louisiana.

Wallace's legal team reacted, "If it is true, we are shocked that a state grand jury was asked to indict a man who has only days to live."

West Feliciana District Attorney Samuel D'Aquila said, "I say he is a murderer, and he is not innocent," and, "The conviction was overturned because the federal judge perceived a flaw in the indictment—not his murder conviction."

D'Aquila made it seem like the state was being compassionate by not moving to immediately have him jailed again and by planning to not schedule any dates in court until December. However, anyone familiar with Wallace's case will understand that the state was nothing but barbaric toward Wallace and that is because he tried to organize a Black Panther Party chapter in the prison in the 1970s.

Several details highlighted by NPR help prove Wallace did not murder the prison guard he was convicted of killing. Hezekiah Brown, a serial rapist who claimed to be the key witness to the murder, was apparently offered a pardon for his testimony. The deputy warden even recalled that "you could make him say anything you wanted him to say." There was a "single bloody fingerprint" found at the scene. It did not match Wallace, but the print was never tested by the state because it said it was not going to test the fingerprint.

Anne Butler, a forewoman of the grand jury that reindicted him in the 1990s, was the former wife of a warden in the Angola prison, Murray Henderson. She is known to have passed around a book to fellow jurors informing them that Woodfox and Wallace committed the murder. She even wondered why she was allowed to be a part of the jury and said to the district attorney at the time, "You are going to put me off this," and he said "no." On top of that, Wallace was never given an opportunity to challenge his cruel confinement conditions. Every time

officials “reviewed” his status in the prison, he was never given a chance to speak and would be handed a piece of paper indicating that nothing would change. And the reason for this was the fact that he had a past history of “Black Pantherism” and could not be allowed to be in the prison organizing younger inmates.

Angola 3 News, which has been advocating for justice for not just Wallace but also Albert Woodfox (who remains imprisoned for his involvement in the same murder despite the fact his conviction has been overturned), published a tribute to Wallace, who it described as the “Muhammad Ali of the criminal justice system.”

This morning we lost without a doubt the biggest, bravest, and brashest personality in the political prisoner world. It is with great sadness that we write with the news of Herman Wallace’s passing.

Herman never did anything half way. He embraced his many quests and adventures in life with a tenacious gusto and fearless determination that will absolutely never be rivaled. He was exceptionally loyal and loving to those he considered friends, and always went out of his way to stand up for those causes and individuals in need of a strong voice or fierce advocate, no matter the consequences.

Anyone lucky enough to have spent any time with Herman knows that his indomitable spirit will live on through his work and the example he left behind. May each of us aspire to be as dedicated to something as Herman was to life, and to justice.

Below is a short obituary/press statement for those who didn’t know him well in case you wish to circulate something. Tributes from those who were closest to Herman and more information on how to help preserve his legacy by keeping his struggle alive will soon follow.

The fight is not over. Attention should be turned now to Albert Woodfox. He remains in solitary confinement and it was Wallace’s hope that his case would help ensure that others like his good friend did not “continue to suffer such cruel and unusual confinement” even after he was gone.

Woodfox remains in solitary confinement and, according to Wallace’s lawyer, George Kendall, is being subjected to further degrading treatment in the prison:

GEORGE KENDALL...[H]e has just recently again been subjected to anal searches every time he leaves his cell, whether it’s just a walk down the tier to take a shower. Albert, 30 years ago, on his own, filed a lawsuit and won a lawsuit that prohibited the Department of Corrections from engaging in those kind of searches. And we called that to the attention of the Corrections Department when they started doing it again, and they said, “We’re going to continue to do it.” We filed yesterday in federal court in Baton Rouge a lawsuit seeking an injunction barring the Department of Corrections from using that kind of search on Mr. Woodfox and others in that cell block.

AMY GOODMAN: The judge who issued the order that he should not be strip-searched like this—anal cavity, oral cavity strip-searched—died.

GEORGE KENDALL: That’s correct.

There is a lawsuit involving violations of the cruel and unusual punishment clause of the Eighth Amendment and violations of the Fourteenth Amendment that is set to go to trial in Baton Rouge in June next year. That will continue the effort to bring about some modicum of justice.

Amnesty International, which was a key advocate of justice for Wallace, explained in a post that he was “denied access to meaningful social interaction, work opportunities, education and rehabilitation programs.” Also, “During his 41 years in solitary confinement he was only allowed out of his cell for seven hours a week, which he would spend showering or in solitary recreation. Under international law, these conditions amount to cruel, inhuman and degrading treatment.”

“Amnesty International knows of only one other person in the US who has been held for longer under such harsh conditions,” the human rights organization added.

The organization has also pushed for Woodfox’s release from solitary confinement. “In a case that has always been more about vengeance than justice, the state should immediately withdraw their appeal, and allow Albert Woodfox his freedom before it is too late,” it declared.

The racial violence of the state of Louisiana is heinous. The complicity and indifference, which led him to remain in isolation for decades, is reprehensible, but let’s not end on that note. Let’s recall the spirit of Wallace as a fighter.

These words, published by *Justice: Denied* magazine in 1999, show the context in which he viewed his case.

On January 10, 1974, I was convicted of the 1972 murder of Brent Miller, a security guard who happened to be white. This was around the time of the “Prison Movement” around the country. There was “Death On the Yard,” Folsom Prison; The San Quentin Six, from the murder of the revolutionary George Jackson; and, there was the infamous “Attica.” Then, deep down in the swamp of Louisiana, we had the death of a white security guard at Angola Penitentiary, a prison dominated by black prisoners. All security guards and personnel were white. It is significant to mention race, because it played a role and continues to play a role in the frameup against me.

The times were sweeping the country with change, and that change was making its way to our swamp at Angola. After Guard Brent Miller’s death, fear struck the hearts of all security guards who were guilty of having beaten, mangled, and even killed inmates who could not be controlled. The guards became so fearful that they refused to work unless they were allowed to carry weapons. The National Guard was called in to fill in for those who refused to work, but peace was still far from arriving...

Even more moving and powerful is this poem written by Herman Wallace called “A Defined Voice.”

They removed my whisper from general population
To maximum security I gained a voice
They removed my voice from maximum security
To administrative segregation
My voice gave hope
They removed my voice from administrative segregation
To solitary confinement
My voice became vibration for unity
They removed my voice from solitary confinement
To the Supermax of Camp J
And now they wish to destroy me
The louder my voice the deeper they bury me
I SAID, THE LOUDER MY VOICE THE DEEPER THEY BURY ME!
Free all political prisoners, prisoners of war, prisoner of consciousness.

The quote he reads before the poem is from social philosopher and author of *The Wretched of the Earth*, Frantz Fanon: “If death is the realm of freedom, then through death I escape to freedom.”

Today, Herman Wallace made his escape to freedom.

October 4th - The "Muhammad Ali of the Criminal Justice System" Passes On

This morning we lost without a doubt the biggest, bravest, and brashest personality in the political prisoner world. It is with great sadness that we write with the news of Herman Wallace's passing.

Herman never did anything half way. He embraced his many quests and adventures in life with a tenacious

gusto and fearless determination that will absolutely never be rivaled. He was exceptionally loyal and loving to those he considered friends, and always went out of his way to stand up for those causes and individuals in need of a strong voice or fierce advocate, no matter the consequences.

Anyone lucky enough to have spent any time with Herman knows that his indomitable spirit will live on through his work and the example he left behind. May each of us aspire to be as dedicated to something as Herman was to life, and to justice.

Below is a short obituary/press statement for those who didn't know him well in case you wish to circulate something. Tributes from those who were closest to Herman and more information on how to help preserve his legacy by keeping his struggle alive will soon follow.

On October 4th, 2013, Herman Wallace, an icon of the modern prison reform movement and an innocent man, died a free man after spending an unimaginable 41 years in solitary confinement.

Herman spent the last four decades of his life fighting against all that is unjust in the criminal justice system, making international the inhuman plight that is long term solitary confinement, and struggling to prove that he was an innocent man. Just 3 days before his passing, he succeeded, his conviction was overturned, and he was released to spend his final hours surrounded by loved ones. Despite his brief moments of freedom, his case will now forever serve as a tragic example that justice delayed is justice denied.

Herman Wallace's early life in New Orleans during the heyday of an unforgiving and unjust Jim Crow south often found him on the wrong side of the law and eventually he was sent to the Louisiana State Penitentiary at Angola for armed robbery. While there, he was introduced to the Black Panther's powerful message of self determination and collective community action and quickly became one of its most persuasive and ardent practitioners.

Not long after he began to organize hunger and work strikes to protest the continued segregation, endemic corruption, and horrific abuse rampant at the prison, he and his fellow panther comrades Albert Woodfox and Robert King were charged with murders they did not commit and thrown in solitary. Robert was released in 2001 after 29 years in solitary but Herman remained there for an unprecedented 41 years, and Albert is still in a 6x9 solitary cell.

Herman's criminal case ended with his passing, but his legacy will live on through a civil lawsuit he filed jointly with Robert and Albert that seeks to define and abolish long term solitary confinement as cruel and unusual punishment, and through his comrade Albert Woodfox's still active and promising bid for freedom from the wrongful conviction they both shared.

Herman was only 9 days shy of 72 years old.

Services will be held in New Orleans. The date and location will be forthcoming.

1 Oct - New Writings by Mumia Abu-Jamal

We're including transcripts of Mumia's latest commentaries.

MORE:

October 1st - Teacher's War in Oaxaca

For the last decade, at least, we have seen the absolute attack on teachers, on their integrity, their devotion to their profession, and their supposed betrayal of their – our – children.

The attack comes from politicians, corporate media, and the greedy economic forces seeking to privatize the realm of public education.

This is not just a national problem; it is global, and it is the very signature of neo-liberalism.

In Mexico, tens of thousands of teachers are fighting back. In Oaxaca, those fights have taken the form of massive protests, marches, the seizure of government buildings, and organizing. Under the militant lead of CNTE (In English, the Education Workers Coordinating Committee), these workers have resisted the neo-liberal agenda, demanding that the federal government cease its interference in Mexico's indigenous educational efforts.

In Mexico, government corruption is endemic, and, as in the US, politicians are in the full employ of privatization forces, which want to shatter and destroy the very notion of public schools. To that end, the corporate media has played a central role, using what Mexican teachers have called, a "satanization" campaign. Sound familiar?

Teacher's union activists in Oaxaca and elsewhere in Mexico are in a fighting mood.

Marcus Arellanes of Oaxaca's Section 22 of the union gave his voice to grassroots teachers throughout Mexico.... In a recent interview, Arellanes said,

"... [T]he government plans to standardize everything through policies of alignment, control and subjugation. They have approved initiatives and the use of the state power structure to pass laws by using government repression ...and that's why we're here today, to oppose the repression suffered by the comrades who marched in support of the CNTE...But we're going to confront this disgraceful government that seeks to impose conditions designed by international bodies to privatize, control, take away the responsibility for education and turn it over to the private sector, you see?"*

Arellanes explains that, through changes of Mexico's Constitution, Article 73, the government has essentially jettisoned the state's responsibility for education, and opened the door to corporate financial support. Imagine – education, brought to you by Coca-Cola!

The struggle in Oaxaca has attracted support from thousands of teachers, students, parents and other organizations, all opposed to this privatization scheme.

The battle, still ongoing, has just begun.

October 4th - LONG LIVE LYNNE (A Birthday Message)

When October 8th rolls around, people's attorney, Lynne Stewart, will have reached her 74th year of life.

That she reaches it behind bars in one of the most backward states of the Union (Texas), is a mark of both her extraordinary work as a lawyer, and of the weakness of our Movements.

For Lynne should never have been jailed for what is, essentially, a prison rule (the so-called SAMs: Special Administrative Measures) – an unconstitutional one, at that – and a trial that was based more on hysteria than fact.

A New York jury, flashed film and photos of Osama bin Laden? Seriously? Who wouldn't have been convicted?

But Lynne was targeted for her long and distinguished history as a lawyer of last resort: the unpopular the poor, the political and the downtrodden knew, from word on the street, that Lynne Stewart would take your case – and rumble.

The Establishment's hatred of Stewart owes more to her successful defense of Larry Davis than the blind sheikh, Omar Abdel-Rahman (Davis was engaged in a gun battle with NY cops, after resigning from years of selling drugs for them, and lived; and Lynne helped beat the attempted murder charges)

For this she was targeted; for this she was tried; for this she was convicted; and for this, 2 years was quintupled

into 10 years!

Lynne was convicted of treason to whiteness!

The rest is pretext; law practiced as politics to sow the seeds of fear in other lawyers –lest they forget their place.

Lynne should be free – only you can make it so!

Contact: lynnestewart.org, and fight for her who fought for you.

October 4th - SHUTDOWN: Method to the Madness

When unpopular politicians set the stage for a government shutdown, there is a method to the madness: by hook or crook, they are the architects of austerity.

This strategy shreds any remnants of trust in the competence and ability of government, and sells the ludicrous notion that the private sector is the solution to societal problems.

These forces have prevailed in some parts of Europe, forcing governments to shed social services to the poor, the unemployed and the young. Those governments have created crises, but they have hardly solved them. Indeed, they have exacerbated them.

Such societies aren't merely unequal; they have stoked social and class conflict.

Several decades ago, American economists (from the Chicago School of Economics) preached austerity throughout Latin America. Their economic recipes brought chaos, disaster and mass pain.

Naomi Klein has written movingly about such experiments, which ripped nations apart, in her 2007 work, *The Shock Doctrine*.

Now, it is here – disguised – but here. Schools are closing; repressive institutions are multiplying, and jobs are paying less and less.

Meanwhile, the 1% (remember Occupy?), the richest percentile of Americans, have made more money recently than at any previous period in the nation's history.

This isn't just a conservative program; it is also a neo-liberal program that prays at the holy altar of Wall Street.

The neo-liberal program of surrender to market forces has strengthened and energized rightist tendencies, and made the market the very center of national life: not the People.

So, schools close one day; governments shut their doors the next.

The Market prevails.

October 11th - Shooting Crazy

A young mother, her infant quietly snoozing in the back seat, drives a car down Pennsylvania Ave., in Washington, DC, where she meets a forest of barricades, and, seconds later, over half a dozen cops, pistols drawn, shouting, and pointing guns at her.

Perhaps she panics, and follows her instincts; she puts the car in reverse, rolls back a few feet, and tries to drive away.

In seconds, the vehicle is Swiss-cheesed with bullets – and the young woman is dead.

Miraculously, the child is unharmed.

Before the smoke cleared, news accounts tell of “an exchange of gunfire”, and a “shoot-out’ in DC.

In fact, the 34 year old woman was unarmed.

Miriam Carey of Connecticut, who reportedly suffered from post-partum depression, was killed by DC police.

Media reports are often unreliable shortly after such events, given confusion, and more often, the one-sided reports provided by police.

Later media accounts painted the woman as psychotic.

Assuming she was, is mental illness treated by semi-automatic gunfire? Some cure.

Modern American life is intensely stressful, especially given the financial and social pressures faced by millions.

Capitalism, as in the ruthlessness of dog-eat-dog, exacerbated that stress. Perhaps these stresses overwhelmed a young mother who couldn’t get a grip.

Perhaps.

But the cops didn’t solve these problems; they merely created another one for a child who is now motherless; and family without a sister, a daughter – a loved one.

October 14th - Herman Wallace: Finally Free

Herman Wallace, the former Black Panther and former political prisoner in the abominable Angola Prison in Louisiana, has returned to his ancestors.

Wallace, one of three men called the “Angola 3”, was freed just days ago after 41 years in the hole – one of the longest terms ever spent in solitary on earth.

He gained his freedom after a federal judge in Louisiana ruled his murder conviction was both unconstitutional and unjust, and granted a habeas corpus petition ordering immediate release.

Wallace, suffering from terminal liver cancer, over 70 years old, his spirit was as strong as ever. Herman may’ve no longer been a Panther, but he remained a revolutionary.

He, and his fellow ex-Panthers, Robert Hillary King and Albert Woodfox, comprised the Angola 3 and fought for their freedom from the corrupt courts and prisons of Louisiana for decades. King was released in 2001; Albert Woodfox is still encaged in Angola’s hole.

These men were sentenced to life in the hole (in solitary), for what officials have termed, “Black Pantherism.” (Seriously)

The 3 men made Black Panther Party history when they organized a branch of the organization (in the ‘70s) – while prisoners at Angola! That gives us some sense of the soul and strength of the men.

In a recent broadcast on public TV, called “Herman’s House”, a supporter living in the house gets a call from Herman – and she can barely hold back her tears as the courts had recently denied him relief.

Herman consoles his supporter, explaining in a rich, southern accent, “That’s the struggle, girl.” Explaining,

“That’s what happens in the struggle; people lose, and get up. and struggle some more.”

For 41 years, Herman Wallace endured government torture, but he never broke, he never renounced the revolutionary path. He remained a soldier for the People, and an opponent to the System.

Herman Wallace truly died free.

1 Oct - On Football by Herman Bell

We've enclosed the latest by Herman Bell and encourage folks to use this piece as a foundation for starting a correspondence.

MORE:

Some thoughts on football as it is formally taught and as it is played in a correctional setting from a coach's perspective. The basic principles highlighted in this discussion are applicable to any team sport.

Everything I have learned about football has taught me that it is about more than simply blocking and tackling on the playing field. Football is a team sport, and any team sport or collective endeavor clearly highlights the importance of communication. Even as babies, we know that no single somebody watched over us until we were able to do it for ourselves, because people have historically depended on each other in order to survive.

In football, good communication skills require that each teammate is reading from the same page. Whether a team is throwing or running the ball, the intended objective can only be achieved when players work in concert with each other. Good communication skills require a restrained presence of mind on the field, though the coach may visibly want to do something else to the player. Each player has a job to do; failure to perform expected action on anyone's part usually causes a sack or a big loss, and a series of sacks and big losses can demoralize a team and cause it to self-destruct. Guys new to the game who are not "getting it" usually throw up mental blocks and become intimidated. A calm and level-headed approach is required when teaching football, because that is what actually gets the job done.

What also helps in getting the job done is organizational structure, and it begins with the head coach. In college, he answers to his department head; in high school, he answers to the principal or the Board of Education; in jail, he answers to the players.

Head coaches are powerful guys when you consider what the average individual is after, especially a youngster. What are they after? First of all, football is a contact sport, rough and demanding, and in my view few, if any, true football players are ordinary people. They are more apt to chase their rainbows for that mythical pot of gold and to follow their dreams than an ordinary person, who is never moved in quite that way to find self-identity, challenges, and fulfillment. Second, there are individuals who join a football team to discover something about themselves and to prove something to others. They stand in the public square as it were to undergo a kind of rite of passage to gain the manly virtues of courage, self-discipline, and athletic prowess. Football involves more than blocking and tackling.

Coaches also stand before the public square, yet players know them to be ruthless and strict, demanding and belligerent, and that they will not hesitate to bench even a starting player if his performance is ineffective. Some coaches tolerate a certain amount of physical weakness and the occasional mental lapse, while other coaches lead and teach by example. They are more involved in the actual teaching of the game -- in explaining the logic behind what a ball player is expected to do and how he is to conduct himself when on the field. They are more like a father figure or elder brother. They tend to run with the team, get in the dirt with the players during drills and demonstrations of technique. They usually inspire their players. Getting the job done in football is the bottom line.

Getting the job done also require a good attitude in team sport. On the grid iron there is but one attitude: belief in one's self and in ones ability to get the job done, and take no hostages. Their motto is: "Winners never quit and

quitters never win."

In a sport that has its fair share of bone-bruises, jammed fingers and the occasional broken ones, broken legs, swollen knees, cuts and separated shoulders, the game of football has great disdain for pain and injuries on the field. Football is a game that is challenging to both mind and body. Stoic indifference to pain is a virtue held in high regard among football players. A player is expected to suck-up the pain until the end of the game; only the coach will take an injured player off the field. Any player who knuckles under to pain and lack of resolve is not well liked in football; he fails to live up to expectation. Excuses for ineffective performance is held in cold contempt. Nothing is more despicable in a football player than one who gives excuses for not getting it right. Football players hate excuses.

In this light, football is a Spartan sport, martial in nature. Football calls for a person of great courage and self-discipline. Football is an army in training. The martial nature of football further explains why ball players have low tolerance for explanations and excuses. Get the job done is what they say. And in getting the job done, for a back or receiver not to catch the ball or run well in a game is tantamount to a personal defeat.

In football, we learn to live with defeat; we wallow in it, sometimes for days and weeks, agonizing over what we could have done to win the game. But eventually it goes away and you become stronger, wiser, and hopefully more determined from the experience. This is how a team begins to coalesce and function as a unit. Linemen take it extra-personal when a fellow lineman is disconcerted and not doing well with his man or is straight-up getting his ass kicked. He then resolves to block or tackle with more determination; when individuals function with this kind of intensity, a human machine is created that can march up and down a football field.

Football in a correctional setting has its own ethos and values, and at times it can be entertaining. For example, other than the occasional game of "touch football" on the streets when growing up, some inmates may have never played football before in their life and yet swear-to-God that they were "All World" in athletic prowess "out there." To the average inmate, it seems important to have a history, to be from somewhere - even, in some instances, when they have to lie. How an inmate performs on the field tells whether or not he was a tiger on the field in his street life.

Some of these inmates learn the game well, while others do less well; but most of them, to their credit, keep at it. Team braggarts -- and every team seems never short in supply of this type, with their customary cocky, devil-may-care attitude -- are the unofficial cheerleaders and mouth piece for their team. Selling "wolf tickets" and taunts about the damage one team will do to the other is what they do best. While the boasting and bragging goes on in carnival-like atmosphere, the spectators, like everyone else, go about their business. They know which team is likely to win and bet accordingly, regardless of the point-spread or the loud talk.

Some inmate ball players hate conditioning. The ones who hate it the most are usually fat, greasy, out-of-shape, loud-mouth, lazy individuals with poor work ethics, who will shamelessly rely on every imaginable excuse to get around as much conditioning as they can. But once the smell of pigskin and the growing excitement of the game get to these guys, they usually get in pretty good shape.

Football practice and inmate programs create a problem of towering proportions for ball players. Some players are unable to attend practice because a certain number of their daily program hours has to be devoted to their program assignment, i.e., school, vocational shop, industry. This frequently causes ball players to miss practice and is usually the cause of inmate teams not playing as well as they might under more favorable circumstances. But on balance, despite the many obstacles in getting the job done, inmate football is lively. Some of them, at least the few good teams I have seen play in NY DOC, play well enough to compete and beat some of the better college teams. However, no one could be held accountable for the language used on the field.

With all the problems mentioned above, the game is still played. However, in my view, tackle football in NY DOC is on a decline. Not long ago, any jail in the DOC that sponsored tackle football could easily field four teams, sometimes even five. Now, a jail can barely field three teams. Coaches who stand on the practice field

looking over new recruits often speak of the noticeable decline in the number of individuals coming to camp for tryouts. It means there will be even fewer individuals to pass on this marvelous tradition.

Prison administrators cheer on this decline according to what some of the older ball players will tell you; their view is that the administrators see football injuries as costly to the state during these times of fiscal restraint.

Regardless how this issue is finally played out, experience shows that once this sport is phased out of the jails, prison officials will never permit its return; and that would be a sad commentary for a sport that has helped and continues to help build strong character in so many young men.

2 Oct - Action Alert: Tell the jail to lift the book ban NOW

Below, we've included an update on recently arrested animal rights activists Tyler Lang and Kevin Olliff. More importantly, we've included information on a call to have those of us on the outside apply pressure to have the book ban in the jail lifted.

MORE:

For over a month now, Woodford County Jail has blocked books sent by family and friends from reaching inmates. This means that not only Kevin and Tyler, but every other inmate, has had zero access to new reading material sent from the outside—we don't need to tell you that this is a serious violation of their First Amendment rights.

Grievances have been filed by Kevin, officials have been contacted by liaisons, and still there's been no movement from Superintendent Mike Waterforth or Sheriff James Pierceall to lift this arbitrary ban.

SO START CALLING. Please contact the jail and (politely!) ask when the inmates will be allowed to start receiving books again. Let them know that you're concerned about this infringement on free speech, and that you'll continue to call to check back about the book ban.

Jail: 309.467.2116

Sheriff Pierceall: 309.467.2375

In other news, Kevin and Tyler are eating well, which they're obviously happy about. (So we know Woodford County can be worked with, given the 180-degree turn-around with regard to their meals.) They're awaiting their October 9th pre-trial, and in the meantime are reading your letters and whatever decent books they can find, and watching too much TV. And as always, they're grateful for your support.

Finally, we have a fundraising goal of \$1,000 for the month of October. Let's do this for our friends.

October 13th - Action Alert: Call Michael Waterforth at home now

Big push to have book ban lifted.

Five weeks after being instituted, the book ban at Woodford County Jail is wearing on Tyler & Kevin, and the boredom is taking a psychological toll.

We are asking supporters to place massive pressure on the jail to reverse this pointless ban that is causing Kevin & Tyler unnecessary psychological torment and almost unbearable boredom.

We have tried for weeks to work with the jail, to no end. So we are trying a new approach.

Michael "Mike" Waterworth, the person responsible for the book ban, gets to go home at night and forget all about the prisoners he leaves to waste away in their cells without any productive way to pass their time. So we are making his home number available.

Call Michael Waterworth at his home (after 6pm Central Time)

Home phone: 309.367.2696

For all calls during business hours, call these jail numbers:

Jail: 309.467.2116

Sheriff Pierceall: 309.467.2375

Four ways to make your calls effective:

- Call multiple times. If you call once, please call back two or three more times.
- Call all three numbers.
- Remind them denying prisoners books is illegal.
- Remind them Kevin and Tyler's supporters are not going away until the book ban is lifted.

Call volume has a big impact: 100 of their supporters calling 3 times a day for the next 3 days is nearly 1,000 calls. It only takes a minute.

The latest on the book ban

For 5 weeks Kevin & Tyler attempted to remedy this unnecessary punitive measure from the inside, by working with Michael Waterworth, the person in charge with day to day operations. After weeks of telling them to "be patient" and that he's "working on it," Waterforth recently declared flatly that the book ban would not be reversed.

What's worse, after telling Kevin Olliff for weeks that his hands were tied and his superiors were responsible for the ban, this week he told Kevin the decision was his and the book ban would remain (i.e. that he had lied).

Waterworth doesn't even seem to believe that his book ban is illegal.

We have in the past referred to the Woodford County Jail as a lawless operation, and the more learn the more true this is. For example, a veteran guard at the jail admitted openly that all attorney-client privileged legal mail is read by the guards. This is a flagrant violation of the law.

Let's hold this lawless jail accountable.

October 13th - Update on Kevin & Tyler's court appearance

On Wednesday, October 9th, Kevin and Tyler had a pre-trial court appearance. There were no major developments, but here is a synopsis of what took place:

First, we are really excited to announce that Kevin & Tyler have new attorneys, who appeared in court and officially took over the defense from the public defender (who had been defending them so far). They are hard working attorneys from Chicago who are committed to fighting hard for Kevin and Tyler, and they are in good hands.

Kevin's attorney received some evidence being used against him from the police on his case, and another piece of evidence from the State's Attorney.

The next court date was set for November 6. They actually have a trial date set for November 18, although that date is expected to be pushed back.

Their attorneys had a visit with both of them after the court date. Both were said to be in good spirits. They said

the food situation has improved greatly. Tyler is playing a lot of chess and cards. They're still being refused access to books, and the boredom has been strenuous on both of them.

2 Oct - NATO 3: Final Hearings Set Before January 2014 Trial, Donations Urgently Needed

On October 1st, the NATO 3—Brent Betterly, Jared Chase, Brian Jacob Church—had a brief status hearing, one of the few remaining hearings before they go to trial in January of next year. We've also included information on another of the NATO 5, Mark “Migs” Neiweem.

MORE:

The defense filed their responses to the State's final memo about the “discovery” (i.e., evidence) in the case and the judge reviewed the final pre-trial conference schedule. The next court date was set for Tuesday, November 19th at 2pm. At this hearing, there will likely be oral arguments on motions that both sides will file to try to make sure certain evidence gets presented at trial and certain evidence does not. The final pre-trial conference date is still set for December 10th and the trial is still set to begin on January 6th, 2014.

The defense attorneys are working harder than ever to mount a strong defense for the NATO 3, so your donations help them now more than ever. We need about \$10,000 more to meet our fundraising goal, so please spread the word, host a fundraiser, get your friends to donate online, or whatever else you can to help us ensure the NATO 3 are best able to fight these politically motivated charges!

The defendants are also still in need of support funds, books, and letters, so please drop them a line or send them a book today! Donation and contact information are both listed below.

Donation Information

To make your tax-deductible donation, please send checks or money orders with “8th Day Center/NATO 5 Defense Fund” in the memo line to:

8th Day Center for Justice
205 West Monroe Street, Suite 500
Chicago, Illinois 60606

You can also make secure donations online at
<https://www.wepay.com/donations/nato-5-defense>. (These donations are not tax- deductible.)

October 7th - "CALL-IN SUCCEEDS: Mark “Migs” Neiweem to be Released in December"

After two months of call-in and letter-writing campaigns to his office, Illinois Department of Corrections (IDOC) Director Godinez has reduced Mark Neiweem’s punishment for possessing anarchist symbols and literature to ONE MONTH revoked good time. Mark will now be released on December 12, 2013.

As a reminder, Mark was moved to solitary confinement in July and later charged with two serious disciplinary violations:

- Gang or Unauthorized Organization Activity, for his possession of “unauthorized” Anarchist symbols and friendship with another Anarchist in the prison
- Dangerous Written Material, for his possession of “unauthorized” Anarchist literature

After a hearing with an internal adjustment committee, the disciplinary action taken against Mark for these offenses included 6 months in solitary confinement and 3 months good time revoked, pushing his release date into 2014. Although this was significantly better than initially expected, we continued to pressure IDOC to release Mark on time.

Now this vindictive punishment for Mark's political beliefs has once again been reduced, thanks in large part to public support and pressure to hold state officials accountable for his treatment while in their custody. He will serve only ONE additional month and be freed on December 12, 2013.

This victory would not have been possible without Mark's legal team, who did so much more than simply represent him; everyone who called or wrote to Director Godinez and Governor Quinn to demand accountability; and countless people worldwide who sent letters and photos to Mark to keep his spirit strong.

Mark's ordeal is not over, although it is a relief to have an end in sight. We have resumed preparations to welcome him back after his release and, more importantly, he is once again making concrete plans for his future after prison.

However, he is still in solitary confinement for another 10 weeks. He is still isolated even further behind a solid steel door with a feeding box, so he does not even have contact with the guards who feed him. He does not get enough to eat. His laundry recently went "missing" and he has struggled to have it replaced – meanwhile, the nights are getting very cold.

We cannot allow our support to diminish in wake of this victory – we must persist in our efforts to keep him strong and connected through this final phase of his incarceration. Please continue sending him letters and postcards. He has also requested photos, zines, essays, and news articles (preferably positive ones). All of the above should be printed on regular computer paper with no staples, stickers, or tape.

October 8th - An Open Letter from Mark "Migs" Neiweem of the NATO 5

NOTE: For the past 2 months, we have been promoting call-in campaigns in support of Mark Neiweem, aka Migs, who was put in solitary confinement for his anarchist affiliations. Yesterday we posted the good news that he will be released from prison in December, only one month past his original parole date.

Another young man at the prison was put into solitary confinement under the same "disciplinary violation" of being an anarchist. He is serving time for DUI-related offenses, not political charges, so we did not include him directly in our campaign, although he did receive legal support from the same attorney.

Now that Migs has resolved his own situation and has a release date in sight, he requested that we publish the following letter in support of his comrade. Although not a political prisoner per se, he is still being held wrongfully in solitary confinement for expressing his political beliefs and could use your letters and good wishes.

Greetings of solidarity, comrades. I sincerely hope this find all of you in the very best of health and highest of spirits.

I have had much difficulty getting this message to individuals because much of my outgoing mail seems to vanish between my cell and their mail boxes – seemingly always the letters which those doing the censoring don't like, including all attempts to express the message in this open letter. I am now reaching out publicly and hoping not to get retaliated against this time for making a public statement while in prison. We shall see.

As I sit here, sleep-deprived and skinny, scruffy and underfed, I am not alone. I am not alone in the beautiful sense that so many amazing folks stand with me – many from the beginning of the NATO 5 cases, many along the way, and many new folks because of my being thrown in solitary confinement. I am so very fortunate for this and love all of you.

When I say I am not alone, I also mean it in a very literal sense. When I was taken to seg, I was taken with another man – an anarchist named Patrick Owens #M36667 AKA "Yuri." Yuri was told lies about me, intimidated and coerced during his interrogation. He was given a clear opportunity to deny being an Anarchist or to cooperate in their efforts to manufacture charges against me. He chose to state that he is, in fact, a proud

Anarchist, won't be intimidated or shamed for it, and stands in solidarity with me and revolution and justice, no matter what they say.

Though we are physically divided he, too, is skinny, hungry, and tired. He is not recognized as a political prisoner like I am because his cases aren't of a political nature. However, he is being persecuted for free speech and his beliefs and, to be more specific, because he is an Anarchist who won't turn on his and my and all of our shared dreams of a free world.

He is an Anarchist, an activist, and he is in solitary confinement for this. He is here for me and I stand with him. I ask those who oppose being housed in solitary confinement for being an anarchist, or anyone else who opposes colonization, patriarchy, homophobia, sexism, racism, imperialism, genocide, mass incarceration, environmental destruction, capitalism, and all other destructive elements, institutions, and practices – as both Yuri and I do – to please stand with him, too, as we face these uncertain times together.

Thank you for all of your letters and encouragement. I may be skinny and cold and physically weak, but I am strong in mind and spirit. This I can without a doubt say is because I've been given the support, love, and solidarity I need to survive and overcome.

Thank you. I love all of you. Dot your I's, cross your T's, and Always circle your A's!

Until we are all free, we are all imprisoned.

2 Oct - Letters Urgently Needed! Join Us in Asking for Leniency in Jeremy's Sentencing!

Jeremy Hammond will be sentenced on November 15th. Part of what will impact the judge's decision is the amount of outside support Jeremy has. Please take time to write a letter on Jeremy's behalf. Sample letters are below.

MORE:

Jeremy Hammond, who is being held right here in NYC, has an upcoming sentencing date. In preparation for that, his support crew is urging folks to write letters requesting leniency from the judge. NYC ABC, in turn, are asking you to help Jeremy and his supporters. Historically, pre-sentencing letters have proven to persuade judges' opinions in that they show how much support someone has and how valuable they are to their communities. Jeremy deserves to be free NOW, so whatever you can do to encourage Judge Preska to do the right thing, please do it. And don't forget to pack the courtroom on Friday, November 15th, the day on which Jeremy will be sentenced.

We are currently collecting letters of support to ask Judge Loretta Preska for leniency in sentencing.

You can find the template below, or you can download it in either Microsoft Word or PDF formats. The deadline for submitting these letters is October 15, 2013.

Completed letters can be (1) faxed to 347.402.2014, (2) scanned and emailed to sarah@kunstlerlaw.net, or (3) mailed to:

The Law Office of Susan G. Kellman
25 Eighth Avenue
Brooklyn, New York 11217

Please do not send your letter directly to the Court – it will not be read.

If you have any questions, please call 718.783.8200 or email sarah@kunstlerlaw.net

Thank you for your continued support!

TEMPLATE FOR LETTERS OF SUPPORT FOR JEREMY HAMMOND

Jeremy Hammond's sentence is set for Friday, November 15 at 10am at the Federal District Court for the Southern District of New York (address below). We are collecting letters of support on his behalf. Please submit your letter by October 15, 2013 so that it can be included in our submission to the Court. Again, please do not send your letter directly to the Court – it will not be read. Below is a suggested template for support letters.

ADDRESS:

Honorable Loretta A. Preska
Chief Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

DATE:

GREETING: Dear Judge Preska:

BODY OF LETTER: Briefly discuss yourself – who you are, your position in work or your role in the community. If you are not personally acquainted with Jeremy, tell the Judge why you are interested in his case. State that you are aware that Jeremy has pled guilty to a violation of the Computer Fraud and Abuse Act. Tell the Judge why you believe he should be treated with compassion.

If you know Jeremy personally, and can offer some personal observations, you will want to mention this in your letter. It would be helpful to include:

How you know him and how long you have known him.

Jeremy's character and compassion for other people (if possible, include concrete examples of things that he has done for you or others).

If you would like to address the disparate treatment of Jeremy's co-defendants, or put his case in the context of the Computer Fraud and Abuse Act ("CFAA"), you may want to mention some of the following points:

Jeremy's co-defendants in Ireland will not be prosecuted and in the United Kingdom, those who are already convicted will not spend more than 16 months in prison.

The disproportionate sentences associated with the CFAA, or that the protection the CFAA affords to corporations is greater than those it affords to individuals, who may be subjected to surveillance by private corporations such as Stratfor. (For more information on the CFAA, please visit the website of the Electronic Frontier Foundation, <https://www.eff.org/issues/cfaa>)

Whether you know Jeremy or not, you may want to mention that he had no financial gain from his actions, which he undertook as politically-motivated acts of civil disobedience. Do not try to argue that Jeremy is not guilty or was unfairly convicted. You are asking the Judge for leniency.

Sign the letter and include your return address.

The letter can then be sent according to the instructions at the top of this page.

Remember, please do not send any letters directly to the court, as they will not be read.

4 Oct - Brandon Baxter statement on Cleveland 4 appeal

The Cleveland 4 have an upcoming appeal. We've included a statement from Brandon Baxter, as well as a

statement of support for Joshua "Skelly" Stafford, recently sentenced to 10 years.

MORE:

Today I have received notification from my appellate lawyer that there will be oral arguments held regarding 3 of the Cleveland 4's appeals, namely myself, Connor Stevens and Doug wright, on December 4th at 9am at the 6th circuit courthouse located at 100 East 5th Street Cincinnati, Ohio 45205. I will not be present according to my lawyer, as for Connor and Doug I cannot say. Our lawyers will be arguing that the terrorism enhancement is inapplicable in our case because our conduct did not add up to the federal definition of a crime of terrorism which specifies that the crime must have been committed with the intent to influence or retaliate against the government, while the "special" agent Ryan Taylor, of the FBI-JTTF testified that our own intent was aimed at "the 1% or Corporate America". With such testimony on record from both the FBI and their snitch, it is a startling Freudian slip that we were convicted as terrorists in the first place.

If you think you can make it to express your solidarity please get in touch with our support group through cleveland4solidarity.org.

If all goes well, our sentences should each be significantly reduced down to 5 years, which after federal good time conduct and time served is factored in should result in our release around Oct-Nov of 2016.

Keep in mind that court dates are highly susceptible to rescheduling, especially with the government "shut down" and all.

Thank you for all your continued support over the months. You cannot fathom how truly valuable and cherished your solidarity has been. If it were not for all of your letters constantly assuring me that no matter how hard the struggle gets that i am not alone, I don't think I would have had the will to carry on this far. Thank you for being my strength.

October 9th - Solidarity with Skelly

Josh was found guilty of all three counts. He is now serving 10 Years.

Statement from the Cleveland 4 Support Committee on the Sentencing of Joshua ('Skelly') Stafford

You don't offer a dangerous terrorist a plea deal for three years.

That was the deal the government offered Joshua Stafford, the deal that he left on the table when he chose a trial where he hoped to present evidence of his innocence against charges that carried a minimum of thirty years. It takes a great deal of courage to stand up against a prosecution that badly wishes you and your case would just go away quietly. Most people would be bullied by the threat of the long decades ahead, and go on to take the deal. Whatever his sentence today, Josh will have already served nearly a year and a half of it.

Whatever his sentence today, Josh will have had an insufficient chance to present his side of the case. Those who witnessed his trial are already aware that it played out as a farce, in which he was derailed from every attempt to explain the circumstances and the events that led up to his arrest on April 30, 2012. Those in the courtroom may not have been aware that they were witnessing the height of hypocrisy. A prosecution that would have been happy to settle for a three year sentence just the day before trial presented the scant evidence they had of his involvement while painting him as a person far too dangerous to let back out on the streets.

Thus, the jury convicted him without a chance to understand why a young man whose fast metabolism gave him his nickname 'Skelly' got in a car with his friends and their boss: an empty stomach and the offer of dinner at Applebee's. They only saw Josh stumbling as best he could through the legal system as his prosecution laid every well-crafted brick stacked against him neatly. They never heard that they were deciding the fate of a young man who has never had much in his life but has always been willing to share what he had; a young man who never hesitated to help a friend.

For the Cleveland 4 Support Committee and for all those who support political prisoners an important question remains: What are WE going to do? It is time to shine a very bright light on the methods used by FBI agents and prosecutors in an attempt to justify continued funding and personal advancement by entrapping the most vulnerable members of our society. We will continue to expose the use of paid informants with extensive criminal rap sheets as they are routinely misrepresented as accidental witnesses rather than amoral leaders highly motivated to create simulated crimes.

We will continue to support those incarcerated simply for others' political and personal gain.

4 Oct - Two Montreal men found guilty of Toronto G20 offenses

Both have been sentenced to six months in custody for Yonge St. incidents, Toronto police said.

MORE:

By Kim Magi (*Toronto Star*)

Two Montreal men were found guilty of multiple G20 offences in Quebec Supreme Court Friday.

Youri Couture, now 25, was charged three years ago after he was caught on video surveillance throwing a rock through the window of a Starbucks at College and Yonge Sts. on June 26.

“He was dressed in mostly black clothing and covered his head with a black bandana and his face with a black-and-red bandana, to disguise his identity,” Toronto Police Const. Wendy Drummond said in a release.

The damage at Starbucks was \$18,233.85, she added.

That same day, police said he threw a long wooden post over a crowd of protesters into a line of officers at Queen St. W and John St. His face was covered in the same black-and-red bandana, Drummond said.

Guillaume Constantineau, now 25, was seen smashing the window of a Winners store at 444 Yonge St., south of College St on June 26. The store was open at the time with numerous people inside.

Total damage to the store was \$21,000.

Police said he also used a wooden stake to hit an officer over the head and stab at his riot shield.

“During all of these incidents Guillaume Constantineau was wearing a black mask over the lower portion of his face,” Drummond said. “This was in an effort to disguise his identity.”

Both men were found guilty of assault upon a peace officer, endangering the safety of the public and masking his face with intent to commit an indictable offence. They were sentenced to six months in custody.

6 Oct - Crimethinc Podcast #11: Never Forgive, and Never Forget

Someone from NYC Anarchist Black Cross is interviewed about supporting antifascist prisoners, including Alex Stuck (Tinley Park Five).

MORE:

SUMMARY:

Recently murdered Greek anti-fascist rapper Killah P is just the latest casualty in a worldwide surge of fascist violence. In this episode, we analyze contemporary fascism and the resistance anarchists have mounted to it, including the history of Anti-Racist Action. Interviews with the One People's Project and New York City Anarchist Black Cross discuss the extreme right in the US today, tactics for fighting fascists, and the Tinley Park case. We also clear up a listener's question about “National Anarchism,” roll out more Contradictory terms, and share a ton of news and upcoming events.

SHOW NOTES & LINKS:

- Download MP3 (70 Min; 31MB) <http://traffic.libsyn.com/exworker/11_Never-Forgive-and-Never-Forget.mp3>, Download OGG (30MB) <http://traffic.libsyn.com/exworker/11_Never-Forgive-and-Never-Forget.ogg>
- Full Episode Transcript: <http://crimethinc.com/podcast/11/transcript11.html>
- One People's Project: <http://www.onepeoplesproject.com>
- New York City Anarchist Black Cross: <http://nycabc.wordpress.com>
- More information on the Tinley Park Five case: <http://tinleyparkfive.wordpress.com>
- Post-release fund for Alex Stuck of the Tinley Park Five: <https://www.wepay.com/donations/alex-stuck-prison-release-fund>
- The Anti-Racist Action Network <<http://antiracistaction.org>> includes chapters in Washington DC <<http://aradc.tumblr.com>>, Chicago <<http://southsideantifa.blogspot.com>>, Indiana <<http://indianaantifa.wordpress.com>>, Portland <<http://rosecityantifa.weebly.com>>, and elsewhere.
- There's also a benefit CD for sale to benefit legal funds for anti-fascists now available: <http://southsideantifa.blogspot.com/2013/08/ara-benefit-compilation-cd-now-available.html>
- On the "National Anarchists": the Political Research Associates article "Rebranding Fascism" <http://www.publiceye.org/magazine/v23n4/rebranding_fascism.html> provides an excellent analysis. And while we don't endorse the Southern Poverty Law Center, nor would they endorse us, their article "California Racists Claim They're Anarchists" <<http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2009/summer/national-anarchism>> offers some useful information. The original CrimethInc text cited in the listener's question was "Fighting On the New Terrain," <<http://crimethinc.com/texts/recentfeatures/terrain.php>> in the section "Decentralizing Hierarchy: Participation as Subjugation".
- Lyrics to "I Won't Cry, I Won't Fear" by Killah P, translated into English: <http://roarmag.org/2013/09/pavlos-fyssas-killah-p-lyrics>
- Occupied London on the Greek state's response to the Golden Dawn: <http://blog.occupiedlondon.org/2013/09/30/occupied-london-statement-on-the-dismantling-of-the-golden-dawn-by-the-greek-state-there-aint-no-such-a-thing-as-bourgeois-justice>
- An audio piece about Killah P's life and music, including an interview with one of his close friends. It explains the Greek state and mass media's willful ignorance of the Golden Dawn's fascist violence until it claimed the life of a native Greek person: <https://soundcloud.com/theworld/greek-rapper-pavlos-fyssas>
- An online memorial to murdered anti-fascists: <http://redandblackresistance.weebly.com/never-forgotten.html>
- For more insight into defining fascism, consult What Do We Mean By Fascism? <<http://threewayfight.blogspot.com/p/fascism-means-different-things-to.html>>, from the Three Way Fight anti-fascist blog. We also recommend Gilles Dauve's article "Fascism / Anti-Fascism" <<http://www.libcom.org/library/fascism-anti-fascism-gilles-dauve-jean-barrot>>.
- Beating Fascism is an excellent collection of history and interviews and about anti-fascism from an anarchist perspective: http://zinelibrary.info/files/beating_fascism_anarchist_anti-fascism_in_theory_and_practice.pdf
- An analysis of a struggle against the neo-fascist student organization Youth For Western Civilization appears in Rolling Thunder #9 <http://crimethinc.com/rt/toc/rt9_toc.pdf> along with a critique of the liberal "free speech" defenses of fascist organizing. The texts are available in zine form from the NC Piece Corps under the title "The Divorce of Thought From Deed" <<http://zinelibrary.info/files/freespeechzine.pdf>>.
- Stop the Anarchist Witch-Hunt, a new website to provide resources for anarchists facing federal repression in the United States: <http://anarchistwitchhunt.org>

7 Oct - New Campaign: Welcome Home Alex Stuck (Tinley Park Five)

Alex Stuck of the Tinley Park 5 is due to be released from prison at the end of this month or by early November. So , Bloomington ABC , NYC ABC , and Sacramento Prisoner Support have launched a campaign to start a release fund for Alex.

MORE:

From j.mp/alexstuck:

“Alex...was sentenced to 3.5 years in prison for attacking and stopping an organizing luncheon of white supremacists. The meeting of white nationalists and neo-Nazis took place in Tinley Park, Illinois in May 2012.

With good time, Alex will be getting out in late October or early November. Alex has enjoyed many letters, correspondences and book & commissary donations from his supporters during his time in captivity (y'all have helped to make his time much more tolerable!), but prisoner support doesn't end when our comrades are released; transitioning out of prison can be a difficult time for former prisoners.

Having felonies on one's record creates barriers to housing and employment. Many things about their lives and communities may have changed during their time inside, so extra effort is required to provide support and build solidarity to avoid isolation and undue financial hardship. Please help us create a gracious homecoming and a smooth re-entry for Alex.”

Please remember that prisoner support doesn't end when a comrade is released. Through halfway houses, supervised release, parole, or probation, there is usually state supervision beyond the initial sentence. Also, prison is traumatic. And of course there is the stigma of being a former prisoner that effects nearly every aspect of one's life. All of this adds up to the less obvious, but equally necessary, support needed when our loved ones come home. Donate to your ability and show an anti-fascist comrade how we welcome folks home.

If for whatever reason you'd rather donate to Alex offline, please make the check payable to Alex Stuck and mail it to:

Sacramento Prisoner Support
Post Office Box 163126
Sacramento, California 95816

If you'd like to write to Alex to let him know you're thinking of him and that you're glad he's getting out soon, he'd love to hear from you. His current address is:

Alex Stuck M34020
Dixon Correctional Center
2600 North Brinton Avenue
Dixon, Illinois 61021

More information is available at tinleyparkfive.wordpress.com and j.mp/alexstuck

8 Oct - Police in North Carolina Engaged in Spying to Root Out 'Anarchists' at 'Moral Monday' Protests

Individuals who engaged in civil disobedience during “Moral Monday” protests are on trial in North Carolina. During the first trial of one of the arrested protesters, it came out in testimony that police for the state's legislature conducted undercover surveillance and collected intelligence on “anarchists.”

MORE:

By Kevin Gosztola (*The Dissenter*)

“Moral Monday” protests were organized throughout the summer by the North Carolina chapter of the National Association for the Advancement of Colored People (NAACP). They were held to challenge a Republican state legislature that had rejected federal funds for Medicaid that would have helped a half million poor people, promoted policies to defund public education, cut tax credits for hundreds of thousands of poor and working people while giving tax breaks to the wealthiest people in the state, rolled back environmental protections, increased limits on a woman’s right to choose an abortion and for introducing a voter suppression law on April 4th, the same day that Dr. Martin Luther King Jr. was assassinated.

General Assembly Police Chief Jeff Weaver told a district court, according to The Charlotte Observer, that there were people in the region they considered to be “anarchists” and had “collected intelligence on them.” He did not identify who these “anarchists” were or how many individuals his department had labeled “anarchists” because officers considered them to be “against government.” He did admit that, of the more than 930 individuals arrested during the summer, his officers had “scanned the many ‘Moral Monday’ rallies with eyes trained for ‘anarchists.’”

It also came out that an officer in the department had attended meetings ahead of “Moral Monday” protests at Davie Street Presbyterian Church on May 6 and 13. Weaver claimed the officer was there to “determine how many people were expecting to be arrested to allow the department to gauge the sufficiency of the logistical support, such as transport vehicles, available at the Legislative Building.”

Weaver added, “When it was determined that accurate information could be obtained without attending the meetings, the officer’s presence was discontinued.”

At both of these meetings, the officer could have collected intelligence by singling out anyone in attendance that might have seemed like an “anarchist.” Speech and appearance could have been documented to create a watch list of individuals to monitor at the demonstrations.

This intelligence collection on supposed anarchists should be alarming to anyone who values the right to assembly and free speech. Law enforcement should not be making lists of individuals that should be watched simply because they might be anarchists.

First off, chances are those in the North Carolina General Assembly Police Department have little understanding of what it means to be an anarchist. Their views are likely similar to those in the FBI.

This 2011 presentation shows the FBI thinks current characteristics of the “Anarchist Extremism” movement are “not dedicated to a particular cause,” “criminals seeking an ideology to justify their activities,” “generally unorganized and reactive,” and “made up of younger, educated, middle to upper class individuals.” They are “paranoid/security conscious,” “distrustful/resentful of authority figures,” and “non-cooperative.” They’ll engage in ‘passive’ civil disobedience and active or ‘offensive’ attacks.”

Also, “anarchist extremists” will choose their tactics “based on willingness to face arrest.” They’ll stage actions for “maximum media attention” and use tactics to “cause maximum amount of disruption to the target.” They will use tactics to “create image of ‘aggressive’ law enforcement.”—Which could be used to describe everyone involved in organizing “Moral Mondays” protests inside of the state legislature but no one would say with a straight-face, unless they were a conservative blowhard on the radio, that NAACP leaders were “anarchists.”

What is stopping the General Assembly police from providing intelligence they have gathered on individuals they perceive to be anarchists to the FBI?

A Freedom of Information Act (FOIA) filed by the American Civil Liberties Union revealed documents that showed the Joint Terrorism Task Force of the FBI was conducting political surveillance of groups like Food Not

Bombs, which gives out vegetarian food to hungry people and regularly participates in protests. They also indicated the FBI will interview individuals for the simple purpose of intimidating groups ahead of political conventions or meetings.

For example, after interviewing two student activists, the FBI noted that, “although they did not obtain information about criminal activity from either student, it was unnecessary to contact others in the area as the ‘purpose of the interviews was served.’”

Finally, being raided by the JTTF paramilitary forces and subpoenaed by a grand jury is the extreme of what can happen to alleged anarchists in this country. They are often aggressively pursued as the first suspects when any crimes occur in the vicinity of demonstrations and the pursuit happens regardless of whether there is probable cause.

It is near impossible to distinguish from First Amendment-protected activity and non-violent civil disobedience actions who may or may not engage in violence, criminal activity or domestic terrorism.

When police single out individuals they think are anarchists for placement on some watch list, they are not simply targeting anarchists, who have a right to free speech and assembly like all citizens, but they are also violating the rights of citizens who may have no such political beliefs at all.

As Reverend William Barber, head of the state’s NAACP said, his group would have had no problem with police introducing themselves formally at meetings for the purpose of getting a head count of who would engage in civil disobedience. Police obviously wanted to do something more than facilitate protest.

Additionally, Weaver, the police chief, may say he is not going to discuss intelligence gathering or “operational issues,” but this kind of domestic spying activity by law enforcement is precisely the kind of conduct that should be forced out into the open by the press and the public.

8 Oct - Anonymous no more: Twitter engineer, UConn security analyst among 13 indicted for 'Operation Payback'

Not all the people named in the FBI indictment fit the hacker stereotype.

MORE:

By Greg Sandoval (*The Verge*)

Some of the men indicted last week for allegedly taking part in the scores of denial-of-service attacks launched by hacktivist group Anonymous during 2010 don't fit the stereotype of a pajamas-wearing teen hacker causing havoc from mom's basement.

For example, The Verge has learned that defendant Phillip Simpson is a 28-year-old IT professional who works for a test-preparation service. Anthony Tadros, 22, is a student at the University of Connecticut, who ironically worked as a security analyst for the school, according to his LinkedIn profile. Geoffrey Commander is 65-years old. And then there's Ryan Gubele, a 27-year-old who is a former contract employee for Amazon. In June, Gubele began working as a site reliability engineer for Twitter — and is currently still employed there.

Last week, the US Department of Justice alleged in a 28-page indictment that Gubele and the other 12 defendants helped Anonymous, the hacktivist collective, cause the collapse or disruption of web sites operated by Bank of America, MasterCard and multiple global antipiracy groups. Some of the companies were attacked for refusing to process donations made to WikiLeaks, the group that published leaked US diplomatic cables. Others came under fire for supporting antipiracy efforts. Anonymous dubbed the DDoS campaign Operation Payback.

In the indictment, federal prosecutors allege that it was Gubele who aided Anonymous by tracking the effectiveness of the group's attacks on the Motion Picture Association of America, the trade group for the

Hollywood studios. They also accuse him of illegally accessing computer systems of at least one of the targets during Operation Payback, which occurred between September 2010 and January 2011. The indictment doesn't say whether Gubele played any role in the attack on Amazon in December 2010. According to Gubele's LinkedIn profile, he began working for the retailer in August 2010 and left the same month that Operation Payback concluded.

Gubele and Simpson did not respond to interview requests. Twitter and Amazon declined to comment. Tadros, the security analyst, said in a text: "It's in my best interest not to answer any questions about my situation while the case is ongoing."

US law enforcement has begun cracking down on computer crime and appears to be making an extra effort to track Anonymous members, who consider themselves activists for social change and come from all over the globe. During the past decade, the group has hacked or launched denial of service attacks against the Church of Scientology, numerous governments, Sony, the New York Stock Exchange and sites hosting child porn. While numerous arrests have been made, the percentage of Anonymous members tried for computer offenses is believed to be a tiny fraction of the group's potential members. Nonetheless, the US government likely wants to send a message.

8 Oct - A message from Lynne Stewart on her 74th birthday

On her 74th birthday, Lynne Stewart offers another inspiring statement. Let's get her free!

MORE:

It is certainly sobering to be celebrating the start of my 74 year mired down in this prison. It is even more so when there is my life line that must be considered. Nonetheless, I remain my ebullient self and face my fight and my future with optimism. Part of the reason for this is the wonderful mail I receive daily from people all over the U.S. and the world. From Tasmania to Tel Aviv (!?) people write and tell me of the role I play and have played in their lives. It is overwhelming sometimes.

Today, I have asked you all to rally once again on my behalf. (Little did we know they would close down the federal government last week. A conspiracy to keep me here? smile) By coming out and making another statement on my behalf, I think you are taking a stand for everyone behind bars. They can lock us down but they cannot lock us away from the people, who are now coming to have a different sense of the futility and cruelty of the prison system, and who will take action if called upon. I am happy to be the poster girl, oops, woman for this. I know it will never be a some time thing for me and that when I am in the world again (and I WILL BE IN THE WORLD AGAIN !) this struggle is one that I must continue. I hope we all give a heartfelt wish for health and release for Herman Wallace, a valiant warrior, our brother comrade, who is dying in Angola, after 40 years of solitary. [Herman Wallace died a free man shortly after his release.]

Hoping that it is a glorious day wherever you are hearing this—my mom always remarked that the Sunday I was born was perfect weather . I guess I am waxing nostalgic but blow out the candles and have a bite of the birthday cake and know that I am indebted to all of you and to our movement for the fabulous and courageous support you have shown me over these years. We go on to victory for one elder woman(me) but also to express our outrage at this heartless system.

8 Oct - He's Over 80, but a Convict Gets No Parole

This article from the New York Times in among the most recent pieces to draw attention to a population of aging prisoners.

MORE:

by Jim Dwyer (*New York Times*)

It began with a parking ticket dispute on a street in Manhattan more than 35 years ago, then lots of stupidity, shots fired, everyone lived.

In a medical ward in May 2013, the parole board was trying to figure out if it was safe to put Mohaman G. Koti, the driver involved, back on the street.

“Where does your sister live, sir?” a parole commissioner asked.

“Ma’am?” Mr. Koti replied, not making out the question.

Lots of that. Mr. Koti said he would not be a danger to society.

“O.K., why not?” the commissioner asked.

“What?” Mr. Koti answered.

Mr. Koti will officially be 85 years old on Friday, but his mother told him he was born in 1926, not 1928 as the records show. So perhaps he will be 87. The case is now so old that the parole board cannot find a copy of the transcript from his sentencing.

Mr. Koti may be on in years, but he does not make the list of the 10 oldest prisoners in New York State, where, over the last decade, the number of inmates has dropped by close to 15,000. One section of the prison system has run against that trend. There are 859 more prisoners over the age of 60, a current total of 2,133, according to Linda M. Foglia, a public information officer for the prison system. About half are doing life without parole.

Mr. Koti got into an argument with a police officer in Midtown about an inspection sticker on his car. This was hideous judgment: he had a record dating back to the 1940s and was on federal parole for a bank robbery in South Carolina. Mr. Koti said the officer drew his gun, then he pulled a gun and shot the officer. Nine other police officers joined in a chase, with shots fired. Mr. Koti fled into a woman’s apartment, and when he was arrested, the charges included attempted murder and kidnapping. Later, he was caught in the water, trying to escape from Rikers Island.

“I don’t think I should have had a gun in the first place,” Mr. Koti said. “I should not have shot the police officer. If he had done his job as a police officer and given me a ticket, let me go, give me a warning, that would have never happened.”

Still, he repeated, he should not have had a gun.

Offered a sentence of 7 1/2 to 15 years, he turned it down because he thought he could beat the charges at trial. The wounded officer had recovered, and his lawyer had found a witness who would give an account of the confrontation sympathetic to Mr. Koti. It did not work. He arrived in state prison in 1978 to serve a sentence of 25 years to life. There, he became known as a peacemaker and gave talks to schools.

“You have done a lot of good things in prison,” a commissioner said at the parole hearing.

Mr. Koti said, “When I came to prison, instead of being with the gangsters and dopes and drug addicts, I went to school.”

For prisoners over age 60, the rate of recidivism is about 1 percent, compared with the general prison population, which a 2011 study put at about 40 percent in New York. Why do the older paroled inmates do better?

“They age out of crime,” said Mujahid Farid, a former prisoner and current Soros fellow who is working on a campaign to increase the rate of release of aging prisoners in New York. “They have spent a lot of time reflecting on their life,” he said. “Sometime, there is a lot of growth in prison, despite the oppressive conditions. Almost like a flower growing through cement.”

Even so, Mr. Koti, who was rated by parole investigators at a low risk to commit another crime, was turned down for release by a 2-to-1 vote.

Why? The board said he had a history of violence, was at risk to commit another crime, and letting him go would create disrespect for the law. Mr. Farid had another view: “They’re saying no because of this whole zeitgeist of the punishment. Once a person had been punished, punish them again.”

Mr. Koti, who has been turned down for parole six times, can apply again in two years. Will he last that long?

He has been in and out of hospitals dozens of times in the last few years, suffering from a neuromuscular disorder, asthma, intestinal problems. A sister has offered to take him in.

The parole decision “deprives an old man of an opportunity not to die in prison,” said Susan V. Tipograph, a lawyer for Mr. Koti.

At the hearing in May, the commissioners kept repeating questions.

“I am a little hard of hearing, that is why,” Mr. Koti said.

9 Oct - How the FBI Manipulates Grand Juries to Intimidate Political Dissidents and Radicals

We've included a comprehensively researched article on recent grand juries that target radicals, in the Pacific Northwest and here in NYC.

MORE:

By Anna Simonton (*Alternet*)

From the narrow windows of New York's Metropolitan Correctional Center, 24-year-old anarchist Jerry Koch can see the last place he stood as a free person.

The federal courthouse at 500 Pearl Street is a familiar setting where Koch spent much of his time over the past several years providing legal support to New York activists. During Occupy Wall Street, Koch gained a reputation as the go-to person for help contacting lawyers, raising bail, and organizing supporters to be there when someone had a hearing or was released. This, his supporters say, is why he now has a view of the courthouse from his cell in the federal prison across the street.

Koch's partner, Amanda Clarke, will tell you that all prisoners are political prisoners. Koch, however, fits a more traditional definition of the term. He has not been charged with or convicted of any crime. Legally, his incarceration is not considered punishment, but rather “coercion.” He is being held in contempt of court for refusing to testify before a grand jury in what many believe is an effort by the FBI to intimidate other anarchists, and anyone else engaged in political dissent.

Grand juries have been a tool in the FBI's arsenal of intimidation and information-gathering tactics for decades. They were a hallmark of the Red Scare, COINTELPRO, and more recently the Green Scare, in which animal rights activists and environmentalists have been branded “eco-terrorists” by law enforcement.

Over the past year grand juries have seen a resurgence as the FBI has cracked down on radical communities. Koch's case was preceded by a high-profile grand jury in the Pacific Northwest, where four people from Washington and Oregon were imprisoned for refusing to testify.

Will Potter, author of *Green Is the New Red*, a historical survey of the Green Scare, says there are parallels between these recent grand juries and past FBI interference in social movements. But these cases also mark what he views as a change in tactics on the part of law enforcement.

“When we're seeing things like the grand juries in the Northwest, or Jerry's case in New York, we have to remember that the FBI is giving training presentations [3] to new agents identifying anarchists as 'criminals in search of an ideology,’” Potter warns. “What we're seeing is a criminalization of an entire belief system.”

Potter says that historically grand juries have indicted prominent figures such as Craig Rosebraugh, spokesperson for the Earth Liberation Front. However, in recent years federal law enforcement agencies have targeted people who may not have direct affiliations to organizations under scrutiny, but are believed to be of the same political persuasion.

“It sends a message that everyone [with radical politics] is vulnerable, everyone's at risk.”

Though Koch was known for his politically driven work, the circumstances of his case exemplify the type of intimidation tactic Potter describes.

The grand jury that subpoenaed Koch was convened to investigate an incident that took place in 2008, when a cyclist deposited an explosive device outside an army recruitment station in Times Square. The blast shattered a window but injured no one. Koch was first subpoenaed to testify before a grand jury about the incident in 2009. When his lawyers pressed the prosecutor for a reason, they were told he was believed to have been at a bar where a conversation between other people took place and information about the incident was discussed. No further details were given.

The message to other dissidents? If you are thought to be anywhere even near the wrong kind of conversation, you could be suspect.

Some of Koch's supporters don't believe the feds even think Koch has information relevant to what has become known as the Times Square Bombing. Clarke calls it a “fishing expedition,” an attempt by the authorities to glean information about anarchist social networks.

Potter agrees that this has become one of the primary functions of grand juries. “They are really being used to try to build connections of how social movements are operating and to identify people solely based on their politics.”

Understanding that his testimony could help the FBI infiltrate activist communities in New York, Koch refused to testify. In an unusual turn of events, he was not held in contempt of court as grand jury resisters typically are.

But last April, during a trip to Florida to visit his mother, Koch received word from his lawyer that he had been subpoenaed a second time. The grand jury was investigating the same incident and wanted him to testify under the same nebulous allegation of having been at an unnamed bar on an undisclosed date where someone said something about the explosion outside the Army recruitment station.

In May, Koch appeared before the grand jury and again refused to testify. This time a contempt hearing followed. Two hundred supporters packed the courtroom and adjacent hall to hear the judge's ruling. Koch was found to be in contempt of court and would be incarcerated until he cooperated or the grand jury concluded: up to 18 months.

Grand Juries: Your Constitutional Rights on Opposite Day

Grand juries were originally codified in the Bill of Rights as a protection against arbitrary indictments. Instead of prosecutors having the sole power to bring charges against someone, for certain crimes they have to first present evidence to a grand jury, which decides whether it is substantial enough to follow through with an indictment.

Jen Kaplan, a lawyer who represented one of the Northwest grand jury resisters, says that rather than operating as a check on the judicial system, grand juries have become, “grease chutes where the prosecution presents

evidence and the grand jury more likely than not will go forward with an indictment.”

Witnesses called to testify before a grand jury are similarly subject to overreach and abuse, as prosecutors use the system to circumvent the right against unreasonable searches and seizures, and the right to remain silent.

“The government cannot, without demonstrating probable cause to a court, come to your house and demand that you turn over various documents,” Kaplan says. “But in the case of a grand jury, the government has to prove nothing in order to force you to present them with various things which could include notes, diaries, your cell phone, your address book.”

In just about every other context you have the right to remain silent. But a grand jury witness is automatically granted immunity, nullifying her ability to invoke another protection afforded by the Fifth Amendment: the right against self-incrimination. When you have immunity and still refuse to talk, you can get slapped with contempt of court.

A further check on the system prohibits the government from punishing witnesses for civil contempt. But it is allowed to take “coercive” measures in order to convince them to talk. This almost always means incarceration. Witnesses who refuse to testify can face imprisonment for as long as the grand jury is in session—up to 18 months. If it's a special grand jury it can be extended for another 18 months, and after all of that, the prosecutor still has five years to decide whether or not to charge a resister with criminal contempt, for which regular old punitive measures are permitted. There is no maximum sentence for criminal contempt; a person found guilty of this charge could theoretically face life in prison.

Grand juries are exempt from the right to self-discovery. This means that the subpoenaed party is not entitled to information pertaining to the reason for their subpoena. That's why Koch will never know anything more about the supposed evidence against him, beyond the threadbare allegations his lawyers were able to pry out of the prosecutor.

“That makes things very difficult when you are trying to build an argument like a motion to quash a subpoena,” Kaplan notes.

A lawyer could argue that her client does not have to appear before a jury for a number of reasons. It could be that the material the government is looking for is covered by the First Amendment, the subpoena is being used for an improper purpose, or that the subpoena is the result of illegal surveillance. But since the government doesn't have to provide any of this information, it's impossible for lawyers to assert these defenses.

The final seal of secrecy on the grand jury process is that only the prosecutor, witness and jury are allowed in the hearing room. No lawyers are present and no public transcript is produced. The prosecutor can ask anything he wants, whether or not it pertains directly to the investigation at hand.

All of these factors make grand juries a prime tool for law enforcement agencies to social-map activist networks and intimidate their members. In the case of the Pacific Northwest resisters, the grand jury was clearly a pretext for doing just that.

Unwanted Visitors

Early on a July morning in 2012, Katherine “Kteeo” Olejnik finished her night shift at a popular diner in downtown Olympia where she worked as a waitress and bartender. She had a couple of drinks with co-workers, then headed home to fall into bed at 6am. One hour later she was awakened by her housemate, Matt Duran, who said there were FBI agents at the door, and they were asking for her.

“I was completely shocked. I had no idea what information the government would have wanted from me, or claimed that they wanted from me,” Olejnik recounts. “I was kind of in a daze. I was scared.”

After receiving her subpoena, Olejnik called Jen Kaplan. Over the next few days, the lawyer learned the grand jury that summoned her client had convened to investigate property damage that occurred during May Day protests in Seattle earlier that year.

“We became very forthright with the government that I was not at May Day, that I had no information,” Olejnik says. She and her employers submitted a declaration under penalty of perjury stating that she was at work on May Day. The prosecution did not budge.

Two weeks after Olejnik was subpoenaed, Duran was walking to work when a black SUV pulled up beside him and two agents popped out, subpoena in hand. He first thought was, “Well, I’m going to prison.” He continued on to work, where he made calls to the National Lawyers Guild.

There is no doubt Olejnik and Duran are politically active in their community, but the work they’ve been involved with has given them no reason to fear being singled out by law enforcement. Duran describes himself as a Chicano anarchist and has put his politics into practice by offering free computer training workshops and organizing a feminist men’s group where participants deconstruct masculinity. Olejnik has volunteered with different organizations in Olympia including Parents Organizing for Welfare and Economic Rights, where she provided free childcare. She has plans to go to law school.

The two fit Will Potter’s theory that law enforcement agencies are shifting away from going after individuals in leadership positions. The events that followed would confirm that the FBI was indeed casting a wide net.

The same month Olejnik and Duran received their subpoenas, the FBI and Joint Terrorism Task Force busted down the door of a home in Portland in the early morning hours. They had a search warrant seeking phones, computers, anarchist literature, and black clothes. They also had a grand jury subpoena for one of the residents.

A few months later a fourth Olympia activist would receive a subpoena, and other accounts of FBI harassment in the region would circulate.

None of the people had any obvious reason to be targeted. It seemed that anyone who had taken part in protests, been involved leftist organizations, or were part of anarchist social circles could have reason to worry.

Gone Fishing

Olejnik appeared before the grand jury in September 2012, and says the prosecutor asked her four questions about May Day: Was she there? Did she know anything about what happened? Was she in Seattle the week before or after? Had anyone discussed the May Day events with her? She answered no to all of these.

For the next 45 minutes, the prosecutor showed her pictures of people and asked for their names, who they were friends with, and their political affiliations. Each time, Olejnik responded, “I refuse to answer that question.”

“It got to the point where the grand jurors were laughing hysterically because the prosecutor just kept asking me basically the same question but with a different name, and I was like, ‘I’m not gonna answer that.’”

When the prosecutor finally relinquished, Olejnik had 20 minutes before her contempt hearing. She had a lot of supporters at home, but had asked that only a few friends be present with her that day. She hung out with them in the courthouse, knowing that she would soon be going to prison.

She was under no illusion regarding the seriousness of her decision. Rather, she says, it was the hell she believed prison to be that motivated her refusal to cooperate. “I knew that I wouldn’t be able to live with myself if I did anything that put anyone into that position.”

Matt Duran's experience as a resister was similar, though in his case the prosecutor gave up after about 10 minutes. "It wasn't a light decision to make, but it was something I knew I had to do," Duran says. "No one wants to go to prison. But I wasn't going to roll over for the government and be a tool for them to prosecute somebody. That's just not something that's in me."

The Cost of Resistance

Duran says that on his first day at the Federal Detention Center in SeaTac, Washington, when the guys in his unit found out why he was there, they took up a collection and presented him with a bag of food and toiletries along with the explanation, "We take care of each other."

Olejnik, in the women's unit at SeaTac, quickly became a part of the unit community. "What happens is people realize that all we have is each other and we're sharing this horrible experience, so let's work together to make this a little bit better."

She taught other women math and reading and led an exercise crew. A lot of the women in her unit were mothers, and with only 300 telephone minutes per month at astronomical rates, many struggled to facilitate custody arrangements and remain a part of their kids' lives.

After three months Duran and Olejnik were torn away from the support networks their units provided, when they were both placed in solitary confinement.

After questioning the Bureau of Prisons, their lawyers learned that the two were in solitary as a "protective measure." A protest had taken place outside of the prison in support of Duran and Olejnik and in response the prison went on lockdown for six hours. Supposedly prison administrators worried that other inmates would blame the resisters for the lockdown and would retaliate against them.

That, says Olejnik, is unlikely. "Everyone in my unit was super down with the protests happening. They were super excited that someone in their community was getting that type of support from the outside."

Once in solitary, they were completely cut off from human contact. Duran's cell had a shower, which he would leave running to heat the 40-degree cell. Olejnik says her health failed miserably while in solitary. She lost consciousness twice and stopped menstruating altogether.

"When you're in solitary confinement there's a panic button in your cell," she explains. "But even if you can hit it, it takes about 15 minutes for someone to come open the door. So people can die, and do die there. They don't run fire drills for anyone who's in solitary confinement. You get to this place, mentally, where it's like, if there is an emergency, if there is an earthquake or a fire, you are going to die in your cell. Basically being resigned to your death, it's horrible. It's torture."

On top of the physical isolation, other forms of communication were extremely limited. Their 300 phone minutes were reduced to one 15-minute call per month, and even that was considered a privilege that could be revoked. They were allowed to write with pens made out of a special rubbery material, but the prison often ran out of them.

Despite limited communication with their lawyers, they formed a plan. Kaplan and Duran's lawyer decided to make a case to the judge that as a coercive measure, incarceration was not working. If their clients continued to be incarcerated, it was punitive, which is unconstitutional in a case of civil contempt.

Duran and Olejnik wrote lengthy declarations describing their political beliefs and their determination not to cooperate. Their parents, friends, and employers wrote declarations as well, stating that not only was prison failing to induce them to cooperate, it was strengthening their resolution not to.

On February 28, a district court judge issued a ruling acknowledging that, “Their physical health has deteriorated sharply and their mental health has also suffered from the effects of solitary confinement,” and, “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.”

He ordered their release no later than the following day. On February 28 of this year, after more than two months in isolation, Olejnik and Duran went home. A short time later, Jerry Koch would find himself facing the same nightmare they had just escaped.

Staying Silent, Staying Strong

Not as much is known about Koch's experience over the nearly four months he's been in prison. It took two months for Amanda Clarke to get visitation rights so she's only seen him a few times. She recently received a phone call very early in the morning. It was Koch, letting her know he was okay. The prison had been on lockdown for several days so calls in and out were not allowed.

Clarke, 23, is working full-time as a paralegal and struggling to keep enough money in Koch's commissary account and pay rent for the apartment they moved into two weeks before he was taken away.

The Jerry Resists website recently posted a statement [4] Koch wrote from inside:

“The federal grand jury that put me here is only the most recent facet of an assault on those who wish to be free of state surveillance and intimidation. This legal onslaught has already targeted and claimed the freedom of many anarchists, but we will keep fighting. I will keep fighting. My politics, principles and ethics stand in direct opposition with this legal tool that is used to further enable the government in its assault on anarchists, and I will not lend it any legitimacy, nor will I comply in any way.”

As the days slowly pass for Koch, ticking their way toward the 18-month mark, the FBI continues its reign of intimidation in New York City, knocking on doors [5], questioning and threatening. While its strategies have very real, devastating effects on people's lives, it isn't working entirely. It isn't working to destabilize the radical communities; it isn't working to dissuade activists from doing their work or turn them against one another in fear and suspicion.

Olejnik and Duran say their ordeal made their community show its strength. As soon as they were subpoenaed, people within activist circles, as well as from other networks in Olympia, rallied and have sustained an incredible level of support. Fundraisers covered their legal expenses and ensured they had money while they were in prison. Hundreds of letters of support helped them withstand the duress of prison life. They had friends ready to help when they were released. Olejnik's employers ensured that her job would be there for her whenever she was ready to go back to work. Local therapists even offered free services.

Duran says this gives him hope that when the FBI shows up again, instead of withdrawing in fear, “It's now possible that people will think, ‘Well [the grand jury resisters] got that much support, so if something happens to me, I will get that support too.’”

Like Duran and Olejnik, Clarke emphasizes that one of the most important things people can do is write [6] letters [7] to people [8] in prison [9].

“I have come to believe that prison walls are not there solely to keep the people inside in, they're there to keep the outside world out,” Clarke says. “They're there to keep me and you and anyone who wants to support a prisoner as far away as they can keep them, to alienate people, to really isolate them. Every letter that people that write, no matter how short, counteracts that a little bit.”

Koch's supporters hold regular letter-writing sessions and have toured cities across the US, giving presentations to raise awareness about Koch's case as well as grand juries and FBI suppression in general.

There is also potential for resistance through official channels. In 2012, the Congressional Research Service authored a report [10] encouraging lawmakers to hold hearings on the issue of the FBI treating political activism as a domestic terrorist threat. No hearings have taken place, but the report sets a precedent for people to pressure their representatives to follow through on its recommendations.

As more people become aware of the witch hunts grand juries enable, those who have been through the system hope that communities of all political persuasions will be empowered to push back. If Matt Duran, Katherine Olejnik and Jerry Koch could sacrifice so much, then everyone has it within themselves to try.

Source URL: <http://www.alternet.org/civil-liberties/how-grand-juries-are-manipulated-fbi-intimidate-political-dissidents-and-radicals>

Links:

[1] <http://alternet.org>

[2] <http://www.alternet.org/authors/anna-simonton>

[3] <http://www.greenisthenewred.com/blog/fbi-domestic-terrorism-training-anarchists-eco/6199/>

[4] <http://jerryresists.net/jerrys-statement-from-prison/>

[5] <http://www.anarchistnews.org/content/fbis-classic-divide-and-conquer-tactics-tried-again-nyc>

[6] <http://www.brethren.org/drsp/>

[7] <http://www.blackandpink.org/prison-penpals/>

[8] <http://www.abcf.net/prisoner-contact-list/>

[9] <http://www.lostvault.com/>

[10] <http://www.greenisthenewred.com/blog/wp-content/Images/crs-domestic-terrorist-threat-congress-report.pdf>

[11] <http://www.alternet.org/tags/grand-jury>

[12] http://www.alternet.org/%2Bnew_src%2B

9 Oct - Chelsea Manning's Lawyer Clarifies Her Statement on Peace Award

Chelsea Manning, who was sentenced to thirty-five years in military prison for releasing United States government information to WikiLeaks, issued a statement highlighting what she called a “substantial disconnect” among those who support what she did.

MORE:

by Kevin Gosztola (*The Dissenter*)

Specifically, it related to an award, the 2013 Sean MacBride Peace Award, which retired Col. Ann Wright, a prominent Manning supporter, accepted on her behalf.

The letter sent on October 7 to The Guardian, “I had absolutely no idea I received this award, let alone accepted it. In fact, I first found out about the award when I began receiving mail containing quotes from Ms. Wright’s acceptance speech.” But it appears Manning misunderstood what had happened, as a blog post from her lawyer, David Coombs indicates.

Manning did know in July that she would be receiving the award and Wright would be accepting it:

I had a phone call with Chelsea this morning. We discussed the letter that she sent to the Guardian. I reminded her that we spoke about the Sean MacBride Peace Award on three separate occasions: once when she received the award; once prior to Col. Wright accepting the award on her behalf; and once when the award was delivered into my physical possession and I informed her that the medal was made out of disarmed and recycled nuclear weapons systems. After being reminded of these conversations, Chelsea indicated that she did, in fact, remember the award and our discussions about it. She told me that she got confused when she recently received mail about the award, and assumed that people were writing to her about a new award. Chelsea told me that she has been feeling isolated and out of touch with the outside world during the indoctrination period at the United States Disciplinary Barracks, which is what led to her confusion over this issue. Due to this confusion, Chelsea said she felt the need to write her letter. She told

me that she is sorry if her letter caused any offense to the International Peace Bureau, Col. Wright, or her supporters.

In fact, Wright, who is on a speaking tour in South Korea, told The Guardian, “My intention was to reflect in an appropriate way Chelsea’s views drawn from her statement to court and her previous comments. I deeply apologize to her.”

Wright has engaged in tireless activism on her behalf so, hopefully, they exchange some letters. It would be unfortunate if there was any fallout between Manning and Wright.

The feeling of isolation is understandable and probably not unusual. While it probably would have been better for Manning to inform her lawyer that she was going to send a statement, it does show that Manning will continue to be willing to speak out from Leavenworth prison if possible. And one section of her statement was actually pretty important:

It’s not clear to me that my actions were explicitly done for ‘peace.’ I don’t consider myself a ‘pacifist,’ ‘anti-war,’ or (especially) a ‘conscientious objector. Now—I accept that there may be ‘peaceful’ or ‘anti-war’ implications to my actions—but this is purely based on your subjective interpretation of the primary source documents released in 2010-2011. I believe that it is also perfectly reasonable to subjectively interpret these documents and come to the opposite opinion and say “hey, look at these documents, they clearly justify this war” (or diplomatic discussion, or detention of an individual). This is precisely the reason why I avoided overbroad and unnecessary redactions on my end while providing (and attempting to provide) these documents to media organizations in early 2010. I’m a ‘transparency advocate.’ I feel that the public cannot decide what actions and policies are or are not justified if they don’t even know the most rudimentary details about them and their effects.” [emphasis not added]

Coombs added in the posted clarification, “Chelsea has never claimed to be anti-war; indeed she joined the military to defend her country. However, she is a humanist and was motivated in her actions not only by her transparency beliefs, but also by deep concern for the value of human life.”

This is something peace activists may not like hearing, however, it is where she stands. Signs, speeches or writings presenting her as an antiwar or peace hero have been misrepresentative of her whistleblowing act.

That she has the humility to publicly state she may not be the kind of person they wish to honor and may not deserve the award is actually righteous. In her position, one would think any award would make it easier to deal with imprisonment yet she wants to be recognized for what she did for government transparency, not peace.

Coombs addressed the fact that Manning said all “official statements” will come from her from this point onward and that she will be addressed as “Ms.” and not “Private.”

“I discussed with Chelsea the logistical difficulties of her decision given that it is often necessary to respond to an issue in a timely manner. Chelsea understood my concern and is reconsidering her position on this issue,” Coombs wrote. “For now, I will continue to provide updates and statements by Chelsea on the issues that impact her and her confinement conditions. After having additional time to determine the best process going forward, Chelsea may choose to release an additional signed statement concerning this topic.”

“Although Chelsea feels she no longer has any military rank, and would prefer being addressed as ‘Ms.’ within any correspondence, she understands that the exterior of any letter will need to be addressed to Bradley E. Manning. She also understands and supports the continued use of her military rank by the Private Manning Support Network,” Coombs also explained.

The statement Manning sent to The Guardian mentioned “there’s little room in our scheduled time,” when he meets with Coombs, “for discussion of anything not focused on the authentication of court-martial documents and transcripts or my ongoing request for a Gender Dysphoria treatment plan that follows recognized medical

standards.”

Manning faces a struggle as the military has indicated it will deny her access to hormone therapy, which she herself is willing to pay for. As Coombs told the Associated Press in August, she does not want sexual reassignment surgery at this point but would like to be able to get hormone therapy, which would help her feel more comfortable in her own skin.

It must be stressful to know this will be an uphill battle and it will not be easy to get the treatment she deserves as she is trying to complete the transition from being a man to being a woman.

10 Oct - Free Albert Woodfox! Take Action with AI: "Herman died a free man. Let's help Albert live as one."

Herman died a free man. Let's help Albert live as one.

MORE:

Herman Wallace died nine days before his 72nd birthday. The famed 'Angola 3' prisoner succumbed to liver cancer on Friday, 3 days after being released from prison.

Herman survived more than 41 years of isolation, becoming a fierce activist calling for an end to the cruel, inhuman use of solitary confinement.

He died a free man, but the search for justice is far from over. The third member of the Angola 3, Albert Woodfox, is STILL being held in solitary confinement.

Enough is enough — call on Louisiana authorities to free Albert Woodfox.

Albert was placed in solitary after a 1972 murder that he maintains he did not commit. There is no physical evidence linking him to the crime.

Albert's conviction has already been overturned three times — most recently by a federal district court — but the state obsessively appeals every time the court rules in his favor.

Tell the Louisiana authorities to free Albert Woodfox today.

Before he died, Herman said this about Albert and their struggle for human rights:

"I want the world to know that I am an innocent man and that Albert Woodfox is innocent as well...The state may have stolen my life, but my spirit will continue to struggle along with Albert and the many comrades that have joined us along the way here in the belly of the beast."

I never met Herman, and yet I will always remember him as larger-than-life — a symbol of resistance to human rights abuses and injustice who refused to be silenced. More than 110,000 people like you rose up to free him — Now it's time to shine the light for Albert — take action.

In solidarity,

Jasmine Heiss
Campaigner, Individuals and Communities at Risk
Amnesty International USA

(End of email alert. The Oct. 10 Amnesty USA press release begins.)

Louisiana Must End Campaign of 'Vengeance' Against Remaining Angola 3 Prisoner Albert Woodfox

Contact: Suzanne Trimel, strimel@aiusa.org, 212-633-4150, @AIUSAMedia

(NEW YORK) - Following the death of Herman Wallace, who was held in solitary confinement for nearly 40 years, Amnesty International today launches a campaign demanding the release of his co-defendant Albert Woodfox, who also has been held in cruel conditions of isolation following a deeply flawed trial.

'Enough is enough,' said Steven W. Hawkins, Amnesty International USA executive director. 'Nothing can justify the cruel treatment that the state of Louisiana has inflicted on Albert Woodfox. It's simply unconscionable for the state to hold him one day longer. His trial was flawed and his conviction has been overturned three separate times. Authorities must let the most recent court ruling stand and release Woodfox from prison. At this point, Louisiana officials seem to be out for vengeance; instead, we call on them to act in the interest of justice and see that he is released.'

Woodfox and Wallace were both convicted of the 1972 murder of prison guard Brent Miller. There was no physical evidence to link them to the crime and their convictions relied primarily on the dubious testimony of a sole eyewitness who received favorable treatment in return for his testimony.

Both men have robustly denied any involvement in the crime. They believe they were falsely implicated in the murder because of their political activism in prison as members of the Black Panther Party.

Earlier this year a federal judge overturned the conviction. However, Woodfox continues to languish in prison after the state of Louisiana appealed against his release.

During a legal process that has spanned four decades, Woodfox's conviction has been overturned three times.

'Were it not for the state of Louisiana's dogged determination to appeal against these rulings, Woodfox would almost certainly be a free man by now,' said Tessa Murphy, an Amnesty campaigner.

Wallace was released last week just days before he died of liver cancer. A federal judge who overturned his conviction said it would hold the state in contempt of court if it attempted to appeal the case.

For most of the last four decades, Woodfox has been confined to a small cell for 23 hours a day, denied access to meaningful human interaction and rehabilitation.

Prison records show that Albert has not committed any serious disciplinary infractions for years and that he doesn't pose a threat to himself or others.

Take action: Demand the release of Albert Woodfox.

Amnesty International is a Nobel Peace Prize-winning grassroots activist organization with more than 3 million supporters, activists and volunteers in more than 150 countries campaigning for human rights worldwide. The organization investigates and exposes abuses, educates and mobilizes the public, and works to protect people wherever justice, freedom, truth and dignity are denied.

10 Oct - Rebecca Rubin Plea Update and Downloadable Plea Agreement

On October 10th, Green Scare defendant Rebecca Rubin had Change of Plea Hearing in Portland Federal Courtroom 12A before Chief Judge Ann L. Aiken.

MORE:

Rebecca is alleged to have been a member of a group of environmental and animal rights activists accused of eco sabotage, and specifically, she has been accused of being involved in actions against BLM wild horse capture facilities that brutally rounded up wild mustangs from public lands and sold them for slaughter, an arson at the Vail Ski Resort in Vail, CO, and an action at US Forest Industries in Medford, OR. Her last alleged action took

place in 2001. A Canadian citizen, Rubin voluntarily turned herself into federal authorities in January of 2013, 8 years after her alleged codefendants were apprehended and prosecuted. She is believed to be entering into a non-cooperation plea agreement, though the exact terms of that agreement are not publicly available at this time.

The federal government class that this cell of ELF and ALF activists were responsible for over 20 actions, including arsons, between 1996 to 2001 and caused over \$40 million in damages.

UPDATE:

The judge has accepted Rebecca's guilty plea, and sentencing will take place January 27th.

Minutes of Proceedings: Entry of Plea Hearing before Chief Judge Ann L. Aiken for Defendant Rebecca Rubin. Defendant was sworn. Defendant filed a Plea Agreement and Plea Petition with the Court. Guilty pleas entered as to count(s) 1ss, 7ss, 8ss. Sentencing is set for 1/27/2014 at 02:00PM in Portland Courtroom 12A before Chief Judge Ann L. Aiken. Defendant shall remain in custody pending Sentencing. Counsel Present for Plaintiff: Stephen Peifer. Counsel Present for Defendant: Richard Troberman. (Court Reporter Dennis Apodaca) (jtj)

Download the plea agreement at <http://cldc.org/2013/10/10/rebecca-rubin-plea-date-in-portland-or/rpleaagreement>

October 11th - Rebecca Rubin Pleads Guilty to Freeing Horses and Setting Fires at Wild Horse Corrals

ALF prisoner to plead guilty to setting fires at two government wild horse corrals.

Earlier this year, Rebecca Rubin turned herself in after 7 years on the run. She was wanted for Animal Liberation Front and Earth Liberation Front arsons as part of what was dubbed the "Green Scare case", in which 13 people were charged with nearly 20 fires.

This week, Rebecca Rubin plead guilty to participating in and/or planning four arsons:

1997: Freeing 400 wild horses and setting fire to a U.S. Bureau of Land management corral in Burns, Oregon. (Claimed by the Animal Liberation Front)

1998: Participating in the planning of a fire at a Vail ski resort in Colorado.

1998: Fire at the headquarters of U.S. Forest Industries in Medford, Oregon (claimed by the Earth Liberation Front)

2001: Freeing horses and setting fire to a BLM horse and burro corral at Litchfield, California. (Claimed by the Animal Liberation Front)

Rubin was a fugitive for 7 years. Reportedly, she was set to turn herself in as early as 2009, however prosecutors would not agree to any plea agreement that did not involve Rubin implicating her codefendants, which Rubin refused to do.

According to her plea agreement, the government will not ask the judge for a sentence longer than 7.5 years. Her sentencing is set for Jan. 27

Of the 13 charged, two remain fugitives: Joseph Dibee and Josephine Sunshine Overaker.

12 Oct - 4strugglemag needs your help - fundraising to send Issue 23 to prison readers

For 10 years, 4strugglemag.org has been a voice for prisoners and their supporters.

MORE:

Over the course of 22 issues, our online and print magazine has covered many issues, from struggles against war and imperialism, to conscious hip-hop, to reflections on global uprisings, to resisting sexism, homophobia and transphobia. We feature letters, articles and art from prisoners and activists around the world.

We send free copies of each issue to 700 prisoners across North America, and reach many hundreds more through shared copies. It costs us \$2000 each issue to print and mail free copies to our prison readers.

We are currently preparing to print our Fall 2013 issue, and we don't have enough funds for printing and postage. Our issue is indefinitely on hold.

We can't do it without you! Any donation amount makes a difference. But:

\$30 = solidarity subscription: 1 copy of each issue for you, and 1 copy for a prisoner for a year

Or, donate the amount of your choice: <http://4strugglemag.org/subscribe/>

Please let us know if you have questions, and thanks for ongoing support.

19 Oct - Sekou Odinga Benefit CD Release Party

WHAT: CD Release Party with live performances

WHEN: 5:00-9:00pm, Saturday October 19th

WHERE: The National Black Theatre - 2031 5th Avenue (at 125th Street) Harlem

COST: \$20, includes light refreshments

MORE:

Sekou Odinga has been an unjustly held Political Prisoner of War (PPOW) since his capture on October 21st, 1981. For the past 32 years, Sekou and his family have paid a high price for his being a freedom fighter. It is time we bring him and ALL U.S. held PPs and POWs home.

We say FREE 'em ALL...THEN & NOW!

We understand that freedom ain't free, so we ask you to help us raise funds for the Sekou Odinga Legal Defense Fund. This fundraising project is a family and friends CD compilation of song, spoken word, hip hop, and poetry.

25 Oct - Move Marie Day

October 25 is Move Marie day! Lets get eco-prisoner Marie Mason out of the hell hole that is FMC Carswell, into a lower security facility where she can be in general population and closer to her friends and family.

MORE:

October 21st: National Call-in

Call 202.307.3250 or 202.307.3062

Use the following script to help prepare what you will say. Practice a few times to yourself if you'd like. Speak politely and with confidence and urgency.

Sample Script:

Hello, my name is _____ and I am calling about Marie Mason, ID #04672-061. I would like to speak with Charles E. Samuels Jr. about her unjust transfer to FMC Carswell.

Hello Mr. Samuels. My name is _____ I am calling on behalf of Marie Mason, who has been unjustly placed in a special isolation unit at FMC Carswell – without notice or cause- in a move that is strictly punitive on the part of the BOP. Marie has had no disciplinary incidents since her incarceration, poses no threat or danger to the prison or other inmates and has worked hard to make her life and the life of her fellow inmates better for the last 5 years. There is no reason for her to be in this unit – 1000 miles from friends and family.

We demand that Marie be moved to a lower security facility – closer to her family and friends – so that she can serve the remainder of her sentence in a facility where she can be housed with the general population.

Thank you for your time. I will be following up in the coming months to check on this situation.

SUGGESTED CALL TIMES

The BOP office is open 8am-5pm EST. We're suggesting then that people call in at the following times according to their time zone. Of course, the most important thing is to call, so call when works best for you.

West Coast- Call between noon and 2pm your time

Mountain People- Call between 11am and one your time

Central Folks- Call between 10am and noon your time

East Coast- Call between 9am and 11am your time

More about the campaign:

Marie has done nothing to merit being in this extremely oppressive facility, she is being punished for her politics. On Oct 21st we are asking people to call the BOP to politely ask for Marie to be moved. We are also asking people to write letters. A postcard will be available at many Move Marie events happening around Oct 25th, or you can print our your own. Call scripts, sample letters, event listings and more information will be progressively turning up on the Move Marie website, <http://movemarie.com> so Check it out!

2 Nov – 5th Annual Freedom Dance

WHAT: Party With A Purpose – The 5th Annual FREEDOM DANCE

WHEN: 7:30 pm to 1:00 am, Saturday, November 2nd

WHERE: National Black Theater – 2031 5th Avenue (at 125th Street) Harlem

COST: \$20 (proceeds support U.S.-held political prisoners)

MORE:

Celebrate 34 years of liberation of Assata Shakur—and fight to keep her free! There will be food, drink, and dancing with music provided by DJ Revolution. And we'll introducing the new cocktail, the ¡ASSATA LIBRE!

For more information: FreedomDancing5@gmail.com