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Updates for December 20<sup>th</sup>

### **3 Dec – Squirrel’s Pre-Trial**

*Squirrel is facing jail time for a tree sit in the Appalachians and was recently denied calling witnesses at a pre-trial hearing. Here is her account:*

I was immensely disheartened to hear the magistrate’s flat-out denial of my lawyer’s request that our witnesses be allowed to testify on my behalf.

During the past few weeks, I had been strengthened and moved by the willingness of so many people to make personal sacrifices to testify in my trial. Some of the witnesses I had wanted were personally affected by living in a mining region, while others had an expert knowledge of years of violations by the coal companies and neglect of the DEP. But the prosecuting attorney objected to bringing these witnesses in on the grounds that it would confuse the jury.

Now, I have the choice of having a trial without witnesses (testifying on my behalf) in magistrate court, or appealing for a possibly fairer trial in circuit court, where other local activists have had cases held over their heads for years. It’s a weighty decision. Back at my status hearing, my lawyer told me that the police were pressuring the court to send me to jail for thirty days—one day for every day I spent in the oak three. But I wasn’t disappointed to hear the magistrate deny my witnesses because I’m afraid to go to jail; I expect to be convicted at this trial whatever I do. I was disappointed because I have a particular ardor for accuracy and for fullness in understanding. I really, really like it we humans feel out truth while groping about in the obscurity of a deceit meant to subdue and oppress us.

Personally, I feel that, if we were allowed to explain in court how we know that birth defects<sup>(1)</sup>, cancer, and liver diseases are higher in communities near strip mines, if we were able to list the years of violations and hazards created by Massey Energy and Alpha Natural Resources and the DEP’s non-responsiveness, if we could only share the potential impacts of stripping Coal River Mountain, I don’t think that we would confuse the jury: I think that we would allow the courtroom to understand what was really going on when my friends and I chose to oppose Alpha’s ruination on its own turf.

There was of course the “danger,” though, that the prosecuting attorney wanted to avoid by excluding any witnesses who could bear testimony to these things. The “danger” is that, if a jury heard these things, they might not want to convict me, whether or not I was technically breaking the law. They might just decide that breaking a law to save the lives of people and the beauty of these mountains was actually right. We should all try to remember the threat that we pose to oppressive governance when we understand the greater, more complex dynamics at play in our world.

And we should strive to be dangerous, toppling artifice wherever it obstructs justice.

### **4 Dec - George Wright, a Murderer?**

*Many news articles had an aura of the "spectacular" in their reporting on Portugal's arrest of the Portuguese citizen, Jose Luis Jorge Dos Santos (George Wright), at the request of the US government for consideration of his extradition to the United States. The articles placed their accent on the arrest of a "convicted murderer," who had been a fugitive for 41 years.*

**MORE:**

**A closer look at the Plea-Bargaining aspect of the US Judicial System**

Portuguese police arrested Jose Luis Jorge Dos Santos, earlier known as George Wright, September 26, 2011. In 1970, after serving eight of a 15 – 30 year sentence, Wright, along with three other inmates escaped from the

Bayside minimum security prison facility in Leesburg N.J. According to the media, US officials are allegedly seeking to have Wright return "to serve the remainder of a 15- to 30-year jail sentence for the killing of Walter Patterson,"[1] during a 1962 gas station hold-up in New Jersey. (One must add "allegedly," because the media quotes no specific US official alleging that this is the sole or even the main reason for their seeking his return.)

In 1972, Wright, and 4 other Afro-American (taking along 3 children), hijacked a Delta Airlines flight from the USA to Algeria with a ransom of \$1,000,000 destined for the foreign section of the Black Panther Party, based in Algiers at the time. Wrights 4 companions were arrested in Paris in 1976 based on a US extradition demand for their hijacking. France refused extradition that same year, recognizing that their hijacking had been a politically motivated act in the struggle against US racism. Having refused to extradite them, France, in accordance with an international treaty, was compelled to try them in a French court, even though the hijacking had nothing to do with French jurisdiction. In 1978, they were tried and convicted of the hijacking.

One could speculate that the US government is insinuating merely wanting Wright to finish his sentence for murder, because to demand extradition for the hijacking, the real reason, would pose legal difficulties, since an EU member state has already refused extradition for that same act, judging it was politically motivated in the struggle against racist oppression.

November 17, 2011, the Portuguese court of appeals refused extradition because Jorge Dos Santos is a Portuguese citizen and because the crime, for which the US is asking his extradition, has long since surpassed the statute of limitations. November 29, 2011, the US government appealed that decision.

Given the fact that the US government puts forward the claim of wanting George Wright back because of the murder conviction, it would be worthwhile examining this conviction. Does one have to kill someone to become a "convicted murderer" in the USA?

### **Is George Wright a Murderer?**

Wright has often been referred to as a "convicted murderer," leading many – both Europeans and US-Americans – (understandably) to believe that George Wright had taken someone's life. This is even more understandable, when the source of this information is considered.

FBI Special Agent, Bryan L. Travers, announcing Wrights arrest, wrote in his press release (September 27, 2011) that

"On November 23, 1962, George Wright and three associates were involved in the commission of multiple armed robberies. During the second of these robberies, Wright and an associate shot and killed Walter Patterson, a World War II veteran and Bronze Star recipient, during the robbery of the Collingswood Esso gas station in Wall, New Jersey."[2]

The FBI special agent goes on to explain that:

Wright was arrested two days later and was indicted on state charges along with his associates on December 13, 1962. On February 15, 1963, Wright entered a plea of "no defense" to the charge of murder. Wright was subsequently sentenced to 15 to 30 years' incarceration.[3]

For those, unfamiliar with the US penal system, a translation of the background of these allegations becomes necessary.

Special Agent Travers writes that "Wright AND an associate shot and killed Walter Patterson."

This stands in blatant contradiction to press reports from other sources in New Jersey – the state where Special

Agent Travers works. The Newark-based Star-Ledger journal, having the largest circulation in the state writes:

"One of [the robbers], Walter McGhee, had a revolver, according to police records. McGhee fired two shots at Patterson and ran off with \$70. (...) McGhee was sentenced to life in prison. Wright, as one of the holdup men, was also charged with murder. He changed his plea from innocent to no defense to evade a jury trial that could have resulted in the death penalty if he were found guilty, according to news accounts. Wright, at age 19, was sentenced to 15 to 30 years in prison, where he served time until his escape in 1970."[4]

The Neptune N.J.-based "Asbury Park Press" daily, with the third largest statewide circulation, which holds "numerous national honors in journalism, including the Selden Ring Award for Investigative Reporting,"[5] adds these significant details:

Wright, armed with a sawed-off 22- caliber rifle, and McGhee, armed with a 32-caliber pistol, were both wearing women's pantyhose over their faces when they assaulted Patterson and fired at least one shot during the robbery. Patterson was shot once in the abdomen before the four got away with \$70 in cash. Police later determined it was a shot from McGhee's pistol that led to Patterson's death.[6]

Therefore "according to police reports" even though Wright had been armed and had participated in the holdup, "police (...) determined" it had been McGhee, not Wright, who had fired the fatal shot; a nuance that was probably not lost on the FBI.

The FBI must have had access to these police records. Yet, the FBI deliberately falsified its version of events to the public, seeking to place the fatal weapon in George Wright's hand, to make him appear dangerous. This has nothing to do with criminology. This is a criminal "manipulation of evidence."

The FBI, banking on the authority of the bureau's reputation, spread this falsified version to the press, with a degree of success.

Whereas most media organs referred to Wright as a "convicted murderer," the NY Times, for example, in its early article on Wright's arrest, went further to conclude:

"In 1962, Mr. Wright was involved in a string of armed robberies. During one of them, at a gas station in Monmouth County, N.J., Mr. Wright shot and killed the owner, Walter Patterson (...)"[7]

When asked for the source of this information, the author responded, "That information came from the FBI." [8]

Several television newscasts – available on internet – illustrate the background of the story of Wright's arrest in Portugal with a trick-drawing animated film produced by Next Media News Direct.[9] This animation depicts Wright with another male robbing a gas station. The animation falsely suggests 1) that of the two robbers, Wright is the only one armed and 2) he is depicted firing 2 shots before fleeing with his partner.

When asked about the basis for these allegations, one of the persons responsible for the group producing the film responded:

"Please see NYT 27 Sept story of where. Mr. Wright shot and killed Walter Patterson. After that story a simple nexis search or google has examples from Gannett, CBS." [10]

Still another illustration used in newscasts[11] of unknown origin, consists of a "doctored" presentation of a newspaper clipping, published a few days after the 1962 holdup. The article is entitled, "'Holdup Victim Dies, Four Suspects Held," the journal and date are unknown. A portion of the article is shown as a blurred background, with portions of sentences legibly superimposed in relief. The texts in relief contain the words/phrases "bullet," "gunmen fired" and "2 caliber pistol." The first digit of the caliber is still off-screen when the scene changes. The text of the article in the background obviously expresses that a bullet from a .32

cal. pistol killed the victim. [12]

As shown above, police records – also at the disposal of the FBI – explain that a bullet from a .32 cal. pistol killed the victim, and that George Wright was carrying a sawed-off 22. caliber rifle. Would the news broadcaster have an interest in fabricating this disinformation? Would the broadcaster know – or even care – about these details of such a cold case? Would it not be more plausible that the FBI contracted this illustration?

### **Plea[-Bargain] of "No Defense"**

Another aspect that may be particularly alien to European observers of the US system – though it is now beginning to take root also in Europe[13] – is the question of plea-bargaining.

George Wright was convicted of a killing that police, prosecutor, defense counsel and judge all knew that not he, but someone else, had committed. Whereas the FBI press release merely states, "Wright entered a plea of 'no defense' to the charge of murder," the journalists, quoted above, say why.

McGhee, who had fired the fatal shot, was sentenced to life in prison. Wright, charged with this same killing, was forced to change his plea from "innocent" to "no defense," – meaning he will not defend himself against the charge.

Under US law, if during the commission of a lesser crime – in this case robbery – a more serious crime occurs – for example a killing – the participants in the lesser crime can also all be charged with the more serious violation. This holds true even though it is clear that not each participant was personally involved in the commission of the more serious act. This is an indication of the subordinate role played by the question of PERSONAL guilt and innocence in US judicial proceedings.

The prosecutor, having also charged Wright with murder, put him under pressure to obtain another quick conviction for this serious crime. But Wright insisted on his innocence, which meant he had a right to a jury trial.

The main actors in the judicial process dislike jury trials, because they entail much time and hard work for the prosecution, defense, and judge to prepare the case to reach a conviction. Conviction, not justice is the objective – regardless of the degree of the defendant's guilt.

Therefore, Wright, having no means to hire his own lawyer, had to also to rely on the services of a court appointed attorney or a public defender. These are usually inexperienced, underpaid and most important, very often indifferent to the fate of those they represent in these cases. Not being particularly interested in taking the case to trial, the court appointed lawyer would also probably advise his/her client to take a "plea bargain", meaning one of the versions of not contesting the charges, SO THAT the judge can pronounce the defendant guilty, without having to go through the "normal" jury trial procedure of examining the state's evidence.

Wright was caught in the mills of what is known as the "plea-bargaining" system. Jessica Mitford, in her very good dissection of the US penal system, "The American Prison Business" describes the plea-bargaining mechanism:

"Those who have the temerity to proclaim their innocence of the crime with which they are charged and to demand a trial will, if convicted, serve more than twice as long a sentence as those who 'cop a plea' of guilty. (...) Over 90% of all criminal cases are dealt out through the plea-bargaining process; judges say that if every accused or even a majority were granted a trial, the criminal courts would become so hopelessly clogged they would soon grind to a halt. (...) As characterized by one public defender, plea-bargaining is 'trial by trick and deceit.' In a typical plea-bargaining situation, the prosecutor will pile on felony charges, regardless of whether he has evidence to support them, in order to pose the threat of long years in the penitentiary should the accused put the state to expense and trouble of a trial and be found guilty." [14]

The press reports, "Wright said he entered the plea only to avoid the death penalty or a life sentence." [15] If he were found guilty by a jury, chances are very good, he would have received the death penalty.

McGhee, the triggerman, was sentenced in February 1963, to a life prison term [at the time, meaning usually about 20 years] but was paroled in August 1977. Wright insisted that he never fired a shot in the holdup and pleaded "no defense" to the murder charge because his lawyer advised him to do so to avoid the death penalty. [16] Wright was given 15 – 30 years – a maximum sentence 1.5 times longer than McGhee's. Evidently feeling tricked, Wright sought to appeal this conviction to have a full trial. After the judge rejected this appeal attempt, Wright was sent to the New Jersey State Prison. [17]

A "plea bargain" in fact boils down to an official extortion of a "guilty" plea from a defendant, regardless of his/her innocence, in exchange for a promised – but not always kept – specific sentence.

The US government's justification for plea-bargaining is that it speeds up the judicial process – from arrest to imprisonment. The government has an additional advantage with the plea-bargaining system. It provides judges extraordinary arbitrary powers.

"This is how (Soledad Brother) George Jackson was put in prison for a crime he had not committed. He 'copped a plea' hoping to get at least less and ended up with a sentence of 1 year to life. He had served 10 years in prison for supposedly having stolen 70 dollars, when he was assassinated in a racist conspiracy.

"There is one snag in the whole plea-bargaining deal: once you plead guilty, you cannot appeal your case or change your plea to not-guilty. One becomes a "felon" for life. "[18]

Former Assistant Secretary of the US Treasury, Paul Craig Roberts, [19] explains:

"In the US the wrongful conviction rate is extremely high. One reason is that hardly any of the convicted have had a jury trial. No peers have heard the evidence against them and found them guilty. In the US criminal justice (sic) system, more than 95% of all felony cases are settled with a plea bargain."

And warns:

"Before jumping to the conclusion that an innocent person would not admit guilt, be aware of how the process works. Any defendant who stands trial faces more severe penalties, if found guilty, than if he agrees to a plea bargain. Prosecutors don't like trials because they are time consuming and a lot of work. To discourage trials, prosecutors offer defendants reduced charges and lighter sentences than would result from a jury conviction. In the event a defendant insists upon his innocence, prosecutors pile on charges until the defendant's lawyer and family convince the defendant that a jury is likely to give the prosecutor a conviction on at least one of the many charges and that the penalty will be greater than a negotiated plea." [20]

Given the presumption of innocence, [21] in fact and in principle, these more than 95% of the inmates in US prisons are innocent! Their guilt has not been proven – beyond a reasonable doubt – in a trial. They had been blackmailed and/or tricked into a guilty plea – regardless of the degree of their guilt or innocence for the crime for which they were charged.

The theory behind plea-bargaining is that "the confession of the defendant is considered solving the conflict and rendering the judicial procedure (particularly the analysis of the evidence) superfluous. This is why as soon as there is a confession, the judge pronounces the sentence." [22]

Plea bargaining has robbed the criminal justice system of its middle name. With plea-bargaining, the question of personal guilt and innocence – the prerequisite sine qua non for JUSTICE – no longer plays any role. Through the plea-bargaining technique, the government mass-produces convictions. For many, the assumption is that

"they are obviously guilty." For some it is obvious because they were "convicted." And for others because "no one would plead guilty if they were not."

As one observer noted: "And when, as part of a plea bargain, innocent people confess to a crime they did not commit, that isn't a breakdown of the system. It is the system working exactly as it is supposed to. If you're the suspect, sometimes this means agreeing with the prosecutor that you will confess to jaywalking when you're really guilty of armed robbery. Sometimes, though, it means confessing to armed robbery when you're not guilty of anything at all." [23]

In addition, as the FBI demonstrates above, official propaganda can always conjure up a "murderer" by pointing to his "conviction." This is how George Wright became a "convicted murderer" without having killed anyone.

## **Official Lynching**

Throughout US history, lynching has played an important role as part of the justice system. From the witch-hunts in colonial New England to the racist lynchings during and since slavery, to the Wild West lynchings, there has always been a particular identification with vigilante "justice."

In every US courtroom today, there are recurrences of the lynch mob mentality, often deliberately provoked by the prosecution and/or judge in jury trials. One famous example is that of the racist, fascist Philadelphia judge Albert F. Sabo, who had presided in the case against the Afro-American journalist and activist, Mumia Abu Jamal, as well as many of his appeal hearings. During the period of the Abu Jamal trial, he was overheard telling someone, "Yeah, and I'm going to help them fry the nigger." He sentenced Mumia Abu Jamal to death.

An often-used method of agitating a lynch mob is known as "waving the bloody shirt." This is the use of the demagoguery of appealing to the mob to "avenge the victim" (and/or the victim's family). This is a call for vengeance aimed at eclipsing rationality and demands for justice. The name refers back to the agitator repeatedly brandishes a blood-stained garment, thought to have belonged to the victim (but any blood-stained rag will do) to whip the mob into a frenzy.

In the Dos Santos case, the FBI has been waving two "bloody shirts." The first is that of the US flag, by constantly mentioning that the victim, Walter Patterson, had been a decorated WW II veteran, a fact of absolutely no relevance to the case. But this "shirt" serves to suggest that the pursuit of Dos Santos – clearly innocent of Patterson's death – is a "patriotic duty," even a "national priority." A question that comes to mind is whether the US authorities had felt this sense of obligation toward Walter Patterson, and other decorated veterans while they are still alive, and if so how was it demonstrated?

The second "bloody shirt" method consists of having convinced the victim's daughter, Ann Patterson to crusade in the media for Wright's return, based on the FBI's falsification of Wright having been her father's assassin.

This particular "bloody shirt" method is widely used by prosecutors and police throughout the country.

It would be somewhat understandable that someone who has lost a loved one to a crime, would want to see the perpetrator justly punished. But it crosses the border to become a lynching, when that family member campaigns for the "punishment" of someone they either know to be innocent or where there is hard evidence leaving serious doubt about the guilt of the accused.

Ann Patterson has certainly crossed that border.

In an article dedicated to Ann Patterson's crusade, [24] published just one week after Dos Santos was arrested in Portugal, she is quoted:

"After hearing an FBI agent tell her 'Ann, we got him,' Patterson said she [sic] a lot of jumbled up emotions but a

little piece of mind, too.

"Now we have a chance to have justice for Daddy,' Patterson said. 'Daddy didn't get any justice and he (Wright) was out living a good life while he took Daddy's life away from him.'

"It was like a burden was lifted,' Patterson said."

In the same article, one reads also that:

"Wright, armed with a sawed-off .22-caliber rifle, and McGhee, armed with a .32-caliber pistol, were both wearing women's pantyhose over their faces when they assaulted Patterson and fired at least one shot during the robbery.

"Patterson was shot once in the abdomen before the four got away with \$70 in cash. Police later determined it was a shot from McGhee's pistol that led to Patterson's death." [25]

The article returns to Ms Patterson and other family members:

"(...) And with Wright back behind bars, [in Portugal, awaiting the extradition decision] Walter Patterson's family is focusing on seeing justice served.

"He [Wright] needs to come back here and pay his debt to society. He's had a good life for the past 40 years, but he took away about half of my father's life. He owes this state between eight and 22 years on that sentence, and I'm sure he owes more for everything else,' Ann Patterson said.

"I want the justice system to do its job and put him back in that jail,' Phil Patterson said. 'I want him back in jail with some extra time for the escape.'

"God may forgive him but I never will,' Phil Patterson added."

And provides a key indication:

"(...) Wright and McGhee were each charged in Walter Patterson's murder. McGhee, as the triggerman, was sentenced to a life prison term in February 1963, but was paroled in August 1977. Wright escaped from prison on Aug. 22, 1970, after serving only 7 years and 6 months of his sentence." [26]

One could grant Ann and Phil Patterson the benefit of the doubt. They may not have known the information from police records on the case published in their state's most popular journal (quoted above). But one can be sure that they read their own interview, and therefore, also the information concerning McGhee rather than Wright being the "triggerman." It may not have been known at the time of their October 1 interview with the journal. But that is the extent of the doubt.

Ms Patterson has not changed a single point in her crusade against George Wright / Jose Luis Jorge Dos Santos since publication of this full-page article. She consistently, at every stage of the development in the case, has rejected any indication that George Wright was NOT the person who shot her father.

Once the victim's family members go public, the danger arises that they can skid into a personal obligation to continue insisting in the media how painful the loss of that loved one is. This leads to a hypocritical spectacle to justify seeking the "punishment" of the innocent, while knowing full well that the guilty party has long since paid for his crime and been released from prison.

In an interview with the International Herald Tribune, we read:

"Mr. Wright insisted that he had never killed anybody, despite being convicted for taking part in the 1962 killing of a gas station owner, Walter Patterson, during a botched armed robbery in Monmouth County, New Jersey. He said that the armed attack was his first crime and that he had decided to join two others in the robbery only because he was desperate for money. 'It was just a robbery that went wrong,' he said, adding that one of the other men had pulled the trigger. Furthermore, he said, 'the gun went off in a struggle.'"[27]

The New York Times version of this same interview adds, "on Friday, Ann Patterson, the daughter of the man Mr. Wright shot [sic] in 1962, declined to discuss Mr. Wright's version of the robbery."[28]

After the Portuguese court's decision refusing extradition, Ann Patterson declared in an email that: "she hopes U.S. officials will appeal the case and insisted that the extradition attempt 'has not all been done for nothing. The entire world now knows what this man did,' said Patterson, who has repeatedly expressed disbelief at Wright's contention that he never opened fire."[29]

After the US government announced its going on appeal, Ms Patterson again stated her position: "Ann Patterson (...) said that she was pleased American authorities had appealed and hoped it would be successful."[30]

"Members of Patterson's family have said there can be no statute of limitation on a conviction, while also noting that Wright has never been brought to trial for his alleged involvement in the 1972 hijacking. To get their concerns heard, Ann Patterson, Walter's daughter, is scheduled to meet with representatives of [Congressional] Representative Chris Smith (R-4th Dist.) on Monday. They are also reaching out to other politicians to put more pressure on the U.S. government in its dealings with Portugal. A petition has also been set up by family members on the website [change.org](http://change.org), with signatures calling for the Portuguese government to extradite Wright to the United States.[31]

In other words, she is politicizing a question of justice, to create a "national issue" and thereby insinuating a "national duty."

This single-mindedness goes far beyond her father's fate. The man responsible for her father's death has long since paid his debt to society – which includes to the Pattersons – and was released on parole. Wright does not become "guilty" merely because of the injustice in the US penal system. The Pattersons are but a recent example of family "bloody shirt" wavers.

Nowhere is this family "bloody shirt" crusade more prevalent than in cases involving the death penalty. In nearly every courtroom where there is a possibility that the death sentence could be issued, or in the audience room of the execution chambers where a condemned is about to be killed, one often finds the family members "seeking relief." The prosecution and police usually instigate this.

Perhaps the best known case of a lynching crusade is that of Maureen Faulkner in the case of Mumia Abu Jamal. Jamal was convicted of the murder of Philadelphia police officer Daniel Faulkner and sentenced to death in a highly political case. Maureen Faulkner, wife of the deceased, has become the figurehead of the campaign by the rightwing "Fraternal Order of Police" and other pro-death penalty advocates to execute Mumia Abu Jamal, a prolific and internationally widely read author and journalist.

A large amount of evidence indicating police and prosecution tampering with evidence and coercion of witnesses to obtain a conviction and the death penalty have been exposed to the public. In addition the partiality and racism of the presiding judge, Albert Sabo, mentioned above, is a fact of record.

In the film "Deadline," a documentary about the process leading to former Illinois Governor George Ryan's decision to commute the death sentences of the state's death row inmates to life in prison without parole, attorney and author Scott Turow sheds insight into this method of "waving the bloody shirt" in criminal trials;

"The fact of the matter is that the crime was committed against the community as a whole. Community values

generally end up prevailing. And to a great extent, prosecutors trot out the victims, when they want to justify the death sentences. And they ignore them when they don't want to impose the death sentence.

"I'm not criticizing anybody for what their emotional needs are. But, does that make sense in a democracy, where we are supposed to treat like cases alike, where you're going to have equality under the law? Where it is one family's view of justice vs. another. [Is] that how you are going to decide whose living and dying?" [32]

A feeling of social obligation toward the victim's family, for their 'suffering' from the loss of their loved one, is supposed to become the justification for the injustice of "punishing" someone innocent. It is treated as a "personal affront" to the family, to dare demand equality before the law, or justice for the accused.

As Prof. Bryan Stevenson, of New York University and Executive Director of the Equal Justice Initiative in Montgomery, Alabama explains:

"Its an exploitation of the victims, to try to create a system where if you really loved your husband, you loved your child, you've got to get into the criminal court and fight for the death penalty. Because the death penalty becomes the "blue ribbon" of how much you really cared about your loved one, about how valuable their life was." [33]

### **The Role of the Death Penalty**

The US penal system is built around plea-bargaining. As was stated above, without a plea-bargaining solution to the overwhelming majority of cases, the system would "grind to a halt" with the overload of trials.

On the other hand, the system of plea-bargaining is, to a certain extent, also dependent on the death penalty – more precisely on the execution of defendants, who are innocent of the charges they are convicted of. This forms the basis of credibility for the threat used to coerce the suspect into accepting a plea-bargain – to escape being found guilty by a jury and being eventually condemned to death.

Wright, like most other first-time offenders, did not understand what was happening. What he was experiencing corresponded to nothing he had ever heard or read concerning how a "justice system" was supposed to function. However, one thing he had understood was that police and prosecution would use every means available to have a jury pronounce him guilty, if he continues to uphold his plea of innocence. And if that happens at the end of a jury trial, that could bring him the death penalty. As mentioned above, "Wright insisted (...) that he never fired a shot in the holdup and pleaded "no defense" to the murder charge because his lawyer advised him to do so to avoid the death penalty." [34]

This explains why so many of the executed in the USA go to their deaths still insisting on their innocence.

For a recent example, September 21, 2011, despite pleas for clemency from around the world, including from the European Parliament, the Council of Europe and the Pope, the state of Georgia executed Troy Anthony Davis for a murder, he had obviously not committed. Seven of the nine witnesses against him had retracted and recanted their testimonies, declaring in written statements that police and prosecution had coerced them into a false accusation of Davis in court. One of the two witnesses, who had not recanted, is the most likely murder suspect. It was he who had placed the original blame on Davis, to save himself. Nevertheless, the US Supreme Court had long since ruled against admitting new exonerating evidence in court. This not only could have resulted in Davis being liberated, but possibly in bringing the real culprit to trial. [35]

Davis, strapped to the gurney for execution, issued his final statement. He began by addressing the family members of Mark MacPhail:

"Well, first of all I'd like to address the MacPhail family. I'd like to let you all know that despite the situation -- I know all of you still are convinced that I'm the person that killed your father, your son and your brother, but I am

innocent. The incidents that happened that night was not my fault. I did not have a gun that night. I did not shoot your family member.

"But I am so sorry for your loss. I really am -- sincerely.

"All that I can ask is that each of you look deeper into this case, so that you really will finally see the truth. (...)"[36]

After the execution, members of the MacPhail family were quoted saying that now they can find peace. They have been indifferent to all the evidence that has been uncovered placing Troy Davis' guilt into question. They, like Ms Patterson mentioned above, are obviously indifferent to what really led to the death of their family member. To claim that they still blindly believe that Troy Davis was the murderer, is but a threadbare justification for complicity in his pre-meditated murder.

These examples and the many others like them, show that these are not "mistakes." The role of the US penal system is not to catch criminals, but to criminalize the innocent. Not only does the system do everything in its power to convict innocent people, it continues its efforts by blocking the convicts' access to exonerating evidence that could lead to overturning the conviction.

Hank Skinner, a Texas death row inmate, recently had to race the clock. He had successfully sued for the right to have the police and prosecutor's evidence against him examined for DNA. He is sure that the results will exonerate him from the charge of murder. These pieces of evidence had never been forensically examined.

Although the US Supreme Court had recognized his right to have the evidence examined, it took an international protest to have the execution date postponed to allow an examination of the evidence – while he is still alive.

(As in other known cases, this is also no guarantee that the police and/or prosecutor's office will not manipulate the evidence once again to have their guilty verdict confirmed in the DNA test. This happened in the case of Roger Keith Coleman in Virginia. Executed BEFORE his evidence could be analyzed, the police falsified the "evidence" it gave to the lab, resulting in a positive DNA match to Coleman. But it soon became clear that the "evidence" they had furnished was not the evidence from the case.

[37] This particular manipulation of evidence was publicly exposed. How many others were not?)

All of these reasons show why prosecutors and police in the USA so vehemently resist prisoners' access to DNA analysis of evidence, or why over the years, courts have systematically restricted possibilities for appeal and the introduction of newly found exonerating evidence.

In January 1993 the US Supreme Court ruled by a vote of six to three in *Herrera vs. Collins* that "neither federal nor Texas courts were required to hear evidence purporting to prove that Leonel Herrera was innocent. Under Texas law, post-conviction evidence must be filed within thirty days of the end of the trial, but the evidence Herrera's attorneys believe would have acquitted him *was not available to him* until eight years later. Chief Justice William Rehnquist, writing for the court, declared: [W]e cannot say that Texas' refusal to entertain petitioner's newly discovered evidence eight years after his conviction transgresses a principle of fundamental fairness."[38]

This ruling in fact declared that executing innocent prisoners is constitutional. It reduces the function of courts to administering laws, rather than dispensing justice.

## **Elastic Sentences – Plea-Bargain No. 2**

Whereas Walter McGhee was sentenced to life in prison (roughly 20 years), George Wright was sentenced to an elastic 15 to 30 year prison sentence. Elastic sentences have provoked much curiosity about the functioning of

US "justice.

Criminal cases elsewhere usually have a limited range of penalties for a particular crime. Theoretically, this applies regardless of who is found guilty of that particular crime. There are variations, but arbitrary penalties stretching from a minimum to a maximum, such as those in the US are very rarely found elsewhere.

In the Wright case, one could theoretically assume that his minimum sentence – 15 years – was the sentence for murder, to which he pleaded "no defense." The second 15 years – judging from other cases – is the time he was given to accept the fact that he was "guilty."

George Wright was coerced into waiving his rights of innocence – which would have forced the state to prove his guilt. The judge's pronouncement of his "guilt" and the accompanying sentence do not change the facts of the case: Wright had not fired the fatal shot. He remains innocent of murder. Wright was given a "day in court" but was refused a trial.

The second 15 years, of the 15 – 30 year sentence constitute, in effect, a second round of official coercion, a second plea-bargain. The state wanted a second "guilty" plea. Wright would have begun appearing before the parole board, where he would have been asked if he "recognizes" his guilt. If he would have answered "no" or if his "yes" would not have been too convincing, he would have been deemed "not yet rehabilitated" and told to come back and try again next year. As long as Wright would have insisted on his innocence, he would have remained in prison. Year after year, the authorities would have dangled this deal before his eyes.

The prisoner is being forced to proclaim the "infallibility" of the US court system.

The case of former Black Panther, Veronza Bowers Jr., convicted of the murder of a park police officer, based on testimony of two government informants, provides a very vivid example.

Bowers had been given a life sentence. He is currently held in an Atlanta, Georgia prison. Having maintained his innocence, he has been consistently denied parole throughout his sentence. Bowers served every single day of his maximum sentence. When his mandatory release date<sup>[39]</sup> arrived he was informed, "you won't be leaving tomorrow." A telephone call had arrived at the prison from the National Parole Commission in Washington D.C. – on orders from then incumbent Sec. of Justice, Gonzales – informing the warden that Bowers should not be released. Bowers recounts:

"After 30 years of being denied release on parole, despite the fact that your conduct has been exemplary for over 20 years and you have long since met the criteria to be released on parole, finally your mandatory release date rolls around."<sup>[40]</sup>

His mandatory release date was April 7, 2004. Ten months later, in Feb. 2005, his parole was again postponed to allow relatives of the person, he was supposed to have killed, the opportunity to oppose his being released on parole. Parole was again denied in December 2005.

One observer explains: "At the expense of having his parole appeals denied, Bowers consistently maintains his innocence. Friends and supporters stand with him and offer testimony in his behalf. One is from Maynard Garfield.

"[Garfield] is treasurer of the Veronza Bowers, Jr. legal defense fund. (...) Garfield said: 'I have pleaded with him. Just tell them: 'I was young and did wrong. But I have found my way. I am a born-again Christian. I have found salvation.' "

"Bowers responds: "'Don't you understand. I have been here for 35 years. If the only way I can get out is to lie and say I am guilty, then my whole life is a sham. I will rot here in prison before I will do that'.

"According to Garfield, not he may without considerable help." [41]

Veronza Bowers Jr. is today still – seven years later – in prison, without charges and without a date of release. Neither Bowers nor his case is well known, which is why he is being arbitrarily held.[42]

The public is rarely made aware of how many people are imprisoned for crimes they had not committed. This aspect of the US penal system most often reaches public attention in final hour death row cases. Even in these cases, this is most often considered an individual "mistake" in the justice system. The question of the innocence of the prisoner often becomes either a reason for the demand of a reprieve from execution or expressed as a reason for denying a reprieve.

In 2005, for example, California Gov. Arnold Schwarzenegger reiterated several times in his clemency denial statement for Stanley "Tookie" Williams that Williams' refusal to admit his guilt meant he had not been redeemed, and therefore should be executed as planned. Schwarzenegger declared:

"(...) Williams protests that he has no reason to apologize for these murders because he did not commit them. (...) Stanley Williams insists he is innocent, and that he will not and should not apologize or otherwise atone for the murders of the four victims in this case. Without an apology and atonement for these senseless and brutal killings there can be no redemption. In this case, the one thing that would be the clearest indication of complete remorse and full redemption is the one thing Williams will not do."

Stanley Williams had already answered the point about an apology. In an interview, conducted by Phil Gasper, professor of philosophy at Notre Dame de Namur Univ. in California, he answered the question:

"The media has made much of the fact that you have never apologized to the murder victims' families in your case--you've said that you would rather die than lie about something you didn't do. Do you have anything you would like to say to the victims' families?"

Answer: If I had the opportunity to talk to any victims' family members, I would say that I can empathize and I sympathize with their loss of a loved one. I would say the same thing to anyone who has lost a loved one.

However, in regards to me apologizing, it would be wrong of me to apologize for something I didn't do. I didn't commit those crimes. I've been averring my innocence since day one, and it is the truth. So I cannot apologize for something I didn't do.

It would be wrong of me. It would be a coward's act. I would be craven to proclaim guilt for something I didn't do. And that's why I say that I'd rather just go on and die than to lie about something that is so untrue.[43]

Clemency denied, Williams was assassinated, Dec. 13, 2005.

A commentator of the above mentioned Troy Davis case, recently encapsulated the problem in a nutshell:

If [Troy] Davis were not confronting execution, but instead had been convicted and sentenced to life imprisonment without parole by his trial jury, the simple truth is that he would be just another nameless, faceless prisoner among the thousands upon thousands who have been convicted of crimes and incarcerated notwithstanding colorable claims of innocence.

(...) But if wrongful convictions occur in cases that result in the death penalty, as they undoubtedly do, then they occur exponentially more often and for all of the same reasons in the untold number of cases not resulting in the death penalty -- ones that are met with a collective yawn or shrug of the shoulders by policymakers who are in a position to make meaningful systemic reforms.[44]

No other country in the world – not even China, four times more populous – has as many prisoners as the USA.

There are 750 prisoners per 100,000 people in the U.S. — the highest incarceration rate in the world.[45] As the social scientist Glenn C. Loury pointed out, with 5 percent of the world's population, the United States imprisons 25 percent of all humans behind bars.[46] And according to the Federal Bureau of Investigation, violent crime rates fell in the 20 years from 1987 to 2007, by 25 percent,[47] while during those same 20 years, the rate of incarcerations nearly tripled.[48]

**This is not coincidence, this is policy.**

The case of Jose Luis Jorge Dos Santos/George Wright provides a very good example of just how alien criminology is to the judicial process in the USA. Solving crimes and punishing perpetrators – and only the guilty – has long since ceased to be the objective.

Most police, prosecution, judges, prison officials and defense attorneys in penal cases are not interested in finding and punishing the guilty – they are not interested in justice. They are interested in sending the poor to prison, to stigmatize them as "felons" for the rest of their lives. Beginning with criminological incompetence and criminal manipulation of evidence, extortion of "confessions" or a plea before and during the hearing and the post-sentencing extortion of a supplementary recognition of "guilt" through elastic prison sentences, all show that this is not only systematic, it is systemic.

In the USA there is no "criminal justice system." The judicial process is itself the crime. It is an officially sanctioned criminal enterprise of mass kidnapping, hostage taking and murder. This explains the disparity between falling crime rates and rising incarceration rates.

Jose Luis Jorge Dos Santos is no longer George Wright. The metamorphosis was a complicated one. As one journalist neatly summarized it:

The tale of Wright's life on the run spans 41 years and three continents. It starts in New Jersey with a prison break, moves to Algeria on the hijacked plane, to Paris where he lived underground, to Lisbon where he fell in love, to the tiny West African nation of Guinea-Bissau — and finally to an idyllic Portuguese seaside village, where he built a life as a respected family man.[49]

If the purpose of justice is to find and punish the guilty, but then to rehabilitate and reinsert the transgressor into the mainstream of society, one could clearly answer the question posed by the International Herald Tribune in the title of its interview with Dos Santos, is he a "Criminal or 'role model of rehabilitation'?"[50]" with an affirmation of the latter.

The Portuguese court's decision not to turn over its citizen, Jose Luis Jorge Dos Santos, to the arbitrary penal system of the USA was the only verdict in the interests of JUSTICE the court could have reached. This verdict coincides with a similar verdict handed down by a French court in 1976, concerning George Wright's 4 companions in the 1972 hijacking.

It can only be hoped that Portugal will continue to maintain its decision to uphold JUSTICE.

[1] Considine, Bob, "Daughter of man killed by captured fugitive says she is 'numb' that George Wright won't be extradited to U.S.," The Star-Ledger, November 17, 2011,

[http://www.nj.com/news/index.ssf/2011/11/daughter\\_of\\_man\\_killed\\_by\\_capt.html](http://www.nj.com/news/index.ssf/2011/11/daughter_of_man_killed_by_capt.html)

[2] Travers, Bryan L., International Fugitive Captured After More Than 40 Years, FBI Newark September 27, 2011  
<http://www.fbi.gov/newark/press-releases/2011/international-fugitive-captured-after-more-than-40-years>

[3] *ibid*

[4] Grant, Jason, "A fugitive's quiet life in Portugal: Seaside village, friendly neighbors," The Star-Ledger, September 29, 2011, [http://www.nj.com/news/index.ssf/2011/09/a\\_fugitives\\_quiet\\_life\\_in\\_port.html](http://www.nj.com/news/index.ssf/2011/09/a_fugitives_quiet_life_in_port.html) (See also: Ferreira, Leonardo, Após 40 anos, fugitivo norte-americano de New Jersey é preso em Portugal, Brazilian Voice, 06/10/2011,

[http://www.brazilianvoice.com/bv\\_noticias/bv\\_comunidade/41731-Aps-anos-fugitivo-norte-americano-New-Jersey-presos-Portugal.html](http://www.brazilianvoice.com/bv_noticias/bv_comunidade/41731-Aps-anos-fugitivo-norte-americano-New-Jersey-presos-Portugal.html) )

[5] Asbury Park Press, Wikipedia, [http://en.wikipedia.org/wiki/Asbury\\_Park\\_Press](http://en.wikipedia.org/wiki/Asbury_Park_Press)

- [6] Webster, Charles, "A promise made, a promise kept" Asbury Park Press, Oct. 1, 2011, <http://www.app.com/article/20110930/NJNEWS/309300132/Fugitive-s-arrest-brings-relief-to-the-family-of-WWII-veteran-killed-in-Wall>
- [7] Elizabeth A. Harris, "New Jersey Fugitive Is Caught in Portugal After 41 Years," NY Times, September 27, 2011, ( <http://www.nytimes.com/2011/09/28/nyregion/george-wright-hijacking-and-murder-fugitive-arrested-in-portugal.html?scp=1&sq=%22wright%20shot%20and%20killed%20the%20owner,%20walter%20patterson,%22&st=cse> )
- [8] Personal email correspondence with the author Nov. 1, 2011.
- [9] Fugitive US hijacker caught after 40 years on run, Sept. 28,2011 <http://www.youtube.com/watch?v=xfgH7CfXwuk&feature=related>
- [10] Personal email correspondence with one of the authors on Oct. 29, 2011.
- [11] Fugitivo detido em Portugal procurado há mais de 40 anos por FBI!!!, <http://www.youtube.com/watch?v=HTBLiRsdvVU&feature=related>
- [12] [http://www.nj.com/news/index.ssf/2011/09/a\\_fugitives\\_quiet\\_life\\_in\\_port.html](http://www.nj.com/news/index.ssf/2011/09/a_fugitives_quiet_life_in_port.html) and [http://www.brazilianvoice.com/bv\\_noticias/bv\\_comunidade/41731-Aps-anos-fugitivo-norte-americano-New-Jersey-presos-Portugal.html](http://www.brazilianvoice.com/bv_noticias/bv_comunidade/41731-Aps-anos-fugitivo-norte-americano-New-Jersey-presos-Portugal.html)
- [13] Italy has passed legislation allowing plea-bargaining, it is also being used to a limited extent in England, Wales, Germany and France and the EU is considering its adoption in the EC competition law. The primary difference, for the time being, is that in Europe the objective is not yet to tag as many members of the population as possible as felons. The only institution in Europe that widely uses plea-bargaining is the ICTY – the Yugoslavia Tribunal in The Hague, an institution that has copied much of the inherent (in)justice in the US system.
- [14] Mitford, Jessica, *The American Prison Business*, Penquin, 1977, pp 83 - 84
- [15] Clendenning, Alan, (AP), US fugitive's 41-year life on lam, NPR, November 20, 2011, 12:06 am ET, <http://www.npr.org/templates/story/story.php?storyId=142556359>
- [16] Clendenning, Alan, Hatton, Barry, (AP) "US Appeals Portugal Denial Of Fugitive Extradition," Salon, November 29, 2011, [http://www.salon.com/2011/11/29/us\\_appeals\\_portugal\\_denial\\_of\\_fugitive\\_extradition/singleton/](http://www.salon.com/2011/11/29/us_appeals_portugal_denial_of_fugitive_extradition/singleton/)
- [17] op cit. Clendenning, Alan, (AP), US fugitive's 41-year life on lam,
- [18] Brown, George, *Nous Noirs Americains, Evadés du Ghetto*, Seuil, Paris, pg. 217 – 218
- [19] Paul Craig Roberts was Assistant Secretary of the Treasury in the Reagan administration, Associate Editor of the Wall Street Journal editorial page and Contributing Editor of National Review.
- [20] Roberts, Paul Craig, "America's Injustice System Is Criminal," December 12, 2006, <http://www.lewrockwell.com/roberts/roberts187.html>
- [21] The principle that one is considered innocent until proven guilty beyond a reasonable doubt.
- [22] Nikiforov, Boris, "Etat Actuel de la Justice aux Etats Unis," ed. Revue Trimestrielle de la section des Sciences Sociales de l'Academie des Sciences de l'URSS, Nr. 4, (34) 1978, pg. 221
- [23] Kinsley, Michael, "Why Innocent People Confess", Slate, Dec. 12, 2002, [http://www.slate.com/articles/news\\_and\\_politics/readme/2002/12/why\\_innocent\\_people\\_confess.html](http://www.slate.com/articles/news_and_politics/readme/2002/12/why_innocent_people_confess.html)
- [24] Webster, Charles, "A promise made, a promise kept," Asbury Park Press, Oct. 1, 2011, <http://www.app.com/article/20111117/NJNEWS/111170001/A-promise-made-promise-kept>
- [25] ibid
- [26] ibid
- [27] Minder, Raphael, "Criminal or 'role model of rehabilitation'?", International Herald Tribune, October 28, 2011, (transcribed)
- [28] Minder, R., Barron, J., Telling the Story of 41 Years on the Run, NY Times, October 28, 2011, <http://www.nytimes.com/2011/10/29/nyregion/george-wright-tells-story-of-hijacking-from-portugal.html?scp=2&sq=wright&st=cse>
- [29] Hatton, Barry, (Associated Press), Portugal court denies US extradition request for longtime US fugitive George Wright, Newser, Nov 17, 2011 4:57 PM CST in, <http://www.newser.com/article/d9r2p2eo0/portugal-court-denies-us-extradition-request-for-longtime-us-fugitive-george-wright.html>
- [30] op cit Clendenning, and Hatton, "US Appeals Portugal Denial (...)," Salon, Nov 29, 2011, [http://www.salon.com/2011/11/29/us\\_appeals\\_portugal\\_denial\\_of\\_fugitive\\_extradition/singleton/](http://www.salon.com/2011/11/29/us_appeals_portugal_denial_of_fugitive_extradition/singleton/)
- [31] Considine, Bob, "U.S. appeals Portuguese decision to not extradite N.J. fugitive George Wright," The Star-Ledger, November 29, 2011, [http://www.nj.com/news/index.ssf/2011/11/us\\_appeals\\_portugese\\_decision.html](http://www.nj.com/news/index.ssf/2011/11/us_appeals_portugese_decision.html)
- [32] Turow, Scott, Transcribed from the film "Deadline" by Katy Chevigny and Kirsten Johnson, Big Mouth Film Producer, 2004 (0:56.43), (0:58.16) and (0:58.53),
- [33] Stevenson, Bryan, Transcribed from the film "Deadline" by Katy Chevigny and Kirsten Johnson, Big Mouth Film Producer, 2004 (0:37.20)
- [34] Clendenning, A., Hatton, B. Salon op cit
- [35] For a good four-part summary of the Troy Davis Case see:

Part 1: <http://www.youtube.com/watch?NR=1&v=5SH4IpmJl6M;>

Part 2: <http://www.youtube.com/watch?v=ajDmdDI-FhM&feature=relmfu;>

Part 3: [http://www.youtube.com/watch?v=9mcraX7yq\\_0&feature=relmfu;](http://www.youtube.com/watch?v=9mcraX7yq_0&feature=relmfu;)

and Part 4: <http://www.youtube.com/watch?v=BJxudiudK4c&feature=relmfu;> Very interesting in this series is how the speakers all still give the system the benefit of the doubt, believing that though there is injustice, this is neither systematic nor systemic, that it can be fixed.

[36] Troy Davis' Last Words Released By Georgia Department Of Corrections,

[http://www.huffingtonpost.com/2011/10/07/troy-davis-execution-last-words\\_n\\_1000648.html](http://www.huffingtonpost.com/2011/10/07/troy-davis-execution-last-words_n_1000648.html)

[37] Green, Frank, "Fate of Coleman Evidence Unknown," Richmond Times Dispatch Jan 7, 2006

<http://www.freerepublic.com/focus/f-news/1553596/posts>

[38] Radelet et al "In Spite of Innocence: Erroneous Convictions in Capital Cases," Northeastern University Press, May 26, 1994 pg. xii

[39] the date, having served his full sentence, beyond which it would be illegal to continue to hold him without new charges

[40] Bowers, Veronza Jr., "You Won't Be Leaving Tomorrow," CounterPunch, August 27-29, 2004,

<http://www.counterpunch.org/2004/08/27/thirty-one-years-and-counting-inside-the-belly-of-the-beast/>

[41] Lendman, Stephen, "Veronza Bowers, Jr. - Another Victim of America's Criminal Justice System,"

<http://www.opednews.com/articles/Veronza-Bowers--Another-V-by-Stephen-Lendman-090713-165.html>

[42] Visit his website, become aware, get involved. <http://www.veronza.org/>

[43] Gasper, Phil, "Interview with Stan Tookie Williams; Speaking out from death row," Socialist Worker, Dec. 2, 2005,

<http://ccadp.proboards40.com/index.cgi?board=cases&action=display&thread=1133353268>

[44] Acker, James R., "Davis case helps focus on what's wrong with death penalty," CNN: 8:32 AM EST, Fri September 16, 2011, <http://www.cnn.com/2011/09/16/opinion/acker-davis-death-penalty/>

[45] Hales, Larry, "U.S. prison population explodes" Workers World: Mar 9, 2008 8:18 PM,

[http://www.workers.org/2008/us/prison\\_0313/](http://www.workers.org/2008/us/prison_0313/)

[46] Carroll, James, "The prison boom comes home to roost" Boston Globe: November 8, 2010,

[http://www.boston.com/bostonglobe/editorial\\_opinion/oped/articles/2010/11/08/the\\_prison\\_boom\\_comes\\_home\\_to\\_roost/](http://www.boston.com/bostonglobe/editorial_opinion/oped/articles/2010/11/08/the_prison_boom_comes_home_to_roost/)

[47] Liptak, Adam, "1 in 100 U.S. Adults Behind Bars, New Study Says" NY Times, February 28, 2008,

<http://www.nytimes.com/2008/02/28/us/28cnd-prison.html>

[48] Hales, Larry, op cit.

[49] op cit. Clendenning, Alan, (AP), US fugitive's 41-year life on lam

[50] op cit. Minder, Raphael, "Criminal or (...)" International Herald Tribune

## **5 Dec - G20 Attack on Police Car Results in House Arrest Conviction**

*Tonight, we're focusing on one of the Canadian G20 "Main Conspiracy" arrestees as she just started a prison sentence, and will focus on the others as they go in. Another G20 arrestee is Ryan Rainville. He was recently convicted of three counts of mischief and one count of failure to comply. We've included a corporate news piece about Ryan and his statement to the court.*

### **MORE:**

A self-described anarchist was sentenced to an eight-month conditional sentence, on top of pretrial custody, for his attacks on three police vehicles during the G20 riots.

"I was surprised," Ryan Rainville, 24, said moments after hearing Justice Mary Hogan announce his sentence in Old City Hall Court. "I was prepared to go back in. I'm an anarchist until I die."

The judge gave him credit for three months of pre-trial custody. His remaining sentence consists of four months of house arrest and four months of curfew.

"Good luck," the judge told him as she passed sentence. "I don't expect to see you back."

Assistant Crown Attorney Elizabeth Nadeau had sought 12 to 14 months of jail time for the violence at the June 2010 economic summit in Toronto.

Outside the court, defence lawyer Indira Stewart said Rainville didn't have a criminal record before he was charged in August 2010. She added that he took responsibility for his actions by pleading guilty to three counts of mischief and a charge of failure to comply.

“He should be given the opportunity to go on with his life,” Stewart said.

Rainville was acquitted in a trial earlier this year of charges of obstructing police and assaulting police with a weapon.

About a dozen activists attended court, and Rainville hugged several of them in the hallway of the courthouse after hearing his sentence.

He said he hopes to study culinary arts in college.

Court earlier heard Staff Sgt. Graham Queen describe sitting in the front seat of his police cruiser as a black-clad mob attacked the parked car.

The windshield collapsed when a man jumped on it. Other protesters bashed the windows with sticks and pelted the vehicle with rocks and fruit.

One pole struck the police officer, who said it was the more frightening incident he’d experienced in his 23 years on the job.

Rainville admitted striking the car with a pole while it was parked on Queen St., just east of Spadina Ave. However, he also told court he didn't realize the police officer was inside.

He acknowledged that he smashed two more squad cars with a hammer.

The Crown argued that Rainville did know Queen was sitting in the car when he struck it.

Rainville told court he is opposed to harming people but felt justified in committing property damage. During the trial, he described police as a "force of violence and repression."

***Statement to the Court:***

In my statement to the court I am going to address what I consider to be the three most important issues that have been raised in relation to my sentencing. The first concerns my character and attitude toward society. The second relates to my connection to the First Nations and my legal father's Native heritage, and includes questions about my reasons for being at Sagatay and my attitude toward Native culture and spirituality. The third concerns the reasons and circumstances which have led to my being in court today.

It has been suggested by representatives of the state that I am an anti-social person. I am here today to tell you that I am not an anti-social person. I am a very pro-social person. I care deeply about the future and well-being of society. I care deeply about nurturing and preserving both human and non-human animal life. I care deeply about ending the suffering of oppressed Peoples as it currently exists within the authoritarian capitalist state. I am strongly committed to building positive, nurturing, egalitarian social relationships that are not based on hierarchy, exploitation, and prejudice. These are not the beliefs, values or goals of an anti-social person. These are the beliefs, values and goals of a person who cares so much about people and society that he or she feels morally compelled to challenge and eradicate all forms of institutionalized oppression, even at great personal cost to him or herself.

The court has also heard from representatives of the state that in choosing to defy and challenge corporate, state, and police authority my behaviour is anti-social. Again, I am here to tell you that my behaviour is not anti-social. In consistently working to challenge and eradicate all forms of institutionalized oppression, my behaviour is very pro-social. In consistently working to build solidarity with marginalized, working-class Peoples and our allies in a genuine struggle against oppression, my behaviour is very pro-social. In choosing to give up my white male privilege and join the struggles of oppressed Peoples everywhere, my behaviour is very pro-social. In all of these choices and activities my behaviour is not anti-social. In fact, in each of these choices and activities I consistently reject and challenge anti-social behaviour wherever it occurs.

I reject and challenge the anti-social behaviour of the authoritarian, racist, colonial, capitalist, patriarchal state, which is founded here on stolen Native land and perpetuates the oppression of Indigenous and working-class Peoples, at home and around the world, in order to defend the interests of the corporations on which it depends for its economic strength; I reject and challenge the anti-social behaviour of the corporations that control and profit from our communication with one another, that exploit working class and Indigenous Peoples here and in the sweatshops and maquilas of the global assembly line, that operate the agribusiness plantations that supply coffee and food to the affluent countries at the expense of the poor people who must work on them, and that appropriate any parcel of ground from which can be drawn an ounce of gold, barrel of oil, or cord of wood; and I reject and challenge the anti-social behaviour of the violent police, army and private security forces that enforce the will of the authoritarian capitalist state and defend the interests of the rich by bashing heads, dragging off to prison, and even killing, working-class, Indigenous and Peoples of Color whose very existence represents a threat to oppressive capitalist institutions.

The second issue which the state has raised in relation to my sentencing concerns my connection to my legal father's Native heritage and the First Nations, which the state refers to as the "Aboriginal Community." It includes questions about my reasons for being at the Sagatay residence and my attitude toward Native culture and spirituality. I will address each of these concerns now.

First of all, it is misleading to talk about the "Aboriginal community," because there is not one Aboriginal community or People or culture. There are many Aboriginal communities, Peoples, and cultures, and this is the reason why we use the plural designation of First Nations when talking about Indigenous Peoples in Canada.

My legal father's heritage is Sioux and Plains Cree, although according to custom his father joined the Cree Nation when he married his mother, so he is registered as a member of the Sakimay Band. He was raised in a residential school and his immediate family left the reserve more than 50 years ago. After he left school he moved across the country and intentionally avoided contact with any of the First Nations because he was ashamed of being, as he called himself, "an Indian." He had no stories to tell me about traditional Cree cultural practises because he didn't know any, but he did tell me about how, when he was a small boy, the Keeper of the school used to take him out of his bed at night and return him in the morning (he says he can't remember what happened to him during the hours in between); how small boys were awakened, caned, and forced to stand in the corner during the night if they did not sleep with their arms outside of the covers at all times; how he was constantly taught that he was a sinner and found himself making up sins to confess on Sunday because he was so sure he must have done something wrong that he believed that he needed to be punished anyway; and how, when it was time to play "cowboys and Indians" on the schoolyard, no Native child wanted to be an "Indian," because every child in the residential school thought she or he "knew" how bad "Indians" were.

He also told me how he was frequently racially profiled and harassed by police when the white people around him were not; how his white friends could stagger home from the bar without interruption but he was on several occasions taken to drunk tanks and Native shelters to "sleep it off" even though he had photo identification with a perfectly good address; and how he was often followed around stores by security staff even though he had never stolen anything in his life. On several occasions I also had to defend myself from the racist insults directed toward my father by white children in my classes at school, and I cringed when I had to explain to him the reason why I had been sent to the principal's office on those days.

I want to make it clear to the court that the connection I feel to my legal father is not rooted in a shared sense of Cree, or even Native, heritage or cultural tradition. It is rooted in my experience of the oppressive ways in which racism and colonialism have impacted on his life as a First Nations man living in the racist, colonial, Canadian state. This is a connection that is not limited to one Native community or cultural experience. It is a connection to a shared experience of racist, colonial, oppression that bridges all cultural and historical differences between First Nations Peoples. I take that connection very seriously, or I would not be here in court today.

I currently reside at Sagatay, which is a shelter for homeless Native men, but my case is somewhat atypical because it does not involve a problem with chronic substance abuse or a history of being in and out of jail prior to my participation in the anti-G20 protests of last year. My reason for being at Sagatay is that I was considered

to be homeless at the time I was applying for bail. I was considered to be homeless because the court would not let me return to my previous surety's house even though I had been living there and abiding by previous bail conditions at the time of my last arrest.

One condition of living at Sagatay was that I participate in a mandatory three-month daily program, with an optional three month extension which I participated in as well. Another is to take part in doing household chores, which I have done except on those occasions when I was absent from the residence for court, appointments, or overnight passes. There are also opportunities to participate in sweat lodges and other ceremonies which are, to my knowledge, neither Sioux nor Plains Cree, but that is not an issue for me. I have not refused to participate in these spiritual activities, but I have refused to falsely embrace traditional Native customs and beliefs in order to appease the Canadian state. I respect other people's spirituality and appreciate the comfort and benefit that many First Nations men find in participating in Native spiritual practises, but I am not a religious person, and I will not exploit Native culture in exchange for a better sentencing report or to make me seem more appealing to the court.

In regard to my connection to the anti-colonial struggle of the First Nations, it has been suggested by the state that there are both legitimate and illegitimate claims made by First Nations Peoples, or organizations, and that mine are somehow illegitimate. Well, in my experience all First Nations make the same claims against the colonial Canadian government: that Canada is founded on stolen Native land, that First Nations Peoples have been oppressed economically, politically, and socially within the colonial structure, and that First Nations Peoples are entitled to hold, make decisions about, and utilize for their collective benefit, the land and resources which have been taken and kept from them by the colonial Canadian state and its police and military forces. These claims are not only consistently made by First Nations Peoples and organizations across the country, they are also consistently legitimate, whether or not they are voiced by me, or a Mohawk Warrior, or the Chief of the Assembly of First Nations.

Differences do arise between First Nations Peoples and organizations over the ways and means used to achieve these goals. The colonial state and its defenders are quick to paint some of these means as being legitimate and others illegitimate, but there is strong support for radical Indigenous activism across the country, and many of us embrace and encourage those who are brave enough to risk their lives and personal freedom in order to put an end to colonial oppression by, to build on a phrase given to us by Malcolm X, any constructive means necessary. By constructive means necessary I am referring to anything which effectively disrupts capitalist business as usual but causes no harm to human or nonhuman animal life.

Although I have consistently maintained a strong commitment to protecting both human and non-human animal life throughout my protest activities, last year, at the beginning of my second period of incarceration, I was viciously beaten and kicked to the floor by prison guards who explicitly told me they were doing so because I was what they called a "violent" anti-G20 protester. Then they pulled me up by my hair and forced me to kneel facing a corner of the room, threatening to beat me again if I looked back at them while I was on my knees. A week later the same guards showed my bruised face to another man entering the prison and said they were going to do the same thing to him because he was an anti-G20 protester too. This is a stark example of the way in which state violence permeates every aspect of my life because I have chosen to challenge its oppressive institutions, yet it is something that First Nations Peoples and Peoples of Color must face every day simply because their very existence represents a threat to the racist, colonial, capitalist state.

This brings me to the final issue that I am going to address in my statement: the reasons and circumstances which have led me to be in court today. I have already told the court that I reject and challenge the anti-social behaviour of the authoritarian capitalist state, the corporations it protects, and the armed forces it uses to protect them. I have explained the sense of connection that I feel to the First Nations' struggle against colonial oppression. In addition, I have a deep sense of connection to anti-imperialist struggle around the world, from Latin America and Haiti to Greece and Palestine. Much of this comes from the awareness that my mother instilled in me from childhood of the abysmal living and working conditions endured by the majority of people around the world. I was also lucky enough to have a stepfather who participated in the Salvadorean people's revolutionary struggle against the brutally repressive US and Canadian-backed governments of the time.

My stepfather told me about the incredible spirit of resistance and courage he found in the Salvadorean people. He drew on that spirit himself when he joined the resistance in spite of the state-sponsored torture and murder of many people around him, including some of his teenage schoolmates. He relied on it again for survival when he also was disappeared and tortured as a result of his work teaching poor Salvadoreans about their constitutional rights. Throughout his experience as an Immigrant of Color in Canada he has drawn on the same spirit of resistance as he fought against poverty, racism, and classism in a racist colonial state. He has consistently taught me through word and example that we must resist oppression in any way that we can because people everywhere are suffering and dying so that a few affluent countries, and corporations, can prosper at any expense.

The understanding and experiences of oppression and resistance that I have drawn together here in my statement to the court form the core of my commitment to resist state and capitalist oppression by any constructive means necessary. The colonial capitalist state is violent because capitalist property requires violence in order to keep it under capitalist control, and colonial property requires violence in order to keep it under colonial control. State violence, and the threat of state violence, is so common in our collective lives that many people become desensitized to it and don't really notice it until it is brought to bear directly on their own lives. The state and its forces act with virtual impunity against working and Indigenous Peoples, and state violence is the most pervasive and odious source of violence that we must face. Defending ourselves from the violence of the capitalist state and its property is not violence, but self defence.

I have plead guilty to the destruction of state property, and while awaiting trial and sentencing I have spent more than 3 months in jail, 9 months on house arrest, and 2 months living under strict bail conditions. I have been beaten and condemned for my political beliefs, and I have served enough time in punishment for the damage that I have accepted responsibility for. It is time now for the state to set me free.

### **6 Dec – Spirit of Freedom December 2011 Now Available**

*Put out by the Earth Liberation Prisoners Support Network, Spirit of Freedom is a monthly listing of Earth and animal liberation prisoners from around the world.*

#### **MORE:**

"The whole experience has been tough, but all the kind and strengthening words and wise thoughts from strangers made it much easier!" (Former Swedish Animal Rights Prisoner)

Welcome to the December 2011 edition of Spirit of Freedom. With celebrations around the world occurring at this time of the year, please remember the prisoners and send them a card of seasonal greetings as well.

Not all of the prisoners listed in this newsletter are as famous or as well known as some of the others who are also listed in the newsletter. However, all of the prisoners deserve our support and all welcome letters of support. So please, no matter where you are in the world, no matter what language you speak, support the eco-prisoners. And no compromise in defense of Mother Earth!

One final thing. ELP is now on Facebook (despite an attempt by someone to close our page down). Please search of Earth Liberation Prisoners on Facebook and you'll find a complete Earth & Animal Liberation prisoners listing.

If anyone notices any of ELP's prisoner details is out of date or we do not list a prisoner who we should list, please let ELP know as soon as possible. ELP is run by a small group of volunteers and although we try to ensure our lists are accurate, we admit we do make mistakes. So help us help keep the lists accurate by letting us know of any changes we need to make.

### **7 Dec – District Attorney Drops Death Penalty for Mumia; Desmond Tutu Demands Release**

*Presumably everyone has heard that Mumia Abu-Jamal is no longer facing the death penalty, but still faces a life sentence. He has also been transferred, but as of today, remains in solitary confinement. Write to him at: Mumia Abu-Jamal AM8335*

**SCI Mahanoy  
301 Morea Road  
Frackville, Pennsylvania 17932**

**MORE:**

"Now that it is clear that Mumia should never have been on death row in the first place, justice will not be served by relegating him to prison for the rest of his life—yet another form of death sentence. Based on even a minimal following of international human rights standards, Mumia must now be released. I therefore join the call, and ask others to follow, asking District Attorney Seth Williams to rise to the challenge of reconciliation, human rights, and justice: drop this case now, and allow Mumia Abu-Jamal to be immediately released, with full time served."  
Desmond Tutu

The news that the DA's Office of Philadelphia is no longer seeking the death penalty for Mumia is no news to supporters of the nearly 30 year Pennsylvania Death Row prisoner. However, because Mumia has for thirty years been subjected to torture on death row and because he is innocent, justice for Mumia will not be served by life imprisonment, but by his release from prison.

Mumia's case is like thousands of other cases in Philadelphia in which the prosecutor, the judge, and the police conspired to obtain a conviction. One of the most important and least known facts of this case is the existence of a fourth person at the crime scene, Kenneth Freeman. Within hours of the shooting, a driver's license application found in Officer Faulkner's shirt pocket led the police to Freeman, who was identified as the shooter in a line-up. Yet Freeman's presence at the scene was concealed, first by Inspector Alfonso Giordano and later, at trial, by Prosecutor Joe McGill. Recently, the U.S. Department of Justice asserted that withholding evidence of innocence by the prosecutor warrants the overturning of a conviction.

The police investigation that led to Mumia's conviction was also riddled with corruption and tampering with evidence. The recently discovered Polokoff photographs that were taken at the crime scene, reveal that officer James Forbes, who testified in court that he had properly handled the guns allegedly retrieved at the crime scene, appears holding the guns with his bare hands. The photos also discredit cabdriver Robert Chobert as a witness; his taxi, contrary to his testimony, is pictured facing away from the fallen officer's car. This evidence hasn't been reviewed by any court.

Our call to Seth Williams is that he honor DA Lynn Abraham's 1995 promise to the city of Philadelphia that she would discard any cases where evidence surfaces that even one of the officers involved in an investigation lied in court or in written reports.

The D.A. may think that the case can be laid to rest by sending Mumia off to life in prison. But an aroused public, with the Supreme Court ruling the death sentence to be unconstitutional, is ready to challenge anew the entire trial. The same judge, jury, and DA that were involved in the unlawful sentencing process committed equally egregious violations in the conviction. This is not an ending, it is a new beginning for the movement supporting Abu-Jamal's quest for release.

**No Execution for Mumia: 30 Years After a Police Shooting, Abu-Jamal Backers Vow to Free Him from Life in Prison**

The mood was both celebratory and angry among a 1000-plus overflow audience packed into the balcony space of the Constitution Center in Philadelphia on the evening of Dec. 9.

The crowd of supporters of Philadelphia journalist and black political activist Mumia Abu-Jamal had come to denounce the over 29 years that he has spent locked in solitary confinement on Pennsylvania's grim death row since his conviction for the shooting of a white police officer, Daniel Faulkner. But they were also there to celebrate the surprise decision, announced two days earlier by Philadelphia DA Seth Williams, not to seek to reinstate Abu-Jamal's death sentence, which had been permanently vacated by a recent decision of the U.S. Supreme Court.

Technically, the Supreme Court, last Oct. 11, had decided not to review a decision by a Third Circuit Court panel that had upheld a 2001 Federal Judge's ruling declaring his 1982 death sentence to have been unconstitutional. The Federal Court and Appeals Court decisions had been appealed by the district attorney's office for years, all the way to the Supreme Court.

The event at the Constitution Center had initially been planned to mark the 30th anniversary of the shooting incident that had led to Abu-Jamal's arrest and to his trial and conviction. But only two days before, Williams, who had 180 days from the Supreme Court's ruling to decide whether to request a new jury trial to attempt to win a new death sentence, had held a press conference to announce that he would not take that step, and would instead allow Abu-Jamal's penalty to revert automatically to life in prison without parole.

The crowd, surely the largest to attend an event in support of Abu-Jamal in years, had thus come both to celebrate the end to the death threat facing the veteran journalist and world-renowned symbol of America's obsession with state murder, and also to demand that he not instead be "left to rot" in a regular prison for the rest of his life.

That is Abu-Jamal's fate as things stand under Pennsylvania's death penalty law, which gives capital juries only two choices once they have convicted someone of murder in a death penalty case--death, or life in prison without possibility of parole--and which automatically imposes life without parole if a death penalty is subsequently overturned on appeal.

The clear sentiment in the crowded Constitution Center last night was that this alternative for Abu-Jamal would be absolutely unacceptable.

As Lennox Hinds, a prominent civil rights attorney at Rutgers University, told the assembled supporters, "The Third Circuit Court ruled that his (death) sentence was illegal, and that he was wrongly held on death row for 30 years. That violates the (Constitution's) Eighth Amendment against cruel and unlawful punishment." Hinds, who teaches international law and is a permanent representative to the International Association of Democratic Lawyers, vowed to "launch an international movement" to challenge Abu-Jamal's endless imprisonment on that basis.

Many speakers called for continued organizing and renewed struggle to keep public attention focussed on Abu-Jamal's case.

This call for continued organizing was a clear response to statements from both DA Williams and from Faulkner's widow Maureen at Wednesday's press conference that they had opted not to seek a new penalty trial because they didn't want to provide Abu-Jamal with a "forum" for "further publicizing his case." The clear implication was that they both hope with execution off the table and no more avenues for appeal, public attention to his case and his plight will fade away.

While it is more likely Williams decided against a penalty trial because that would afford Abu-Jamal's attorneys a chance to subpoena old prosecution witnesses believed to have lied at trial, and to bring in new witnesses and evidence that could challenge those witnesses' credibility, perhaps opening up the door to overturning his conviction, certainly there is also a real risk that with Abu-Jamal no longer facing possible execution, some of the passion could go out of the domestic and international movement to free him. At the same time, his imminent transfer off of death row and into a general population prison will make access to him easier, communications between him and outside supporters less restricted, and will make it far easier for this unusually articulate prisoner and gifted writer and orator to be the spokesman for and reporter on those millions who are trapped inside America's massive prison-industrial complex.

Abu-Jamal, who has consistently maintained his innocence, caused the whole Constitution Center to erupt in explosive applause when he phoned in from the SCI-Green supermax prison that has been his home for so many years to address the assembled supporters, his voice, badly distorted by static, broadcast over speakers at the front of the room. When the crowd had quieted back down, he thanked them all for their support, which he said had helped win him his victory against the death penalty, and he promised to continue to fight for his freedom.

While Abu-Jamal spoke, a group of off-duty police officers on large motorcycles, who had commandeered the block of Market Street running in front of the Constitution Center, revved their unmuffled engines at full throttle, trying in vain to drown him out. The low thrum of sound that made it through the Center's thick glass was barely audible, and the cop/bikers, who were not bothered by National Park Police or city cops despite their obstruction of the city's main thoroughfare or their blatant violation of city noise ordinances, eventually gave up and, except for one cop who appeared to have blown his engine, departed.

It was a desultory effort at disruption by a group -- law enforcement officers and the Fraternal Order of Police -- that has been actively lobbying to "Fry Mumia" for decades, and an indication of the frustration that is being felt by many police--especially white police--that Abu-Jamal has finally escaped the sentence they tried so hard to have carried out.

Defense attorney Michael Coard, following Abu-Jamal's call, termed the decision not to seek a new death sentence by DA Williams (whom he called "Mr. Abraham," in reference to the woman who preceded him in that office, Lynn Abraham, a prosecutor once called "America's deadliest DA" by the N.Y. Times) a "tremendous victory," but he reminded everyone that it still left in prison a man whom he said was "not just not guilty, but provably innocent." Highlighting just a couple of the interminable list of flawed and fraudulent evidence that undermines the integrity of the prosecution's case, Coard said that the alleged "oversight" by police at the scene of the crime in supposedly not conducting a routine gunpowder test on Abu-Jamal's hands doesn't pass the laugh test. "I believe they certainly ran that test and it came up negative," he said.

Coard, drawing on a football analogy to describe where things now stand, said, "We just got to the red zone. We need the whole seven points!"

The Abu-Jamal backers who poured out of the Constitution Center into the frigid night air at the end of the event certainly showed no signs of burnout as they headed homeward and, unlike the protesting cops who had long since departed after their brief engine-revving action, seemed primed to keep pushing for the end zone.

## **8 Dec – Can We Win?**

*Walter Bond recently wrote that he won't be issuing unsolicited writing for the foreseeable future as he focuses on his own politics and better understanding his beliefs. He will still reply to letters and answer interviewers, but doesn't plan to write much beyond that. However, he did recently write the piece below.*

### **MORE:**

We all at times feel lonely, desperate and depressed in our struggles. To be a revolutionary or a militant in the fight for liberation is no small undertaking and often demands more of us than we think we can endure or withstand. Sometimes we look around this beautiful world and are overcome with grief, anger and resentment at all the avarice, greed and insanity that our kind inflicts upon all kinds.

I was born with the same natural instinct as most mammals. The belief that if you leave others alone, they will leave you alone. In a natural World, that's correct most of the time, but not in this uncivilization. The powers that destroy the Earth, Animals and ecosystems, the powers that pollute, exploit and derange everything pure and natural, exist as a definitional problem of technology, industry and 'progress.'

These forces of human greed, laziness and manipulation are incredibly and intensely pro-active, which means

that we must also be. But something else we must also be, is aware of our love. Although we must fight as ferociously as any freedom fighters before us and at times employ the most ruthless of tactics, we must not forget that ours is the fight for the truth, in every sense of the word.

I say this advisedly because as a U.S. prisoner and a Prisoner Of War for the Animal Liberation Front, it's a challenge I face daily. In my situation it's all too easy to become hateful and belligerent, not only against the forces of oppression that daily confine me, shackle me and belittle me, day in and out for approximately the next decade. Not just at the corporate juggernaut that murders the planet while plundering and profiting from all in their path, but also the many sheep in wolves' clothing that I see talking the talk, but never walking the walk. It's difficult to lose your freedom, but it's painful to watch others turn your fight for liberation into a fashion show or internet thread.

And then I remember the amazing words and life of men like John Africa, Malcolm X, Huey P. Newton, Zumbi or Barry Horne and I am all at once reminded that far better men than myself have been through far worse than me. I am reminded to focus on my love of Animals, on the reasons why I remain defiant, and on the reasons why I'm obligated out of compassion to continue forward, without despair. I'm reminded to focus on my love, and not be twisted into a petty and spitefully self-absorbed unit. To a greater or lesser degree it's a choice that any of us that have decided to stand against an enemy much larger than ourselves must deal with.

Many times I've been asked if I think we can win. Can we change things? It's an annoying question I usually ignore because if you don't believe it when you ask it of yourself, what the hell can I do about it? Plus it's an answer that differs from person to person. Can we win? No, not if you don't think you can win.

And what is winning? That's a question I can answer. Winning is not the end of all human, Earth or Animal exploitation. Those are end goals, ideals that may be brought about by many, many victories in the battle ultimately leading to an awakening within the masses that sit on their asses. No, 'winning' or 'changing the world' begins in the self and is manifested outward every time we speak up in a loud clear voice. Every time we push through our fears of authority, every time we're knocked down and we get back up and keep coming strong. Every year that we don't give up and every sacrifice we make shows us what we are made of and builds us into people that can change the world!

On the other hand losing hope, quitting, taking extended breaks from our beliefs or the movements for liberation, weaken that resolve. And then staying silent, obeying unjust laws, getting knocked down and staying down, quickly become an octopus of oppressive chains until we find ourselves asking strangers what we can and can't do.

My fight ultimately is for Animal Liberation. When I think back to many of the mangled and crippled Animals that I have worked with or rescued, or the 1000s of hogs that I saw die day in and out as a young man building slaughterhouses, when I think of the years I spent willingly eating and drinking their death and slavery, I see a personal debt there. Then I ask myself what is owed. The answer is a lifetime commitment. I owe the Animals the best of who I am and could ever become. I owe that, not because I've ever been some spectacularly evil person, but because so few care!

When you can see what others can't, when you can feel what others don't, then it is your responsibility to make greater change. Not everyone else's responsibility to wake up, not without a good shaking at least. So ask yourself, what do I believe in, what do I deeply care about, the answer to that is Mother Nature telling you where your responsibility lies. And then struggle, fight, get beat-up, stand back up, tear it up, burn it down, educate, train, build, destroy, lash out, save a life, turn on your oppressors, defend the defenseless and don't stop, don't forget, don't pretend and don't give up ever! As long as there is breath, you're still in the fight!

Animal Liberation, whatever it may take!

## **8 Dec – The Black Left: Where Are You?**

*Jalil Muntaqim has a new blog post. He intends his writings to spark discussion and they are a great point from which to start a correspondence with him.*

### **MORE:**

Recently, someone sent me a transcript—though only a couple of pages—of a conference call on November 3, 2011 conducted by US Human Rights Network (USHRN) Labor Working Group and the Black Left Unity Network. Apparently, the Black Left Unity Network evolved out of the ‘Social Forum’ held in the summer of 2010 in Detroit. Upon reading the pages, I was elated to learn that such discussion was going on. But the more I read, the more I found myself asking the question, why are they concentrating their attention on Occupy Wall Street? It became more apparent that the discussion was on whether “the white tail was wagging the black dog,” and how best to introduce Black left issues in OWS national protest campaigns.

In my blog, “Occupy Wall Street...A Movement?” I introduce the idea that OWS is not a movement, but rather a social-democratic reformist protest campaign. It is not anti-capitalist, it is not anti-imperialist, and it is not anti-racist. If this is true, then how should the Black left address OWS? Obviously, a social-democratic reformist protest campaign must be challenged as to exactly what they seek to achieve, and how that will impact Black folks in Amerikkka. In this regards, one Sister in the conference call urged that a National Black Liberation Conference be held to evolve a common platform. I totally agree with this position, as there is an overwhelming need for the Black left to define itself, consolidate its political existence, and forge a national determination program and platform in a unified front to OWS or any other progressive initiative.

As was written in previous blogs concerning OWS, a National Black Liberation Conference will need to forge national public policy on issues pertaining to Universal Health Care; Student and Home Programs; National Wealth Distribution/Tax Programs; National Environmental Preservation Programs; Immigration Relief Program; Domestic Security and International Anti-Aggression Protection Act; Natural Resource and Energy Commission; Social Justice and Penal Reconstruction Program, to include the amnesty and release of political prisoners. These issues are common concerns of all oppressed and disenfranchised US citizens, however each of these issues are crucial to the existence of black folks in Amerikkka. As is often said, “When white folks catch a cold, Black folks catch pneumonia.” Obviously, if the Black left were to devise a program and platform to demand public policy in challenging the current oppressive/repressive conditions, Black folks, as had been the case since the civil rights struggle, will influence and lead a revolutionary national mass and popular movement.

Once again, it is time for the Black left to rise to the historic challenge, to purge itself of the lethargic apathy that prohibited uniform and unified Black political determination and movement. It is time for a National Black Liberation Conference, to at minimum identify specific socio-economic and political issues, and the means/method to challenge the system, and implement a revolutionary determination in a mass and popular movement.

The future holds promise, but only if you take action. Needless to say, we, Black political prisoners are hopeful the Black Left will rise to the occasion.

## **9 Dec – Sundiata Transferred Again**

*Sundiata has a new address. This prison is not a transfer center, so we suspect he will be here for a while. Please write to him at:*

**Sundiata Acoli #39794-066**  
**FCI Cumberland**  
**Post Office Box 1000**  
**Cumberland, Maryland 21501**

## **11 Dec - Bradley Manning: Hearing the Word of the Prophets**

*Alleged WikiLeaks whistle blower Bradley Manning faced the beginning of his trial last week. As a result, there*

has been above average press about him and his case. We've attached one article below.

### **MORE:**

Prophets have existed since ancient times. Religions and cultural traditions from time immemorial have acknowledged their existence. Traditionally, prophets were seen as those who play a role of forecasting epochal change in society through their messages and insight.

In moments of crisis, people look for prophets. With expanding environmental degradation, political corruption and deepening economic turmoil, where can we find prophets in this modern age of crisis?

Many regard prophets as those who see the future and receive a vision. Yet, there is more to acting prophetically than this.

Prophets can be found in unexpected places. In a combat zone, where life and death converge, one can be closest to the threshold between past and future. The acts of war resisters, veterans and soldiers who from out of their moral convictions choose not to carry on killing or support war can be seen as prophetic.

There are [soldiers who refused to be deployed](#) as a result of a moral awakening. They stand at a threshold between a certain reality and the potential to transform it. It is like [the voice of Dr. King](#) was speaking to the core of their being when he said:

*Cowardice asks the question, 'Is it safe?' Expediency asks the question, 'Is it politic?' But conscience asks the question, 'Is it right?' And there comes a time when one must take a position that is neither safe, nor politic, nor popular but because conscience tells one it is right.*

These people found the strength and courage within to act out of hope rather than fear, choosing to break the chain of command coming from the past to live up to a higher vision what humans ought to be. They remind us how what we often call conscience is a call from the future, a gentle tapping on the shoulder.

At the 2008 Winter Soldier event, [Jon Turner testified](#) about his experiences of the routine killing of innocent people in Iraq and other war crimes. He spoke about his choice to follow a different path, "I am sorry for the things that I did. I am no longer the monster that I once was".

More recently, [former US soldier Ethan McCord began speaking out](#) about the incident in the "Collateral Murder" video released by WikiLeaks in 2010. He grabbed a little girl from amidst the carnage and ran for help. Later that day as everyone ignored what had happened, McCord could not. [He recounted his experience.](#):

*I went to my room to try to clean the children's blood from my uniform. Fighting back tears from what I'd seen, my emotions were taking over; the very thing that the army taught us not to do in war, I was doing. My humanity and love for the human race was overcoming everything they taught me.*

Those dissidents took courageous steps to change the course of history. For them, the connection to the future is not to be experienced passively, like having visions given to them; instead they may have felt they should be active participants in manifesting it.

Prophets access a present moment where both the past and potential of the future co-exist. They choose one reality out of multiple potentialities. In this regard, the strength of prophets really lies in their courage to choose hope over fear, stepping into unknown territory to bring forth a vision of a kind of future that is imagined through their high ideals.

A similar prophetic act can live in the conviction and actions of whistle-blowers. If alleged whistle-blower Bradley Manning was the one that leaked the documents released by WikiLeaks, perhaps he too had glimpsed events that have not yet taken place.

In [his alleged chat log](#) with Adrian Lamo before the US diplomatic cables were released, Manning shared his anticipation:

**(12:52:33 PM) bradass87:** Hilary Clinton, and several thousand diplomats around the world are going to have a heart attack when they wake up one morning, and finds an entire repository of classified foreign policy is available, in searchable format to the public...=L

**(1:11:54 PM) bradass87:** and... its important that it gets out ... i feel, for some bizarre reason

**(1:12:02 PM) bradass87:** it might actually change something

He might have seen the future where deep transformation is in the making and how the world might change for the better. If allegations are true and the chat logs are genuine, Manning took huge personal risks to step into that future as participant in making this vision happen. He didn't just passively wait for someone to change the world.

**(02:21:18 AM) bradass87:** and god knows what happens now ....

**(02:22:27 AM) bradass87:** hopefully worldwide discussion, debates, and reforms

**(02:23:06 AM) bradass87:** if not... than we're doomed

**(02:23:18 AM) bradass87:** as a species

Between fear and hope he weighed in on hope, on the human potential to do good over against the greed, despair and cynicism of humanity. He expressed his simple faith in ordinary people. It seems he genuinely believed that if this information would become available, an effective portion of global society would take action and demand justice, and on some level he was right.

Prophets spark hope for deep change. Whether Manning is really the source of those documents or not, he has already changed the course of human history. The Occupy Movement is spreading like wildfire and is a sign that the world is catching up to his courage to take hold of the future. For many he has become a symbol of the lowly David that stood up to the corporate-military complex Goliath.

[Michael Moore recently acknowledged](#) that the action of alleged whistle-blower Bradley Manning triggered the Occupy Movement:

*It's not a magazine from Vancouver. It's not—if you want to—if you really want to pin it down to somebody, I would thank Bradley Manning ... But if one courageous soldier hadn't—allegedly—done what he had done, if he hadn't done this, it—who knows? But it was already boiling just beneath the surface, and it just needed somebody to get it going.*

He is a prophet, a hero incarcerated without due process, [stripped naked and treated inhumanely](#). In every age and society, prophets were perceived as a threat to illegitimate power and were attacked or ridiculed.

In a recent article; [Bradley Manning Finally Gets a Hearing](#), Kelley B. Vlahos gave a thorough update on the life of this courageous young man. She concludes with the thought that what happened to him could happen to any one of us:

*Which is why when they say 'we are all Bradley Manning,' they mean it. In many ways this is not just about one man, but a machine that has gotten way ahead of our ability to understand or accept it.*

On one hand, this is true and people need to face this harsh reality. Yet, "We are all Bradley Manning" also indicates something else. It indicates the power to access a future that intrinsically resides in each of us and that we can tap into our own prophetic voice within, as he did.

Manning had a certain faith in ordinary people and chose to act prophetically for humanity. Do we hear his voice and see what he saw as human potential? Can we find faith in the actions of ordinary people like Manning did?

In seeking a progressive path to the prophetic voice, journalism professor Robert Jensen said, "It is time for each of us to take responsibility for speaking in the prophetic voice." [1] He reminds us how "we don't need a prophet- we need prophets, ordinary people who are willing to tap into the prophetic voice that is within us all." [2]

Perhaps, we are now like many other prophets that came in times of crisis, standing at a similar critical time of decision in history. As Bradley Manning's court day is imminent this Dec 16, are we caught by the distraction of Christmas holidays? Who among us will hear the words of prophets and respond to this call from the future?

Notes:

1. Jensen, R. (2009). *All my bones shake: Seeking a progressive path to the prophetic voice*. Brooklyn: Soft Skull Press. p. 143.
2. Jensen, p. 161.

### **11 Dec – Shaka Shakur and Bro. Bullwhip Homes Raided**

*Shaka, coordinator of the Peoples Survival Program in Harlem was arrested at work after a taskforce of police agents raided his home in the Bronx with a baseless warrant. In the course of the raid the police also took the opportunity conduct a warrantless raid on the home of former Black Panther, Bro. Bullwhip. Bullwhip's home, has been one of the archive sites for the NYC Black Panther Party. We've included information for a fundraiser below.*

#### **MORE:**

**WHAT: LEGAL SUPPORT FUNDRAISER FOR BROTHER SHAKA SHAKUR**

**WHEN: 2:00-5:00pm, Sunday, January 15<sup>th</sup>, 2012**

**WHERE: CEMOTAP CENTER-- 135-05 Rockaway Boulevard, South Ozone Park, New York**

**COST: ADMISSION IS FREE BUT BRING A SACRIFICE DONATION-** not your rent or food money but the money you were saving for Atlantic City, Cigarettes or Booze, weed and whatever.

Shaka has been one of the younger generation's leaders who has followed the example of a earlier generation of Black Panthers who dedicated themselves to "Serve the People" programs. His work in the Peoples Survival Program and with street gangs and against violence have been exemplary.

The Press should direct their inquiries to Michael Tarif Warren. Brother Shaka was apparently targeted because of his long time community activism. Brother Shaka has most recently been working with the Peoples Survival Program feeding and clothing the homeless and hungry and the Nat Turner Collective. He is also known for his work as a recording artist for Maroon Records and for his work with the Black Panther Party and New Black Panther Party. ATTORNEYS MICHAEL AND EVELYN WARREN will also be honored at this event for their legal support of the Struggle in the past and during the 21st Century.

We will also honor BLACK PANTHER BROHER SHEP, who sounded the community alarm which resulted in a community outpouring to the precinct on the day that Brother Shakur Shakur's home was invaded and illegally searched by police. Both Brother Shaka and Brother Shep are members of a cadre of brothers and sisters who have given support with security and other needed functions at numerous CEMOTAP and Community events, including the Great Harlem Debates, The rally to support Adelaide Sanford's Son and the Rallies to Save the legacy of Gil Noble's Like it Is.

Shaka Shakur will be back in court on February 15th  
Part B

**BRONX COUNTY CRIMINAL COURT**

215 East 161st Street (near Sherman & Sheridan Avenues)

C, D or 4 train to the Yankee Stadium/161st Street Station.

BX 6 or BX 13 to East 161st Street & Sheridan Avenue; the BX 1 to East

## **12 Dec – My Father Will Not Be Forgotten**

*Exactly three days following the tenth anniversary of the Bush administration shutting down the largest Muslim charity in the United States, the Fifth Circuit Court dismissed the appeal for the Holy Land Foundation case, affirming the conviction of Noor Elashi's father, the co-founder of the HLF who's serving a 65-year sentence for his humanitarian work.*

### **MORE:**

On Wednesday, Dec. 7, the three-judge panel, based in New Orleans, filed their opinion, concluding that “the district court did not clearly err.”

Upon hearing this news, it initially all rushed back to me at once, nostalgia on overdrive. I saw the relentless accusations by pro-Israeli lobby groups, the pressure by pro-Israeli politicians and the defamatory news reports in the 1990's. I saw the raid on the HLF in 2001, the pre-sunrise arrests and “material support” charges in 2004, the first trial and hung jury in 2007, the second trial and guilty verdicts in 2008, the sentencing in 2009. I saw the plethora of prison phone calls and visitations. And finally, I saw my father being transferred in 2010 to the Southern Illinois city of Marion's Communications Management Unit—what *The Nation* has called “Gitmo in the Heartland”—and where my father's significantly diminished phone calls and visitations are scheduled in advance and live-monitored from Washington D.C.

The case of the Holy Land Five comes down to this: American foreign policy has long been openly favorable towards Israel, and therefore, an American charity established primarily for easing the plight of the Palestinians became an ultimate target. As my father said during our 15-minute phone call on Thursday, “The politics of this country are not on our side. If we had been anywhere else, we would've been honored for our work.”

This month could have marked a milestone. The leaders of our country could have learned from our past. The day the towers fell could have been a time to stop fear from dominating reason instead of a basis to prosecute. The HLF would have continued to triumph, providing relief to Palestinians and other populations worldwide in the form of food, clothing, wheelchairs, ambulances, furniture for destroyed homes, back-to-school projects and orphan sponsorship programs. And more notably, my father would not have been incarcerated. My family and I would have been able to call him freely and embrace him without a plexiglass wall.

Yet my father was charged under the ambiguous Material Support Statute with sending humanitarian aid to Palestinian distribution centers known as zakat committees that prosecutors claimed were fronts for Hamas. He was prosecuted despite the fact that USAID—an American government agency—and many other NGO's were providing charity to the very same zakat committees. Instead of the Fifth Circuit Court taking this fact into account and transcending the politics of our time, the language used in the opinion, drafted by Judge Carolyn King, echoed that of the prosecutors:

“The social wing is crucial to Hamas's success because, through its operation of schools, hospitals, and sporting facilities, it helps Hamas win the ‘hearts and minds’ of Palestinians while promoting its anti-Israel agenda and indoctrinating the populace in its ideology.”

Even more disappointing is the Fifth Circuit Court's opinion regarding one of the main issues in the appeal: The testimony of the prosecution's expert witness, an Israeli intelligence officer who, for the first time in U.S. history, was permitted to testify under a pseudonym. The opinion states:

“When the national security and safety concerns are balanced against the defendants' ability to conduct meaningful cross-examination, the scale tips in favor of maintaining the secrecy of the witnesses' names.”

I refuse to let this language bring me down, especially knowing that the battle for justice continues. In the next few weeks, defense attorneys plan to ask the entire panel of appellate judges to re-hear the case, and if that petition is denied, they will take it to the Supreme Court.

Meanwhile, my father waits in prison. This Thursday, when I spoke to him, it had been the first time in several weeks since he received a phone call ban for writing his name on a yoga mat, which prison officials saw as

“destruction of government property.” I told him that during the tenth anniversary of the HLF shutting down, the name of the charity is still alive and that he will not be forgotten. My father is my pillar, whose high spirits transcend all barbed-wire-topped fences, whose time in prison did not stifle his passion for human rights. In fact, when I asked him about the first thing he’ll do when he’s released, my father said, “I would walk all the way to Richardson, Texas carrying a sign that says, ‘End the Israeli Occupation of Palestine.’ ”

### **12 Dec - City dismisses all charges against 9 Occupy Sacramento defendants**

*The City of Sacramento late Monday December 12th – under a barrage of questioning by the court about a failure to provide discovery to the defense – dismissed all charges against nine Occupy Sacramento defendants scheduled to start their trials on Tuesday, December 13.*

#### **MORE:**

After trial court judge Earnest W. Sawtelle repeatedly chastised city attorney Gary Lindsay for turning over only 2 of 44 items of discovery – which were due no later than Dec. 5 by court order – Lindsay conferred with his office then announced the City would drop all charges "in the interest justice."

Occupy Sacramento Legal Committee coordinator Cres Vellucci called it a victory for the First Amendment, noting:

"We have said all along, and our lawyers have argued, that this local ordinance that proclaims the Bill of Rights only relevant before 11 p.m. weekly or midnight on weekends is unconstitutional. We think the City of Sacramento knows that and does not want to see it challenged in a court of law.

"One-hundred and eleven (111) people have now been arrested at Cesar Chavez Park peacefully protesting the law. They have risked their freedom to preserve the rights our founders fought for, and Americans have died for more than two centuries.

"We now ask the City of Sacramento to save the taxpayers of Sacramento the cost of arresting and prosecuting other people simply expressing their free speech rights. Now is the time to sit down and work out an agreement that allows all Sacramentans their First Amendment rights."

In total, there have been 111 arrests at Cesar Chavez Park for curfew violations. Thirty-five people had their charges dismissed earlier, according to Vellucci. After today's decision, 7 people may still face trial in January.

Another 24 people, including "Joe," who was arrested by police after occupying a tree in Cesar Chavez Park, were arrested last week. "There is no word yet regarding those arrested last week," noted Vellucci.

The crackdown on the First Amendment by the cities of Sacramento, Oakland, Los Angeles, San Francisco and others across the country is apparently part of a nationally coordinated campaign by the Department of Homeland Security and other federal law enforcement agencies in collaboration with local police departments, as exposed by author Naomi Wolf in her November 25 article in the UK Guardian (<http://www.guardian.co.uk/commentisfree/cifamerica/2011/nov/25/shocking-truth-about-crackdown-occupy>),

"So, when you connect the dots, properly understood, what happened this week is the first battle in a civil war; a civil war in which, for now, only one side is choosing violence," wrote Wolf. "It is a battle in which members of Congress, with the collusion of the American president, sent violent, organised suppression against the people they are supposed to represent. Occupy has touched the third rail: personal congressional profits streams. Even though they are, as yet, unaware of what the implications of their movement are, those threatened by the stirrings of their dreams of reform are not."

### **13 Dec – G20 Prisoners Transferred**

*Two of the folks we wrote to at our last letter-writing night have been transferred. Erik Lankin and Adam Lewis*

have been moved to the same prison as their co-defendant, Peter Hopperton. Write to them at:

**Erik Lankin**  
**Central North Correctional Centre**  
**1501 Fuller Avenue**  
**Penetanguishene, Ontario**  
**L9M 2H4**  
**Canada**

**Adam Lewis**  
**Central North Correctional Centre**  
**1501 Fuller Avenue**  
**Penetanguishene, Ontario**  
**L9M 2H4**  
**Canada**

### **14 Dec – Where Were You 40 Years Ago Today?**

*For most of you, the answer to this solicitation's question is "not born yet." Let that sink in as you think about how long two of the remaining Angola Three have been in prison. And then read the request for support below.*

#### **MORE:**

Imagine, if you can, where you were 40 years ago today - only days before the New Year 1972.

How many sunsets, walks in the park, or dinners with friends have you witnessed since then?

How many winters, kisses, and dreams can you remember?

What about nightmares?

For over a decade we've been fortunate to have a small handful of loyal donors who, almost single handedly, have borne the brunt of the financial burden of keeping the Angola 3 legal team and campaign afloat.

But now we need your help to ensure that the final chapter of this epic, historic tragedy ends in freedom.

Albert Woodfox and Herman Wallace in a few short months will mark 40 years of tomorrows in 6 by 9 foot cells. Although calls to free these innocent men from Amnesty International, Samuel L. Jackson and even Capitol Hill echo around the world, they remain behind solitary bars.

2011 has brought a transition of judges, new movement in the legal cases, and new hope we have finally moved into the final leg of this long journey. In 2012 we could see Albert's conviction overturned for a third time, and Herman's for the first. The important civil struggle to recognize long term solitary confinement as "cruel and unusual" may finally be set for trial.

Please take a moment to think how much you could spare for each year they've lost.

\$5 a year, \$10, \$25 or more?

We know that everywhere times are tough and money is tight. But anything you can give will help ensure that the legal team continues their critical work and that busloads of supporters are there to witness it.

It will support Robert's ability to continue sharing his invaluable perspective on justice and make sure Herman and Albert get access to newspapers and stamps. It will help us continue to mount a coordinated whirlwind of public pressure that may just make all the difference.

This year, when the clock strikes 12, and you turn to embrace the New Year, remember your favorite 40 moments of the last 40 years. And then resolve to dedicate 40 more to open the eyes of justice, and bring freedom to all those who have been wrongfully convicted.

[Thank you for your support.](#)

<http://www.angola3.org/donate.aspx>

## **14 Dec - Political Prisoners: Lessons for Occupationists and Us All**

*Here's a good argument by Black Agenda Radio commentator Jared Ball for the need to actively include political prisoners and prisoners of war in building the occupy movement.*

### **MORE:**

After this week's [rally](#) for Mumia Abu-Jamal in Philadelphia, at which much of the focus was his being removed from death row, at least one thing has again been made clear; going forward all movement building must deeply involve the plight of political prisoners. This point was made several ways by several different speakers, including Cornel West who described the more than 30 years of this particular fight, and Desmond Tutu who cautioned that the move of Mumia from death row was cool but not a real victory – and who better than a veteran of the freedom struggle in Azania to tell us about incomplete “victories.” And there was the tireless Ramona Africa who echoed Tutu's sentiments by acknowledging that not being in solitary confinement was itself no guarantee of safety; and how Mumia's enemies considered this move a close second to actual execution since he would now be in general population with “his own kind” and likely, hopefully, to be killed by one of them. So what was a rally and tribute to Mumia was also a lesson to be learned about the kinds of struggle required, a lesson we all can use at this time of outspoken frustration with the current world.

There are at least three reasons for aggressively including the politically incarcerated: 1) Their experience, 2) their analysis and 3) the standard they establish for the rest of us. Their experience as conscious actors for liberation, as activists, journalists and soldiers needs to be studied and incorporated by the emerging campaigners in and out of these occupations. Their analyses having gone through decades of political struggle can only help shape the evolving activities here and around the world. And as long as they remain locked up political prisoners serve as permanent reminders of an absence of real change. Especially now as the current president [worsens](#) the previously set precedent of [denying](#) civil liberties and constitutional rights and as more and more new initiates to social movement occupy political activity we need to encourage a renewed focus on the politically incarcerated because we are likely to see those ranks increase.

To the first point, political prisoners have tremendous reservoirs of knowledge regarding struggle with the state. They have decades worth of time to reflect on their successes and failures, on what did and did not work and why. Political prisoners have as much experience with the legal system, the police, the entire apparatus of surveillance and incarceration, all of which is essential knowledge for those now entering political activism for the first time. Mumia has himself penned a number of books, including a recent one dealing particularly with [jailhouse lawyering](#), but simply studying the legal case of any political prisoner becomes a painful and detailed lesson in the function of “law.”

Secondly, the analyses that come out of all this experience are essential. Who better to guide us through the web of radical thought and organization than political prisoners? Who better than they to offer guidance in grappling – on an organizational level – with issues of race, class, gender, sexuality and radical implementation of radical theories? And especially for this still largely White occupation effort, there is simply no reason for people like Michael Moore and Naomi Klein to speak on their behalf while Claude Marks, David Gilbert and Laura Whitehorn are still here. And while these folks should and do speak to the rest of us we wouldn't do half bad by replacing some of the Dysons, Simmons and Sharptons with folks like Ashanti Alston, Mutulu Shakur and Russell “Maroon” Shoats.

And again, lastly, their standard of commitment, action, study and continued incarceration allows political prisoners to serve even further as liberation guideposts. Let theirs be the standard upon which we determine

success and upon which we judge ours or their actions. And let their lack of freedom be genuine reminders of our own.

So even in death former political prisoner [Safiya Bukhari](#) continues to teach through her work and her legacy. As she said, “The issue of political prisoners is part of [the] movement that we are building, and in building that movement we must understand that this is not a separate issue. It is an integral part of that movement. It can’t be put in front of the movement and it can’t be an afterthought. It must be woven into the very fiber.”

## 14 Dec - New Lawsuit Challenges the Animal Enterprise Terrorism Act as Unconstitutional

*A new lawsuit challenges the Animal Enterprise Terrorism Act as unconstitutional because it has given activists reason to fear that they could be prosecuted as “terrorists” for non-violent civil disobedience, protests, and First Amendment activity.*

**MORE** (From [greenisthenewred.com](#)):

The lawsuit was filed by the Center for Constitutional Rights on behalf of 5 longtime animal rights activists. The activists say the vague wording of the law, and the [corporate-led campaigns against animal rights activism](#), have made them alter their own advocacy.

The landmark case has implications for all social justice movement, beyond the animal rights activists targeted. It sets a dangerous precedent for labeling anyone who effectively threatens corporate profits a “terrorist.” As the Occupy Wall Street Movement grows rapidly, and has begun reclaiming foreclosed homes from banks and shutting down ports, this lawsuit couldn’t come at a more pressing time. And with the impending passage of the [National Defense Authorization Act](#), the dangers of this parallel legal system for “terrorists” has become strikingly clear.

The lawsuit seeks to strike down the law for violating the First and Fifth Amendments [read the criminal complaint in [Blum v. Holder](#)]. Specifically, it argues that the law is unconstitutional for **3 reasons**:

1. **It is so broad that it has had a chilling effect on free speech.** The law hasn’t outlawed animal rights activism, but it has made activists think twice about using their rights. This was the primary point I raised in my Congressional testimony against the law in 2006, and since then the political climate has become even more toxic. The [first use of the law](#) was based on activists allegedly chalking slogans on the sidewalk and wearing bandanas. The Animal Enterprise Terrorism Act is an attempt by corporations to [use the power of fear in order to silence their opposition](#).
2. **The language is so vague that people can’t decipher what is illegal.** The law’s criminalization of “interfering with” the operations of an animal enterprise, or causing a “loss of profits,” leave activists wondering if they could be labeled a terrorist for a successful lawful campaign. This is compounded by the law’s emphasis on “tertiary targeting”: it not only protects animal enterprises,” but any business *that does business with* an animal enterprise. When politicians, the courts, lawyers, and national organizations cannot agree on the meaning of this law, it is dangerously overbroad.
3. **It singles out animal rights activist because of their political beliefs and their effective advocacy.** Meanwhile, violence by anti-abortion extremists is not being labeled as terrorism. For more on this: [“If Sarah Palin Were an Animal Rights Activist, She’d Have Already Been Convicted of ‘Terrorism.’”](#) Singling out groups of people because of their political beliefs, and restricting their First Amendment rights, is antithetical to a healthy democracy.

Here is a detailed, step-by-step [analysis of the Animal Enterprise Terrorism Act](#) if you are interested. I wanted to focus a bit on the people involved in the lawsuit, though:

**Sarahjane Blum** has been an animal rights activist for 23 years. She co-founded [GourmetCruelty.com](#) in 2003, which exposed the cruelty of the foie gras industry and helped California to ban foie gras farming. According to the lawsuit: “While she had knowingly and openly violated the law many times through acts of non-violent civil disobedience, she was unwilling to face the possibility of prosecution and sentencing as a terrorist. *She was*

*stunned that the ethical, important work that she had devoted her life to had been turned overnight into terrorism.”*

**Ryan Shapiro** is now a doctoral candidate at MIT studying the history of political repression against animal rights activists. With Sarahjane Blum, he co-founded [GourmetCruelty.com](http://GourmetCruelty.com), produced a documentary film, and spoke publicly about his work. He was also friends with the [SHAC 7](#) — a group of activists convicted as terrorists. “Faced with the imprisonment of his friends, and with the passage of the AETA, Mr. Shapiro began to worry that the price for peaceful protest and civil disobedience was one he could not afford to pay.”

**Lana Lehr** has organized for the welfare of rabbits, and also protested the sale of their fur. After the passage of the AETA, she found herself altering her protest activity and censoring her words and her writing online.

**Lauren Gazzola** is one of the SHAC 7. She recounts a lecture she gave at a law school class where she censored herself from encouraging activists to follow her advocacy, because she feared her words would be used as evidence of conspiracy to violate the AETA.

**Jay Johnson**, who has confirmed that he has been placed on a terrorist watchlist, has witnessed the chilling effect on grassroots animal rights activism. After the case of the SHAC 7 and the passage of the AETA, protest attendance plummeted. For instance, he recounts a protest against a company affiliated with Huntingdon Life Sciences: “When he arrived at the site of the planned protest, he was met by over 40 police officers in riot gear, and not a single other protestor.”

In the interest of full disclosure, I have known several of these plaintiffs for well over a decade, as activists and as friends.

I point this out because I want to take the liberty of saying that this lawsuit was not an easy decision for them. There’s of course a fear of drawing a giant red target on one’s back, but the primary concern of these plaintiffs is not themselves — it’s the animals, and those advocating on their behalf. All of these activists are deeply committed to the animal rights movement, and they had to answer the uncomfortable question: “Does acknowledging fear draw even more attention to it? Could this make even more people afraid?”

But this lawsuit is more about courage than fear. It is about these plaintiffs and the CCR having the courage to acknowledge that this political climate exists, that what we are experiencing is real and it is valid, and that we can’t move forward by pretending it doesn’t affect us. It is to say, unequivocally: “Yes, we have been afraid. Yes, we have all known fear. And now it is time to fight back.”

### **16 Dec - Grand Jury Resister Jordan Halliday loses Appeal**

*In an unprecedentedly quick decision, the 10<sup>th</sup> Circuit Court of Appeals has denied Jordan Halliday’s appeal. We’ve pasted a statement from his support crew below.*

#### **MORE:**

Dear friends,

We sincerely regret to inform that Jordan Halliday lost his appeal this morning. We have attached the 10th circuit’s ruling below.

It is crucial that we show solidarity and support for Jordan in every way we can. We are calling for solidarity actions from January 21st - 28th, 2012 to show support for Jordan Halliday and grand jury resistance.

During the summer of 2008, the FBI approached Jordan at his place of employment; he refused to answer their questions and told them to leave. They warned him that they would return with a subpoena to testify before a grand jury and six months later they followed through with their threats. They subpoenaed both Jordan, and another ‘activist’ Nikki Viehl who chose to testify. Jordan, however, chose to resist the grand jury in protest due to its abusive and archaic nature.

In March 2009, Jordan appeared before federal grand jury investigating a series of underground animal liberation activities in Utah. He asserted his 5th Amendment right against self-incrimination. The court jailed Jordan for nearly 4 months under civil contempt of court in an effort to compel him to testify. The day after Jordan refused to testify, the grand jury indicted Alex Hall and William 'BJ' Viehl under the Animal Enterprise Terrorism Act.

The week following his first grand jury appearance Jordan (still in jail) received a second subpoena, which he again refused. While in jail, Jordan also received letters of support from all over the world, made friends, and confidently reflected on his decision not to snitch.

Upon release the court charged Jordan with federal criminal contempt of court, to which he pleaded guilty in August 2010.

There are no sentencing guidelines for criminal contempt. However, the government decided to follow the guidelines of "obstruction of justice", which has a 10-16 month sentence range. Fortunately, the court only sentenced Jordan to the low end of 10 months. However, Jordan and his attorney believed this was far too much, and appealed for a guideline range that more closely relates to his charge. They appealed to the 10th circuit court of appeals asking that the sentence be reevaluated under the guidelines for "failure to appear", which has a 0-6 month sentence range.

In November 2011, Jordan's attorney argued his case orally before the 10th circuit court of appeals in Denver, Colorado. The feeling of hostility and bias could be felt from the beginning and in an unusually fast ruling (it usually takes 3-6 months to rule), the 10th circuit denied Jordan's appeal exactly a month and a day after his oral argument in Denver.

It is ironic to note, that also today, baseball legend Barry Bonds received a 30-day house arrest sentence which will likely be reduced for perjury, while lying to a grand jury regarding steroid use in December 3, 2003. It's unfortunate that Jordan, who didn't lie, rather just simply refused to testify, isn't a celebrity.

Jordan is the first dissident in more than two decades and only the third known in United States history to be charged with criminal contempt of court after already serving time for civil contempt, for the same act of recalcitrance.

Over the past 20 years many animal rights, environmentalists, anarchists and otherwise radical activists and communities have suffered subpoenas and coercive incarceration, but rarely for more than a few weeks. But at present we are experiencing an increase of pressure. Shortly after Jordan's incarceration an Iowa grand jury subpoenaed Carrie Feldman and Scott Demuth, and held them in civil contempt for four months. Fortunately, neither Carrie nor Scott has been charged with criminal contempt.

Jordan's case sets a crucial new precedence in terms of grand jury resistance. While friends and family converge to show support and solidarity for Jordan in this time of great sadness, we are calling out for an eruption of many more moments, for acts of recalcitrance anywhere and everywhere, for actions that show solidarity with Jordan Halliday and grand jury resistance. We are asking that support and solidarity begin immediately. But we will also be focusing on and asking for massive global solidarity actions from January 21st-28th, 2012.

We are expecting Jordan to begin serving

For More information Visit:  
<http://www.supportjordan.org>

You can also visit his support page via tumblr: <http://supportjordan.tumblr.com>

Donations can be sent to:  
**Jordan Halliday**  
**Post Office Box 601**  
**West Jordan, Utah 84081**

or via paypal: <http://t.co/KgyaXV4G>

## **16 Dec – Anarchism on Film (Spotlight on Anarchist Filmmakers) – Anthology Film Archives**

From December 16<sup>th</sup> through the 23<sup>rd</sup>, Anthology Film Archives in Manhattan is presenting an anarchist film festival. According to them, This is an exhaustive, though by no means comprehensive, overview of various anarchist tendencies in narrative film. We've included the films that remain this week.

### **MORE:**

**December 16-23**

### **ANARCHISM ON FILM**

**Spotlights anarchist filmmakers and their longtime preoccupations: historical films that excavate a submerged anarchist history & films that synthesize an anti-authoritarian political impetus with innovative formal strategies**

Although an entity called 'anarchist cinema' is almost impossible to define, anarchists with an interest in film have long been preoccupied with two interrelated strands: historical films that excavate a submerged anarchist history and films that synthesize an anti-authoritarian political impetus with innovative formal strategies. In this series, Jean Vigo's ZERO FOR CONDUCT perhaps best embodies the latter tendency. In addition, Peter Watkins's LA COMMUNE (PARIS, 1871) merges a powerful chronicle of the Paris Commune's anti-hierarchical legacy with a similarly egalitarian effort to democratize the film's casting and production process.

Other major directors adopt their idiosyncratic perspectives to matters of anarchist import: Alain Tanner's CHARLES: DEAD OR ALIVE combines the director's characteristic brand of playful leftism with an awareness of Switzerland's anarcho-sindicalist tradition while Pere Portabella's clandestinely shot EL SOPAR is a rigorous response to the execution of anarchist militant Salvador Puig Antich, the same man whose fate inspired Joan Miró's famous painting, "The Hope of a Condemned Man". Yvonne Rainer's JOURNEYS FROM BERLIN/1971 and Lizzie Borden's BORN IN FLAMES crystallize many of the concerns of both the burgeoning Anarcha-feminism of the 1980s and motifs popular with that era's experimental filmmakers.

Since a pedagogical imperative has always been an important component of anarchist theory and practice, many of the films in this series are especially intent on shedding light on little-known or misunderstood historical events – whether biopics or documentaries exploring the lives of heroes and martyrs (e.g., Giuliano Montaldo's SACCO AND VANZETTI; LIVING ON YOUR FEET, which profiles Cipriano Mera, an anarchist 'general' of the Spanish Revolution) or documentaries focusing on contemporary events (e.g., Razsa and Velez's BASTARDS OF UTOPIA). Želimir Žilnik's THE OLD SCHOOL OF CAPITALISM (a NY premiere) is both a mordantly funny example of anarchist pedagogy in the age of globalization and a film that inventively blends fictional and documentary elements with great finesse.

Organized in collaboration with Richard Porton, author of FILM AND THE ANARCHIST IMAGINATION (Verso), who will be here to introduce selected screenings. The series is co-presented by Cineaste Magazine, [www.cineaste.com](http://www.cineaste.com).

Special thanks to Richard Porton, Steven Fischler & Joel Sucher, Pere Portabella, Maple Razsa & Pacho Velez, Martin Scorsese, Želimir Žilnik, Kitty Cleary (MoMA), Helena Goma (Films 59), Jonathan Howell & Cindi Rowell (New Yorker Films), Paul Marchant (First Run Features), Sarita Matijevic (Playground produkcija), Mark McElhatten (Sikelia), Jonathan Miller & Livia Bloom (Icarus Films), and Daniel Wagner & Daniel Bish (George Eastman House).

### **To be screened:**

#### **Želimir Žilnik**

#### **THE OLD SCHOOL OF CAPITALISM / STARA ŠKOLA KAPITALIZMA**

2009, 122 minutes, video. In English & Serbian with English subtitles.

This film is rooted in the first wave of workers' revolts to hit Serbia since the advent of capitalism. Desperate workers bulldoze through factory gates and are devastated to discover the site looted by the bosses. Eccentrically escalating confrontations, including a melee with workers in football shoulder-pads and helmets, and the boss and his security force in bulletproof vests, prove fruitless. Committed young anarchists offer solidarity, and take the boss hostage. A Russian tycoon, a Wall Street trader, and U.S. Vice President Biden's visit to Belgrade unexpectedly complicate events. Along the way, the film produces an increasingly complex and yet unflinchingly lively account of present-day, up-to-the-minute struggles under the misery-inducing effects of both local and global capital.

–**Friday, December 16 at 7:00, Monday, December 19 at 6:30, and Wednesday, December 21 at 8:45.**

#### **Valentí Figueres Jorge**

#### **LIVING ON YOUR FEET: THE STRUGGLES OF CIPRIANO MERA / VIVIR DE PIE. LAS GUERRAS DE CIPRIANO MERA**

2009, 124 minutes, video. In Spanish with English subtitles.

LIVING ON YOUR FEET tells the story of the odyssey of Cipriano Mera, the bricklayer-turned-revolutionary who commanded the 4th army corps during the Spanish Civil War and defeated Mussolini's generals. Even after the war, returning to his life as a bricklayer, he remained firm in his objective: to kill Franco. This is the story of a free man who refused to die on his feet or live life on his knees.

–**Saturday, December 17 at 2:00 and Friday, December 23 at 7:00.**

#### **FILMMAKER PACHO VELEZ IN PERSON!**

#### **Maple Razsa and Pacho Velez**

#### **BASTARDS OF UTOPIA**

2010, 54 minutes, video. In Croatian with English subtitles.

Three Croatian activists struggle to change the world. As children, they lived through the violent collapse of Yugoslavia. But now, amid the aftershocks of socialism's failure, they fight in their own way for a new leftism. Whether clashing with police or squatting in an old factory, they risk everything to live their politics. But as the setbacks mount, will they give up the fight? The film, shot during years of fieldwork with a Croatian anarchist collective, presents a portrayal of activism that is both empathetic and unflinching – an engaged, elegant meditation on the struggle to re-imagine leftist politics and the power of a country's youth. "Dramatic proof that the struggle for liberty is irrepressible." –Howard Zinn  
–Saturday, December 17 at 9:00 and Wednesday, December 21 at 7:00.

**Gordon Carr**

**THE ANGRY BRIGADE: THE SPECTACULAR RISE AND FALL OF BRITAIN'S FIRST URBAN GUERRILLA GROUP**

1973, 60 minutes, video.

Produced in collaboration with the BBC, Gordon Carr's documentary recounts the exploits and prosecution of the Angry Brigade, the British libertarian communist group responsible for a rash of property-targeted bombings between 1970 and 1972. The film covers the roots of the Angry Brigade in the revolutionary ferment of the 1960s, and follows their campaign and the police investigation to its culmination in the "Stoke Newington 8" conspiracy trial at the Old Bailey – the longest criminal trial in British legal history. Produced after extensive research – among both the libertarian opposition and the police – it remains the essential study of Britain's first urban guerilla group.

–Sunday, December 18 at 9:00 and Thursday, December 22 at 9:30.

**Alain Tanner**

**CHARLES, DEAD OR ALIVE / CHARLES MORT OU VIF**

1969, 94 minutes, 16mm. In French with English subtitles. With François Simon.

Tanner's first feature was among the films that put Switzerland on the world cinema map at the end of the 1960s. Today its appeal and energy remain undiminished. Tanner drew his subject matter from what he saw of the events of May '68 in Paris, which he covered for Swiss television. Unimpressed by the ideological pronouncements of the young demonstrators, he was struck more by the elderly people marching alongside them. The film is therefore a portrait of an old man who decides to abandon his comfortable, bourgeois way of life to live with a bohemian couple. There he rediscovers his freedom and joie de vivre.

–Monday, December 19 at 9:00 and Friday, December 23 at 9:30.

**PACIFIC STREET FILMS EVENING**

**FILMMAKERS IN PERSON!**

Steven Fischler and Joel Sucher founded Pacific Street Films in 1969 while studying under Martin Scorsese at NYU. While filming undercover agents who were suspected of showing up at protest rallies, Fischler and Sucher themselves were harassed, photographed, and arrested. This experience became the basis for their first documentary, RED SQUAD, completed in 1971. Since then, they have directed and produced a series of non-fiction films known for illuminating and exploring modern American social history.

**RED SQUAD**

1972, 42 minutes, video.

An investigative (but frequently humorous) documentary on the surveillance activities of the New York City Police Department's Bureau of Special Services, known as the Red Squad.

"An original and important political film. ... This film is truth, this film is cinéma vérité, this film is 'kino pravda.' In a sense, RED SQUAD could be considered an ironical sequel to Dziga Vertov's film, MAN WITH A MOVIE CAMERA." –Jonas Mekas, VILLAGE VOICE

&

**FREE VOICE OF LABOR: THE JEWISH ANARCHISTS**

1980, 55 minutes, video.

A dramatic portrait of immigrant life in the U.S. as seen through the eyes of the sweatshop workers who made up the Jewish anarchist movement between 1900 and WWI. The film includes interviews with participants in the movement, archival photos and newsreel footage, excerpts from old motion pictures, and Yiddish songs and poems.

–Thursday, December 22 at 7:00.

**17 Dec - Statement from Leonard Peltier: From Behind the Iron Door**

*Leonard wrote that his original statement was six pages long and that in an attempt to shorten it he came up with the following.*

**MORE:**

The first subject I want to touch on is being in prison for 36 years is hell. There are some folks who are planning to walk across America starting in California going to Washington D.C. to bring attention to the injustice that faces Indian people in the judicial system of America and of which I am some of the evidence of that. But first of all what I really want to say is I really appreciate and love the people that do things like this for those of us who are imprisoned. And if walking across America sounds like a lot try standing in an 8 by 6 cell for 36 years. But I want you to know as terrible and painful as this is in a strange way I am honored that the most powerful government has considered me a challenge that they would violate all their own laws to keep me imprisoned. In my standing I have stood for what's right. I have stood for the right of a people invaded by emissaries of the corporations they ultimately represent; the right of a people to defend themselves in whatever way necessary to defend their women and children and elders and life itself when attacked with deadly force by this government.

For some of you who may recently come in contact with my case, my case is one where an Indian community that had been continually terrorized by FBI and a goon squad funded by them on the reservation, had opposed the sale of 1/8th of the tribe's mineral resources and land. On June the 26th 1975, they attacked the village of Oglala on the Pine Ridge Reservation. It started with two FBI agents in unmarked cars and unmarked clothing,

firing into an enclave of dwellings. The two agents numbers soon swelled to 250. In the ensuing battle the two initial agents were killed and one young Indian man, Joe Stuntz, was murdered by the FBI, shot between the eyes. Ultimately some 30 of us escaped. Two men, Bob Robideau and Dino Butler that were captured before I was, were put on trial and all the evidence of that day was allowed to be presented in their defense. And they were acquitted by reason of self-defense; the jury said they had the right to defend themselves with deadly force. I had escaped to Canada and was later apprehended there, the government perjured testimony, and they got someone to lie to bring me back from there. I was put on trial and all the evidence used to convict me was later proven false in court, as well as the lie to extradite me. And the same evidence used by the defense in the first trial was not allowed. They ultimately got a conviction saying I was guilty of murder which was later amended to aiding and abetting.

Then later an individual whom some called Mr. X, on tape admitted he was the shooter. Bob Robideau one of the original two men acquitted by reason of self-defense later told retired FBI Agent Ed Wood he was Mr. X and that he had shot the agents. Bob feared for his life. Bob didn't make his statement for many years. Bob did all that he could do to help me over the years and later started living in Spain. And then he made a statement to a few people that he was going to come back and speak more about being the shooter and being acquitted of the offense. And within about a month's time he was found dead in his apartment in Spain. He supposedly fell out of bed and hit his head and died. Having said that, my main point is that where all the evidence was allowed to be presented Indian people were found not guilty rightfully defended themselves by reason of self-defense.

There has not been a violation of human rights by America that wasn't first practiced on Native Americans. America's first biological warfare was against Indian people with small pox and measles infected blankets, the first concentration camps were against Indian people where they took their land and rounded them up. And Lincoln known for being against slavery, had 38 Indian men hung in unison in Mankato Minnesota for rebelling in the starving concentration camp they were confined to and there were camps all across this nation for American Indian people. The first atomic bomb was dropped on Indian land polluting it and destroying the water tables. To this day the result of their digging for uranium still pollutes parts of the Navajo reservation. They practiced sterilization of our women up until the late 1950s and even into the 60's. Up in Alaska they experimented with various forms of hepatitis on the native people there. The list goes on and on. Our people to this day suffer generational trauma as a result of the concentration camps and invasions and starvation and boarding schools that tried to destroy our culture. The death rate in the boarding schools was 50%.

To this day the unemployment rate for American Indians is 35%. What America calls "depression" has become a way of life for us. Bureaucrats scream and jump up and down about the Israelis right to claim their homeland, yet at the same time America still takes our land against our will, our homeland. The black hills of South Dakota was leased for 99 years the lease has been up for some 20 something years, but they will not return it. They have offered to pay some 3 billion dollars for the Black Hills. Why don't they take that money and relocate the non-Indians from there? There have been people complaining of a mosque in the proximity of the former World Trade Towers yet our sacred hills have Abraham Lincoln's face carved in the side of our sacred area, and George Washington who practiced a scorched earth campaign against our people in the East is there along with others.

I'm sorry if I'm getting carried away, I want America to be a great nation, but I want it to be fair to all people. We don't ask for anything that wasn't agreed to by this government,. There's three hundred and seventy something treaties that cover most of our concerns. I apologize if in reading this in some way it hurts your celebration of the holidays. Its very difficult to not be negative when you are unjustly imprisoned for this long and every day you look through an iron door when the true enemies and terrorists are free to terrorize the poor and the oppressed of America. When the resources of America and the labor of its people is used to enhance the lavish lifestyle of some 2 to 3 % of the population that owns 96% of America's wealth or I should say owns and controls 96% of America's wealth then people like you and the people occupying Wall Street and walking across America are needed more than you would ever know.

I said I wouldn't make this too long and it seems I have gone back on my work. However in closing I would

like to thank the National Congress of American Indians for passing a resolution supporting me in my bid for freedom. And I would especially like to thank Lenny Foster who has served as a spiritual leader in prisons throughout America who presented the resolution to the National Congress of American Indians. I would also like to thank all the others, too numerous to mention, who has supported me for so many years. I guess in some off handed way I have learned to live and exist by my contact with them over the years. This struggle has been long and difficult and I know at times I have offended people and hurt their feelings and for that I am deeply regretful. But rest assured I appreciate all of you in the deepest sense of the word. And I pray that this Holiday season brings joy to you and your families. And there is no greater gift that we can give our children and our children's children than freedom and a healthy earth.

I will close for now but unless they shut me up like they did Bob, you will hear from me again rest assured.

In the Spirit of Crazy Horse and all the others that have died for their people,

Sincerely,  
Leonard Peltier

### **22 Dec - Ateneo to dedicate flag-raising to Oscar López Rivera**

*On December 22, the Puerto Rican Ateneo will dedicate its solemn act of raising the Puerto Rican flag to Puerto Rican political prisoner Oscar López Rivera. The activity will take place, as it does every year, at noon in front of the historical headquarters in Old San Juan.*

#### **MORE:**

The family, including his brother José López, Democratic congressman from Illinois Luis V. Gutiérrez, and René Pérez, member of the renowned group Calle 13, are expected to attend the activity honoring the flag and López Rivera. A statue of the illustrious Ramón Emeterio Betances will be unveiled.

Claridad will livestream the activity at [www.claridadpuertorico.com](http://www.claridadpuertorico.com).

The occasion represents an appeal to the attention and conscience of all Puerto Ricans to renew their patriotic commitment to struggle for the freedom of this Puerto Rican brother who this year marked the 30<sup>th</sup> anniversary of his cruel and unjust imprisonment.

The dedication of the activity also takes place almost a year after the awful January 5, 2011 denial of López Rivera's parole by the Parole Commission of the United States Department of Justice. As denounced at the time of the proceedings conducted by Mark Tarnner [sic], it was arbitrary and contaminated.

Mr. Tarnner [sic] brought with him an FBI agent and five people who were supposedly my victims. Four of the five made long statements that could only be described as diatribes full of hate and poison they used to compare me to Hitler and Bin Laden," López Rivera said of the hearing in a letter sent to the Puerto Rican people in March of this year. "When it was time for my lawyer Jan Susler and I to speak, Mr. Tarnner [sic] took on the role of conducting a grand inquisition. His voice became sarcastic and he never paid attention to what we were saying. After almost three hours, the hearing ended and he handed down his recommendation that the Commission see me after I served another 15 years," he added.

The Parole Commission also wouldn't allow attorney Eduardo Villanueva Muñoz, spokesperson for the Human Rights Committee, to attend the hearing. As Villanueva Muñoz has stated, the 70 year sentence handed down to this son of San Sebastián is the same as a living death sentence. López Rivera is already 68 years old, 10 [sic] more years in prison, as Tarnner [sic] sarcastically said, would keep him behind bars until he is 83 year old. Of the 30 years he's been in prison, the first [sic] 12 were in total isolation. As compañero attorney Juan Santiago Nieves has said about Puerto Rican political prisoners Oscar López and brothers Avelino and Norberto González Claudio: "The political prisoners represent our best human beings and comprise the highest consciousness of struggle and denunciation of the colonial regime. Defending and honoring them is our urgent task.

## **31 Dec - Global Noise Demo: NYE 2011/2012**

**WHAT:** New Years Eve Noise Demo Against the PIC, In Solidarity with Imprisoned Comrades

**WHEN:** TBA, December 31<sup>st</sup> 2011/January 1<sup>st</sup> 2012

**WHERE:** TBA

### **MORE:**

This event is inspired by the North American call out for a day of action against prisons in the New Year of 2011, which remains relevant unchanged:

Noise demos outside of prisons in some countries are a continuing tradition. A way of expressing solidarity for people imprisoned during the New Year, remembering those held captive by the state. A noise demo breaks the isolation and alienation of the cells our enemies create, but it does not have to stop at that. Prison has a long history within capital, being one of the most archaic forms of prolonged torture and punishment. It has been used to kill some slowly and torture those unwanted – delinquents to the reigning order – who have no need of fitting within the predetermined mold of society.

Prison is used not only as an institution, but a whole apparatus, constructed externally from outside of the prison walls. Which our enemies by way of defining our everyday life as a prison, manifest themselves in many places, with banks that finance prison development (like Wells Fargo, Bank of America, BNP Paribas, Bank of the West, and Barclays), companies that are contracted for the development of prisons (like Bergelectric Corporation, SASCO Electric, Engineered Control Systems, MacDonald Miller Facility SLTNS and Kane MFG Corp.), investors in prison development (like Barclays Intl. and Merrill Lynch) to the police and guards who hide behind their badges and the power of the state.

Solidarity is not only an expression by way of our own revolutionary poetry which is defined by a developing anarchist analysis, but as an expression of actions put into practice within the social war daily. That is why we propose to others who have a certain reciprocal understanding of the prison world and the conditions it creates to remember this day, to mark it on their calendars. To not limit ourselves to just a noise demo, but proliferating actions autonomously from one another. That break the mundane positions we lock ourselves into by our own internalization.

To all our comrades known and we have yet to know. Just because we have not met, does not mean we do not act in affinity with one another. Our struggle continues not only on the outside, but on the inside as well. Prison is not an end, but a continuation. Through individual and collective moments of revolt, by the methods one finds possible. Like fire our rage must spread.

## **28 Jan 2012 – Malcolm X Commemoration Committee Presents “One Struggle”**

*Pay Tribute to our Freedom Fighters & their Families for their decades of commitment & untold sacrifices to the struggle for Black Liberation, Self-Determination & Justice.*

**WHAT:** The 16<sup>th</sup> Annual Dinner Tribute to the Families of Our Political Prisoners & Prisoners of War

**WHEN:** 3:00pm-7:00pm, Saturday, January 28<sup>th</sup>

**WHERE:** Martin Luther King, Jr. Labor Center - 310 West 43rd Street (between 8th & 9th Avenues, New York, New York 10036)

**COST:** Donation: \$40/advance reservations • \$45/at the door • Validated Parking \$10

All proceeds to benefit Political Prisoners/Prisoners of War represented at the Dinner!

### **MORE:**

*Dhoruba Bin Wahad, BPP/BLA & former PP/POW*

*Monifa Bandele, Malcolm X Grassroots Movement*

*George Edward Tait, Akosua Tait & community*

*Hosts: asha bandele & Gina Arias, Justice Committee*

## **4 Feb 2012 - International Day of Solidarity with Leonard Peltier**

*Yes, this is VERY EARLY, but we're encouraging folks to start planning their protests now. The Leonard Peltier Defense Offense Committee calls on supporters worldwide to protest against the injustice suffered by Indigenous activist Leonard Peltier. Gather on February 4, 2012, at every federal court house and U.S. embassy or consulate worldwide to demand the freedom of a man wrongfully convicted and illegal imprisoned for 36 years.*

**MORE:**

Leonard Peltier is a Native American activist wrongfully accused in 1975 in connection with the shooting deaths of two agents of the Federal Bureau of Investigation (FBI). Government documents show that, without any evidence at all, the FBI decided from the beginning of its investigation to 'lock Peltier into the case'.

U.S. prosecutors knowingly presented false statements to a Canadian court to extradite Mr. Peltier to the U.S. The statements were signed by a woman who was forced by FBI agents to say she was an eyewitness. The government has long since admitted that the woman was not present during the shootings.

Meanwhile, in a separate trial in Cedar Rapids, Iowa, Mr. Peltier's co-defendants were acquitted by reason of self defense. Had Leonard been tried with his co-defendants, he also would have been acquitted.

Unhappy with the outcome of the Cedar Rapids trial, prosecutors set the stage for Mr. Peltier's conviction. His trial was moved to an area known for its anti-Indian sentiment—Fargo, North Dakota. The trial judge had a reputation for ruling against Indians, and a juror is known to have made racist comments during Mr. Peltier's trial.

FBI documents prove that the U.S. government went so far as to manufacture the so-called murder weapon, the most critical evidence in the prosecution's case. A ballistics test proved, however, that the gun and shell casings entered into evidence didn't match. The FBI hid this fact from the jury. Mr. Peltier was convicted and sentenced to two consecutive life terms. According to court records, the United States Attorney who prosecuted the case has twice admitted that no one even knows who fired the fatal shots.

Leonard Peltier is 67 years old and in poor health. An accomplished author and artist, Mr. Peltier is renowned for his humanitarian achievements. In 2009, Leonard was nominated for the Nobel Peace Prize for the sixth consecutive year.

Although the courts have acknowledged evidence of government misconduct—including forcing witnesses to lie and hiding ballistics evidence reflecting his innocence—Mr. Peltier has been denied a new trial on a legal technicality. Nelson Mandela, Desmond Tutu, 55 Members of Congress and others—including a judge who sat as a member of the court in two of Mr. Peltier's appeals—have all called for his immediate release.

The Courts may not be able to act but Barack Obama, as President, can. Please join with us to free an innocent man. On February 4, 2012, tell Obama to grant clemency to Leonard Peltier.

Scheduled events will be announced and details provided at [www.whoisleonardpeltier.info](http://www.whoisleonardpeltier.info).