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## **19 Dec - Interview w/David Gilbert: Arab Spring, OWS, mass incarceration**

*Here's a great interview by Dan Berger of David Gilbert.*

### **MORE:**

In the 1960s and 1970s, many activists looked to the prisons for political leadership, while viewing prisons themselves as institutions of repression and social control integral to larger systems of oppression. Around the world, the prisoner emerged as an icon of state repression and a beacon of liberation. If the prison served as the bricks and mortar of oppression, the prisoner became the flesh and blood of movement iconography. Black American prisoners held special sway within this global visibility of confinement, in part because so many prisoners became prolific authors connected to wider social movements of the time. In prison, black activists from Martin Luther King, Jr to George Jackson and Assata Shakur penned tracts that offered trenchant insights into race, class, and American power. Black activists proved the most incisive, the most creative, inheritors of a deep and multiracial tradition of political critique behind bars. These imprisoned author-activists articulate a profound paradox: one of the best places to understand the “land of the free” is the place where freedom was most elusive. It was both a sobering and inspiring message for a generation on the move.

More than 40 years later the world is once again experiencing the tremors of large-scale, global change. And the prison accompanies this new burst of struggle. For a generation that has never known an America without mass incarceration, never known a world without Guantanamo and Abu Ghraib, without indefinite detention and preemptive war, the prison may seem an even more fitting metaphor for the contradictions of American power – internationally and within the United States – than it was during the 1971 Attica rebellion, the most dramatic of the dozens of riots rocking American prisons during that time. When prisoners at Attica proclaimed their humanity against the brutality of the prison, the United States incarcerated some 300,000 people. Today it imprisons more than 2.3 million, often serving Draconian sentences, with another 5 million under some form of correctional control. The scale of America’s carceral state is even more gruesome when one considers the demographics of those incarcerated: almost exclusively poor, majority black or Latino, and with women and gender-nonconforming people being hard hit both by incarceration and its collateral consequences.

Prisoners themselves are crucial participants – if often unacknowledged by the outside world – in the renewed activism most commonly associated with the Arab Spring and Occupy Wall Street. The conditions of confinement have given a life-or-death character to much of this activism. Massive labor strikes shook Georgia prisons in December 2010, coordinated through smuggled cell phones. The next month, five prisoners in Ohio launched a hunger strike to protest their conditions; a year-and-a-half later, other prisoners in Ohio’s “supermax” facilities also staged a hunger strike over inhumane conditions. Between July and October 2011, thousands of prisoners throughout the sprawling California prison system staged an unprecedented hunger strike in protest of the long-term solitary confinement that is now a significant part of everyday life in American prisons. The hunger strike seems to be emerging as a tactic of this burgeoning collective discontent with confinement; in May 2012, prisoners in Virginia’s supermax prison at Red Onion launched their own hunger strike, issuing 10 demands for better conditions, modeled after the five demands raised by California prisoners a year previously. Then as now, the prison is a global icon of oppression. The detention facilities at Guantanamo and Bagram Air Base continue to draw international condemnation. More than 2000 Palestinians in Israeli prisons staged a hunger strike for between four and nine weeks in the spring of 2012 to protest the conditions of their detention. Self-described political prisoners in Cuba have likewise engaged in hunger strikes to protest the denial of human rights and basic freedoms. And in much of Latin America, notoriously overcrowded and violent prisons are drawing new, critical attention.

The new prison protest in the United States confronts the particularities of mass incarceration, while calling upon a deeper history of prison resistance. Although it may seem as if each political generation discovers its mission in an historical void, reality is more dialectical. With varying degrees of awareness, movements emerge

in contexts established partially by prior movements, enabling conversations with various legacies of struggle. The following interview with David Gilbert is one attempt at such an intergenerational conversation across prison walls. David Gilbert was a founder of Columbia University's Students for a Democratic Society (SDS) chapter. His campus organizing for civil rights and against the war in Vietnam in the first half of the 1960s helped lay the foundation for the historic student strike at Columbia University in the spring of 1968. Part of the so-called "praxis axis" of SDS, Gilbert developed a reputation as a theorist and writer. He co-authored the first pamphlet within the 1960s student movement to explain the Vietnam War and American foreign policy more broadly in terms of imperialism. In 1970 he joined the Weather Underground, a militant and clandestine offshoot of SDS. The group pledged its solidarity with the black freedom struggle and national liberal movements of its day. It claimed responsibility for two dozen or so bombings of empty government and corporate buildings between 1970 and 1976, done to protest American political-economic violence throughout the world – including inside US prisons. Gilbert was one of several people who returned underground after the group disbanded in 1977. He was arrested in Nyack, New York, in October of 1981 following a botched robbery of a Brinks truck by the Black Liberation Army, itself an offshoot of the Black Panther Party. Two police officers and a security guard were killed in the robbery. An unarmed getaway driver there as a white ally, Gilbert was charged under New York's felony murder law that holds any participant in a robbery fully culpable for all deaths that occur in the course of that robbery. The judge sentenced him to serve between 75 years and life in prison. Under current New York state law, there is no time off for good behavior, no parole possibilities in a sentence such as his. During his more than 30 years in New York state's toughest prisons, Gilbert has published several pamphlets on race and racism, social movement history, and the AIDS crisis. He helped start, in the 1980s, the first comprehensive peer education program in New York prisons dealing with HIV/AIDS prevention. He appeared in the 2003 academy award-nominated documentary *The Weather Underground* and corresponds with dozens of activists throughout North America. He has also published two books: a 2004 collection of essays and book reviews entitled *No Surrender: Writings from an Anti-Imperialist Political Prisoner*, and the 2012 memoir *Love and Struggle: My Life in SDS, the Weather Underground and Beyond*. The memoir offers David's examination of his life as an organizer and the choices that ultimately led him to prison – an assessment of the paths taken and not taken, of the triumphs and mistakes made in a life on the left. Writing for today's generation of activists, *Love and Struggle* is his attempt to summarize the lessons he learned as an organizer in SDS, in the Weather Underground, and, well, beyond.

This interview is principally concerned with the "beyond." A voracious reader, Gilbert has been paying close attention to the recent uprisings that have dotted the globe. In the discussion below, Gilbert offers his perspective as an activist for more than 50 years, on the challenges for contemporary social movements.

This interview was conducted through the mail between February and July of 2012. I have, where appropriate, added explanatory footnotes or parenthetical notes.

**Berger:** Since the fall of 2011, the Occupy movement has emerged in the United States, joining many similar movements against austerity worldwide and now creating its own ripples. Its participants are disproportionately white and include many college students or graduates struggling with student debt. You've offered supportive statements to the Occupy movement while also trying to call its attention to other issues and dynamics. What do you see as its existing strengths, its potential, and its limitations of perspective?

**Gilbert:** The Occupy movement is a breath of fresh air. After 30 years of mainstream politics totally dominated by racially coded scapegoating – you know, directing people's frustrations against welfare mothers, immigrants, and criminals – finally a loud public voice is pointing to the real source of our problems. And I think they were wise, despite the conventional wisdom of many organizers, not to come out immediately with a set list of demands. That would have narrowed the scope of support, and holding back on specifics implies that the issue is the system, capitalism, itself. There are now plenty of opportunities – through demonstrations, teach-ins, occupations, whatever – to show the range of ways this system is oppressive and destructive.

At the same time, such a spontaneous and predominantly white movement will inevitably have giant problems of internalized racism and sexism. I couldn't help but notice that the first public statement that came out of the general assembly of OWS talked eloquently, and quite rightly, about the injustice of animals being kept in cages ... but said nothing about the 2.3 million human beings in cages in the US today, with mass incarceration the front line of the 1%'s war against black and Latino/a people. And then there is the terminology of "occupy," which does invoke a certain militant tradition, but people need to be aware of the colossal injustice that we are living on occupied Native American land. So far there has been little about the 1%'s rule over a *global* economy,

wreaking terrible destruction on the vast majority of humankind. And that's the basis for why the USA is now engaged in pretty much continual warfare, which not only is tremendously damaging to the people who get bombed but also reinforces all the reactionary trends here at home. So it's vitally important that we oppose those wars.

Also I've heard that at many of the assemblies the speakers are almost all males. So the problems of white and male supremacy are endemic and usually prove debilitating. But flowing streams of protest provide a lot healthier basis for growth than the previously stagnant waters; people in motion against the system are a lot more open to learning. And in particular I want to salute the people of color (POC) groupings who, despite how galling some of the backwardness must be, have hung in there and struggled – groups like the POC Working Group at Occupy Wall Street and Decolonize Portland and the very strong POC presence and role in Occupy Oakland. So the 20 February 2012 day of protests in support of prisoners and the 19 April 2012 teach-ins about mass incarceration are important steps forward. There is still a long, long way to go, but overall I feel very heartened, even excited, by this new wave of protests.

**Berger:** In writings and interviews since your incarceration, you have described the radical potential of the 1960s era as being rooted in a combination of the success of anticolonial revolutions in the Third World and the centrality of the black freedom struggle within the United States. We are now in an era of renewed global struggle, yet the terms have changed. How would you characterize the tenor and impact of this global upsurge? How do you see it in relation to, or even as a commentary upon, the successes and limitations of earlier national liberation movements?

**Gilbert:** We still live in a world of totally intolerable destruction and demeaning of human life and of the environment. The most oppressed and vast majority of humankind live in the global South, and they tend to be the most conscious and most active against the system. The national liberation struggles that lit the world on fire in the 1960s and 1970s were not able to fully transform the conditions and lives of their peoples. Learning from the setbacks, people are trying to fight in ways that are less top-down, with stronger democratic participation. So it makes sense that new forms of struggle have emerged, like rural communities resisting dams in India, which combine the needs of poor farmers, the leadership of women, and critical environmental issues; or like the taking over of factories in Argentina.

In the past year-and-a-half, the “Arab Spring” has electrified the world. These mass uprisings for democracy in countries hit hard by neoliberalism in Northern Africa and the Middle East have been tremendously exciting and were a big inspiration for the Occupy Wall Street movement in the USA. But it's important to recognize both the pluses and minuses of this kind of spontaneity. The strength is that even in situations where all organized opposition was crushed, people found a powerful way to rise up. The weakness lay in an inadequate analysis and program on the nature of the State, especially the role of the military, for example in Egypt, and its very close ties to the Pentagon. Such mass outpourings, as we also saw with “people's power” in the Philippines in 1986, are not in themselves adequate to liberate people from the stranglehold of imperialism.

And imperialism is never a passive spectator but rather employs its massive resources and wealth of techniques to distort and reshape such movements: from funding pro-western elements with major infusions of cash to the ways the global corporate media defines the issues, from direct trainings of favored groups to covert CIA operations to outright military involvement. Libya is a recent example. Qaddafi was a tyrant, even while more progressive in terms of health, education, and the status of women than the US-imposed and backed dictators of the region. NATO's “humanitarian” intervention killed far more of the civilians they were mandated to “protect” than did the old regime. It seems clear that the massive, destructive NATO military intervention was not wanted nor requested by the overwhelming majority of Libyans, regardless of their stance on the Qaddafi regime. The brutal bombing campaign and the empowering of factions favorable to NATO may well lead to the USA getting its long-coveted military base in Africa.

In Iran and Syria, the repressive regimes are in big part a result of earlier imperialist interventions, while the current international campaigns against them are very much about strengthening the USA and Europe's geopolitical position. Genuine people's opposition forces are undermined and caught in the cross-fire, while imperialist proxy forces proliferate.

In this complicated world, our loyalty is always with the people. We can't glorify tyrants just because they come into conflict with the West but neither can we forget that imperialism is by far the greatest destroyer of human life and potential. We have to be ready to cut through the rationalizations about “weapons of mass destruction” or “terrorism” or “humanitarian emergency” and oppose what is now a pretty much constant state of warfare

against countries in the South – which is brutal for the peoples attacked and also serves to reinforce all the reactionary trends here at home. Many current situations are very painful, with no major organized force of “good guys” to root for – from Assad’s killing of civilians to the Taliban’s misogyny. But to respond in an effectively humanitarian way, we have to study history. It is the West, first with colonialism and then innumerable CIA interventions, that has decimated Left secular forces who could build unity and instead has both fostered religious sectarianism to divide the oppressed and empowered tyrants to contain mass anti-Zionist and anti-imperialist fervor. Then imperialism uses the backward situation it did so much to create to justify even more intervention, which only will serve to deepen those problems. The best way to help progressive forces in the region have some space to re-emerge is for us to do our part to back off US and NATO intervention. And it can be done in the context of popular struggles in the South; it did happen by the end of the Vietnam War. We need to build a strong antiwar movement in the USA.

So no to tyrants, no to wars, no to imperialism; yes to popular demands for political and economic emancipation. Right now there is no clear, visible strategy on how popular movements can win qualitative change. That will only develop as struggles push forward and learn from advances and setbacks. But the uprisings of “Arab Spring” and the people around the world fighting for independence, democracy and economic justice have shown awesome courage and spirit and provide tremendous inspiration. For us in the North, solidarity is an essential cutting edge, both to ally with the most oppressed and to learn from the most advanced. The devastating damage being done to the planet intensifies the great urgency of anti-imperialist struggle.

**Berger:** In the 1960s, you coauthored the first SDS pamphlet naming the system as imperialism, and you continue to identify as an anti-imperialist. Many people think of imperialism as a system of domination among nation-states, yet political antagonisms today are at once more local and more diffuse than the nation-state. For instance, talk of the “99%” points to the undue influence of corporate power upon American political processes while the Arab Spring mostly targeted the corrupt leaders and dictators of their nation-state, and alter-globalization campaigns have challenged the global reach of transnational corporations. Do you still think imperialism is an adequate way to “name the system?” If so, why? Can an anti-imperialist emphasis help us, for instance, confront global climate change, promote queer liberation, or engage other issues that have historically been outside the purview of “imperialism?”

**Gilbert:** I noticed that you used the word adequate, because I emphatically believe that “imperialism” is the *best* summary term, but it isn’t *adequate*. The value of “imperialism” is that it emphasizes that it’s a global system whose main axis is an incredible polarization of wealth and power between a few controlling “centers” (in Europe, the USA, and Japan) and the impoverished “periphery” of the global South. And of course within each of those arenas there is the class polarizations with ruling elites in the South who collaborate with imperialism and many who are oppressed in the North. But it is a global economy; the great wealth and power comes by means of the super-exploitation of the peoples of the South, and that’s where we can expect the fiercest battles and strongest leadership for change. And the very rapaciousness of such a system is the basis for a reckless and now extremely dangerous destruction of the environment. At the same time, that center/periphery divide helps frame why the struggles of people of color within the USA, a country built on the genocide of the Native Americans and mass imposition of chattel slavery, are so central.

So, “imperialism” is the best summary term, the clearest way to name the dark dungeon currently confining and brutalizing humankind. But that prison was built on the pre-existing foundation of patriarchy and class rule. And there are all the bars on the cells that confine and divide us. So we have to be very explicit about naming and fighting all the major forms of oppression: white supremacy, xenophobia, class rule, male supremacy, homophobia, transphobia, ableism, cruelty to animals, environmental destruction.

**Berger:** You speak about the world using a center/periphery divide. But is such a dichotomy appropriate to today’s conditions? Can all countries be categorized as *only* imperialist (and collaborators with imperialism) versus anti-imperialist? Isn’t China an economic super-power? How do you assess the economic growth in India and Brazil or the economic positioning of countries in the former Eastern bloc?

**Gilbert:** Yes, China’s rapid emergence as a world power is very impressive and creates some new dynamics. China has moved effectively to gain access to oil and other strategic resources, especially in Africa, and the USA has been making a lot of geopolitical moves to be in a position to contain China. That’s a big part, to take one example, of why the USA has been so intent on getting a major military base in Africa, which they may soon realize behind NATO’s massive bombings of Libya. Of course this isn’t the first time that imperialism has had to contend with a “state capitalist” rival. From 1945 to 1991 the Soviet Union was formidable military power,

and it provided critical aid to many national liberation struggles.

China couldn't have achieved its tremendous economic growth under the neoliberal model that imperialism imposes on most of the South. The very comprehensive role of the State has been essential. At the same time, the development has accompanied an obscene new polarization of wealth, under a very repressive regime. And China's industrialization hasn't removed its working class from super-exploitation by imperialism. When you buy an iPhone, only 4% of the price goes to the wages of the workers who made it in China – meanwhile Apple has a 64% gross profit over manufacturing costs. Also I doubt that China's economy will continue to grow at the current rate. You know, mainstream pundits often make predictions by taking current trends and projecting them forward, like they'll proceed on a straight line. But reality is much more complicated and contradictory than that. It's very possible that China could well be approaching some major limits on its current model of growth; it faces some severe challenges, including the potential for powerful class struggles, and the ways the global economic recession could impinge on its export-driven economy.

India and Brazil's economies are growing rapidly, but still within many of the strictures set by the world capitalist market. That framework, along with the strength of their own reactionary classes, is likely to block a full breakthrough to strong, self-determining economies that can put their peoples' needs first. Remember, imperialism has always had a few intermediary, semi-dependent nations – Lenin even talked about this, I think in terms of Argentina, 100 years ago; several Eastern European countries also seem to be destined for that niche today.

Imperialism has changed dramatically from the terms of the first three-fourths of the twentieth century. The stark divide is no longer around industrialization as a lot of manufacturing has been moved to the South to take advantage of starvation wages. In today's global economy, as Samir Amin has explained, the domination of the center is exercised through five other crucial monopolies: the control of (1) technologies, (2) financial markets, (3) the planet's natural resources, (4) information and communications, and (5) weapons of mass destruction. So yes, it is a complicated world with various intermediate forms of dependency and development. Also, the emergence of China entails the potential of a rival, especially if it can ally with Russia, with its high level of military technology. Containing China is a major factor in US geo-military maneuvering. But at this point China is nowhere near capable of directly challenging the global dominance of the imperial triad of the USA, Europe, and Japan. The more relevant issue is the USA's economic decline and how that might limit its military might, its ability to intervene and enforce imperial interests in countries throughout the world. The most exploitative aspects of the global economy and all of the USA's plethora of wars over the past 60 years have been around that main axis of imperial domination of the South. That's at the heart of the colossal polarization of wealth, the awesome power of the ruling 1%, the intolerable oppression of the majority of humankind, and the resulting leading forces of resistance.

**Berger:** Are you optimistic about a new wave of revolutionary advances in the South and a growing radical movement in the North?

**Gilbert:** I'm neither optimistic nor pessimistic. Right now the world is fraught with peril. It's scary, for humankind. (Although this is not the first time: I grew up in the 1950s, with the threat of cataclysmic nuclear war hanging over our heads.) Global climate change and the collapse of some key ecosystems could destroy the basis for sustaining a human population even a fraction of our current numbers. And even more immediately, we may have entered a period of severe and sustained global recession. We, and the earth, need less production. But under imperialism it won't involve cutting back on the colossal – multi-trillions of dollars worth – of wasteful and destructive goods and services. Instead the worst, deadliest costs will be imposed on the wretched of the earth. Not only would that entail massive deprivation and suffering but also such stresses can be fertile ground for vicious reactionary movements in the North and bitter internecine battles – tribal or ethnic or religious conflicts – in the South. So what Engels said in the nineteenth century can be raised several orders of magnitude in the twenty-first: the choice is between socialism and barbarism.

What we have to hope for – and even more than that, *work* for with all possible passion and intelligence – is for people to understand that choice, to see that these horrendous problems are generated by a rapacious system and that the only viable alternative is for people to get together and replace a system driven by corporate greed with one in harmony with nature and centered on human needs.

**Berger:** Within the United States, one of the biggest and most visible signs of mass movement in recent years has been a largely Latino immigrant rights/migrant justice movement: from the mass marches of 2006 to recent struggles against what some are calling a system of Juan Crow in places such as Arizona and Alabama. Clearly

these struggles are reflective of the ways the United States is more multiracial and multiethnic than it was when you came to political consciousness. And of course, the United States now has a black president – something that only recently became thinkable. Do these changes alter the significance you’ve always given to race as a structuring feature of the United States? Do you still think that black social movements will be the strongest catalyst for political action in the United States?

**Gilbert:** You’re right about the importance of immigration and the Latino/a population. And I want to add that, in addition to the so-called “borders” being illegitimate, the whole disruption of families and mass migrations are being driven by the very destruction of the economies of the South by imperialism.

While the modalities of race have changed in significant ways, the fundamentals of a system based on white supremacy haven’t. Now, as opposed to the 1960s, there are a lot more Blacks in the middle class, although still not in proportion to their percent in the population, and many more multiracial individuals. We now have a Black president; while it was nice to see that aspect of Jim Crow shattered, it doesn’t mean much in practice since politics in the USA, including Obama, are so completely controlled by big money. But the erosion of Jim Crow has been more of a neocolonial strategy than a qualitative change for the majority. Many educated Blacks who would have been vociferous spokespeople for the struggle now live in greater comfort.

Meanwhile conditions in the ghettos and barrios have in many ways gotten worse, with cascading epidemics: the loss of manufacturing jobs; mass incarceration; broken families; the internal violence that comes with making drugs illegal; then the violent “war on drugs;” the health epidemics of HIV, hepatitis, asthma, and so much more.

So I’m sure that race will remain central, although probably radical struggles will not be as predominantly defined by revolutionary nationalism, as other forms have also become important: immigration, women of color, LGBT and queer movements, and other alliances among various peoples of color. The black community, with its cohesion and stunning culture of resistance, has been under relentless and full-scale attack for decades, with virtually nothing in terms of an anti-racist white movement to provide solidarity. The relentless attacks have taken a toll. But given the centrality of the black struggle to opening up almost every period of protest and advance in US history and given their legacy of humanity and resistance, I believe that black social movements will continue to be the strongest catalyst for radical political action in the USA.

**Berger:** As the movements of the 1960s receded, something called “identity politics” emerged in their place. At its most caricatured, the debate over identity politics has positioned parochial identity groups (e.g. women, people of color, LGBT communities) against the universalism of emancipating all people, or at least of the entire working class. How do you see this debate?

**Gilbert:** I don’t understand why there is a debate, since both are essential and they’re so complementary. Movements or unions that are dominated by straight white males are far from universal. I haven’t kept up on all the literature; evidently, there are examples of identity politics that are all about narrow sectors competing to be “the most oppressed.” Nonprofit organizations, with their funding power, have fostered and rewarded such a narrow and competitive approach. But the thrust of the Combahee River statement and the women of color

movement since the 1970s,<sup>1</sup> as well as more contemporary queer movements, have been about those who are oppressed being the ones who can best articulate their needs and aspirations and also the important ways those oppressions intersect. That enriches rather than detracts from our movements.

What’s divisive is racism, elitism, sexism, homophobia, transphobia, ableism. We face mammoth barriers to progress in the myriad ways that people oppressed in one way will still have contempt for those who are oppressed in other ways and even partake in keeping them down. The challenge for us as organizers is to achieve unity among all who have an interest in overturning the current, horribly destructive and demeaning order. That can only be done by breaking through the various forms of oppression, from the bottom-up, led by those who understand the issues best, to overturn the entire set of mutually reinforcing structures of domination. In short, the long march to universal human liberation must smash through each of the various specific barriers of oppression.

**Berger:** Your recent memoir, *Love and Struggle*, seeks to explain and uphold what you see as the best aspects of 1960s-era activism, while also chronicling the mistakes of the New Left and other movements of the era. You are quite self-critical as well, writing of the need to “struggle against our own weaknesses” in the fight for social justice. What has that struggle been like for you? Is it something that can only be done in retrospect, or how might you encourage young activists today to engage in this kind of struggle now?

**Gilbert:** While retrospect can afford added perspective, the struggle is always very much current and ongoing. For me personally, well, I look at some of my mistakes and my efforts to learn from them in *Love and Struggle*. When such issues were [first] raised with me, I'd get defensive; it would feel difficult, almost impossible, to change. But in the long run I've found the process to be very enriching and hopeful. I would absolutely encourage activists not to approach the struggles against our own weaknesses, which are inevitable growing up in this society, as grim or self-flagellating, as a question of guilt. Instead, the more we identify with and learn from other people, the more fully human we become and the better our chances for achieving real change.

**Berger:** You were imprisoned just as the war on drugs and mass incarceration became structuring tenets of life inside the United States. And since the "war on terror" began in 2001, prisons have become central to American foreign policy as well, epitomized by the prisons in Guantanamo Bay, Abu Ghraib, and Bagram Air Force Base. Yet there has also been a renewed attention to American prisons domestically and abroad – due to the organizing of prisoners, as well as interest from journalists and scholars. What hope do you see for an end to mass incarceration? Have prisoners, in your experience, drawn connections between the domestic penal system and "war on terror" prisons? How have prisoners responded to the emerging movements in the Arab world and across the United States?

**Gilbert:** There are some very advanced prisoner struggles in places like California, Georgia, Ohio, and Virginia.

<sup>2</sup> But where I'm at right now there has been a major decline in political consciousness since I came in. Prison is very much affected by what's happening in the outside world. I think the combination of the destruction of leading organizations like the [Black] Panthers, AIM [American Indian Movement], and the Young Lords [a Puerto Rican militant organization in the late 1960s and early 1970s]; the loss of manufacturing jobs combined with the massive influx of drugs; and the relentless barraging of people with ads that encourage consumption have all set back consciousness outside and in. Also certain right-wing groups are working to undermine people's ability to understand the system. The prisons have been flooded with conspiracy theories that divert from the analysis of how the imperialists rule. One destructive example is AIDS conspiracy theories that appeal to well-founded distrust of the public health system to then discourage black youth from HIV prevention and

treatment. When we traced these back, the source was from the fascistic LaRouchite movement.<sup>3</sup>

Despite all those setbacks, the legacy of the Panthers has a strong cachet, and prisoners are more aware than the general population about the dangers of the "war on terror" and how it has promoted torture, preventive detention, and warrantless surveillance. I mean, that's always existed under imperialism, but institutionalizing these human rights abuses makes them more "accepted" and more widespread.

I think that part of the reason prisoners haven't been more active comes from a sense of isolation and vulnerability, so a developing movement on the outside will have an impact in here. For both inside and outside it's important to recognize that mass incarceration isn't simply counterproductive in how it reproduces harm and violence and how it drains resources from positive and more effective programs. The "war on crime," since President Nixon first proclaimed it at the end of the 1960s has been the spearhead for attacking and turning back the black liberation struggle and the related movements for social justice it had inspired.<sup>4</sup> So opposing mass incarceration and the war on crime is central, completely strategic, to rebuilding momentum for fundamental change.

**Berger:** You've been incarcerated for more than 30 years, much of it spent between New York's most restrictive prisons: Attica, Auburn, Clinton, and Comstock. During that time, you've authored two books, written dozens of articles, started the first peer-education program for prisoners around HIV/AIDS, and mentored many young activists outside of prison. How have you been able to stay politically connected from inside prison? And what keeps you going after all these years?

**Gilbert:** Well "mentored" isn't exactly the right word. I learn a lot from the young activists who write and/or visit. So I hope that our exchanges are very much a dialogue. And those dialogues, as well as the connections with so many wonderful old friends and comrades, are a major way I've stayed politically connected. Also, thanks to the struggles of a preceding generation of prisoners, I'm allowed to get a lot of, although not all, political literature. So all of that has helped keep me going. And I'm blessed with a tremendous amount of love in my life: my son, my family, old friends, younger-generation activists. So I'm very, very fortunate. Most broadly what keeps me going is a feeling of connection with, love for, and hope in humankind.

## 19 Dec - Christmas in Prison

*Since the following article was written, another grand jury resister has been imprisoned. We're including all of the updates on the Pacific North West grand jury resisters below, including Maddy Pfeiffer's address.*

### **MORE:**

The visiting room of the SeaTac Federal Detention Center is bleak. Prison is supposed to be bleak, but it's difficult to appreciate how bleak it is until you've walked inside—past the grim security checkpoint, the sallow-faced chaplain with the giant keys hanging from his pants, the many heavy doors that slam shut behind you like a metal thunderclap, the off-white walls and institutional lighting that seem to suck the color out of everyone's hair and clothes, the frosted-over windows to block any view of the outside world, and into the visiting room with its plastic chairs arranged in sets of four with a guard sitting in a high booth, presiding over the room like a bored judge.

And the waiting. Lots and lots of waiting.

The large visiting room, with many doors leading off to other places, also serves as a transit point in the prison. Men (and the occasional woman) wearing prison khakis sit, staring into the middle distance with flat expressions, waiting until a guard, sometimes wearing latex gloves, opens a door and barks out names. Then the inmates get up, sometimes eagerly and sometimes hesitantly, and walk into some other chamber of the federal fortress.

Amid all the bleakness, inmate Katherine Olejnik seems surprisingly smiley and optimistic. She is one of two inmates I've come to visit—the other is Matt Duran—who have been sitting in this prison for around three months. (Duran a few days more than that, Olejnik a few days less.)

They haven't been accused of a crime. They haven't even been arrested for a crime. They're here because they refused to answer questions for a federal prosecutor, in front of a grand jury, about people they may (or may not) know: who those people are, who those people hang out with, and what political opinions those people hold.

Supposedly, that federal prosecutor is interested in the smashup in Seattle on May Day and finding the demonstrators who broke the windows of a federal courthouse. But Olejnik says the prosecutor only asked her four questions about May Day, which she answered truthfully: Was she in Seattle on May Day? (No.) Where was she? (Working at her waitress/bartending job in Olympia.) Had she been in Seattle a week before or a week after May Day? (No.) Had anybody talked to her about May Day? (No. In fact, she says she learned most of what she knows about the smashup while she was in court.)

That was all he asked about the May Day vandalism.

Then, she says, the prosecutor began rattling off names and showing photographs of people, asking about their social contacts and political opinions. Olejnik guesses he asked "at least 50 questions" in that vein, compared to the four about May Day. That's when she shut down, refused to answer, was found in contempt of court, and was sent to SeaTac FDC.

She doesn't regret it. "I truly believe that people have the right to believe whatever they want politically," Olejnik says, sitting in a chair beside me in her prison khakis. "And it's none of the government's business."

As far as she can tell, she's not in prison because she couldn't help with a vandalism investigation. She's there because she refused, on principle, to help the federal government draw a social map of radicals and leftists in the Northwest.

Grand juries are secret—prosecutors are the only attorneys allowed in the room—but people who've been subpoenaed to appear before them are allowed to talk afterward about what happened. The two attorneys for Olejnik and Duran, who sit with us during the interviews in the SeaTac FDC, vaguely say the versions of events described by their clients are consistent with what they read in the transcripts. The US Attorney's Office has repeatedly said it cannot comment on anything related to a grand jury, because grand juries are secret. So we have to rely on Duran and Olejnik and their attorneys' vague corroboration.

I have to interview Duran separately, because the guards don't want him and Olejnik—close friends and roommates at the time they got the subpoenas—to see each other. (They say they passed each other once in the visiting area and waved at each other, and the guards grumbled about that.) How, I ask Duran, would you explain why you're here to people on the outside?

"Not everyone will understand," Duran says in a soft voice. "You have to be in a different state of mind to be willing to go to jail to protect someone you basically have no knowledge of." He talks about his years as a young student in the Army ROTC, when veterans would come and talk about serving their country because they felt a sense of duty. Not answering questions about other people, he says, "is the duty I can perform."

Duran, like Olejnik, believes that when the FBI comes knocking, handing out subpoenas, legally compelling them to tell a federal prosecutor about their fellow citizens' private lives and political beliefs, they have a duty to object. And, like *Bartleby the Scrivener*, their most powerful tool of protest against a force like the federal government is to simply and politely say: "I would prefer not to." (It's worth remembering that *Bartleby's* quiet, stubborn "I would prefer not to" eventually lands him in prison.)

And that's why they're spending the holidays in prison.

Both Duran and Olejnik say other inmates, and even the guards, are baffled about them—and especially why they're there. The two grand-jury refusers are fairly normal people with fairly normal jobs. Until the incarceration, Olejnik worked as a bartender and waitress at King Solomon's Reef, a diner in Olympia. Duran worked for a computer-security company and was pleasantly surprised when his employer said the company would hold his job for him, as long as he wasn't charged with anything. (Having a criminal on the computer-security payroll might be bad for business.) "I didn't expect them to understand what was going on," he says, then chuckles softly. "But even *I* don't understand what's going on!"

More to the point, they haven't actually been charged with anything, and they have no idea how long they'll be there. Technically, they can leave whenever they decide to cooperate with the federal prosecutor, but both say they're firmly resolved against that.

"It's not even an option in my mind," Olejnik says. "They've already made me walk away from my job, my family, my home—there's nothing they could legally do to make me give them information." Or, as Duran puts it: "Everyone's here because they *did* something. But I'm here because I'm still doing it."

Duran says he's explained his situation to inquisitive prisoners and guards, and it usually comes down to the same exchange: "So you're just here because you wouldn't talk?" "Yeah." "That's messed up."

The FDC bureaucracy doesn't seem to know what to do with them either. They haven't been accused and they haven't been sentenced, so they're stuck in the pretrial units, where the prisoners don't have access to the usual prison programs: education classes to work on GEDs, kitchen or janitorial jobs, Alcoholics Anonymous or Narcotics Anonymous (which is a heavy burden on some of the prisoners), or regular exercise equipment. If the SeaTac detention center is a boring limbo, its pretrial units are a limbo within limbo.

Olejnik says she and her fellow pretrial inmates are "super-jealous" of the Zumba dance-aerobics classes that the other prisoners get. Her unit exercises in "the yard," which isn't really a yard, but a large cell with a metal grate 20 feet high on one wall that allows in some fresh air. You can sometimes see a sliver of the moon, she says, or feel the rain coming in. That's as close as it gets to being outside. (Duran says in his unit, a plane flying past the grate in the yard is the highlight of the day.) For their workouts, the women mostly run in circles around the cell, or do what yoga or Pilates moves other prisoners can remember. And they get to play volleyball.

The first question in the women's unit, Olejnik says, isn't what a prisoner is in for—it's whether she has children. If the answer is yes, the second question is always whether she has custody of the kids. "Since it's a pretrial unit," Olejnik says, "most people still have custody of their children and are working incredibly hard to keep it. You get 300 phone minutes a month—for people who can afford it." If someone gets stuck in solitary confinement (called the Special Housing Unit, aka "the SHU"), Olejnik says, she gets one phone call a month. She's seen women in solitary spending their monthly phone call helping kids with homework—trying to be as motherly as possible under the circumstances.

Both Duran and Olejnik were put in solitary confinement as soon as they arrived, without much explanation. (Both of their attorneys, who have represented other inmates at the SeaTac FDC, say starting the prisoners off in solitary confinement isn't typical in their experience.) Olejnik says she wasn't told she could ask for a cup or a spork, so she spent her week in the SHU drinking water out of her hands. She depicts the SHU as "intense psychological torture" that's difficult to describe—you don't know what's going on, you can't talk to anyone, and the lights come on and off without your control. "I was only in for a week," she says, and can't imagine what it would be like to be in there for months. Then, one day, she was let out into her unit.

Both Duran and Olejnik wonder if they were immediately shoved into solitary in the hopes that it would freak them out and convince them to answer the grand jury's questions. If so, it didn't work.

"We do each other's hair a lot," Olejnik says of the women's unit. The prisoners pull their chairs out of their cells, and fuss over each other with a blow dryer and curling and straightening irons (they aren't allowed to have scissors), trying to replicate the casual beauty-salon conversations they had in the outside world. When we talk in the visiting room, Olejnik's hair looks like it spent some quality time with the straightening iron.

The prisoners also fuss over Olejnik's mail. Both she and Duran get a *lot* of mail from all over the world, several letters a day, sometimes from anarchist supporters and sometimes from strangers who say they've never been involved with political activism but feel like this grand jury situation is beyond the pale. (The outpouring of support was a surprise—both say they did what they thought they had to do, went to prison, and fully expected to be forgotten.) The other prisoners don't get so much mail. Olejnik pulls all hers into a pile, and the women read it together, sometimes aloud, smelling the paper for any scent from the outside world—a flower pressed in the pages, cologne, incense—and help Olejnik work through her return letters.

Olejnik also shares the books people send her. She helped one prisoner read the first volume of the *Harry Potter* series. Olejnik and the prisoner would read every night, going paragraph by paragraph, sounding out the big words and discussing what happened in each passage. "She got to the point of reading a whole page on her own," Olejnik says. When they finished, the other prisoner told Olejnik that was the first book she'd ever read. "She called her mom to tell her," Olejnik says. "And her mom cried."

Olejnik says having your period in prison "really sucks." The commissary, apparently, isn't carrying tampons these days, and strip-searches while you're on your period are deeply humiliating. "People on their period," she says, "mostly stay in their rooms all day."

But the prisoners laugh sometimes, teasing and joking. "And I have so little to complain about compared to other people in here," Olejnik says. "That's not to say I don't have bad times. We all cry in here. But I try to keep those days to a minimum."

While Olejnik is robust and incongruously cheerful in the bleakness of the visiting room, Duran is more subdued. He's slight and bookish, wears glasses, and tries to keep his head down. His unit sounds tenser, with more jealousy and prisoners quick to take offense. "It's like a microcosm of the real world," he says, but magnified by the confinement. "Race politics, class politics—one cellie [cellmate] was mad at the other for being really rich. He didn't pay something like a million dollars in back taxes." In most conversations, he says, "I try to stay as neutral as possible."

His mail, unlike Olejnik's, is not a community event. He says some of his fellow prisoners joke, "Hey, save some mail for us," but it's starting to overflow in his locker. He can afford the postage to forward it on to friends for safekeeping, because fundraising efforts for the grand-jury refusers help pay his commissary bills. "But," he says, "I don't want to flaunt my wealth in front of the others." Mail to prisoners is a big deal, he says. "It can make or break a prisoner's day." One guy has been depressed for weeks because some books he was supposed to get around Thanksgiving haven't arrived yet.

Despite the tensions, Duran says the fact that he's there because he refused to talk has given him some currency, even across the usual racial lines. "A lot of people in my unit are there because somebody snitched on them," he says. "One guy I hang out with was in a group of people charged with conspiracy." Conspiracy is a common charge to loop in bunches of people who have a peripheral relationship to the central crime. "They all said they wouldn't snitch. He's here now because he's the only one who *wouldn't* snitch!"

But because Duran is Latino and speaks Spanish, he's a de facto member of the Latino clique. They measured his thin biceps when he first came in, which—to their chagrin—measured only 13 inches around. Now they call him "El Trece" (Spanish for 13) and hector him to work out more, like doing pull-ups when he'd rather be reading. He thanks me during our long interview for saving him from the afternoon workout. "I'm really sore from yesterday," he says, smiling slightly while rubbing his arm.

Conversation among his fellow prisoners centers on four topics: their cases, how bad the food is, how cold the prison is, and, as Duran puts it, "I did this thing once five years ago, and it was cool."

"It is," he says, "extremely monotonous."

Duran says he's in a protective custody unit for people who aren't supposed to be in the general population—that includes snitches, alleged cartel affiliates, high-profile prisoners with well-publicized cases (his situation, so he's told), and sex criminals. Duran's face goes dark. "I really," he says slowly, looking down, "don't want to be associated with those people."

Prisoners who've done time in that unit, he says, usually don't mention it on the outside, even to other people who've done time at the SeaTac FDC. It's not a reputable unit, even among fellow prisoners. Duran says that for him, it's just "study, keep your head down, do your time."

Still, he seems as resolved as Olejnik to refuse to capitulate. Does doing his time feel different than somebody who has a concrete sentence? "Yes," he says. "I'm not gonna be here for 10 years, but I don't know how long I'm gonna be here... could be a day, could be six months, could be two years, could be longer." But, as he said earlier, he feels he's doing his duty. "Even most of the inmates I talk to say: 'Why don't you lie? Why don't you put the rap on somebody else?'" Duran says. "I don't want to be part of the process that puts anyone here. Here is really bad... The government wants me here out of pure frustration—for an entity with worlds of power, they don't want resistance at any point."

He says sticking to his guns means he has "a more satisfying life... I'm here because I'm doing something."

Duran and Olejnik are in prison for civil contempt of court, which is supposed to be a coercive measure—to get them to change their minds—and not punitive. It's as if the government has sent them into a corner, telling them to come back when they're ready to start answering those questions about other people and their politics. Both Duran and Olejnik say that's bullshit. As Duran puts it: "In prison, it's *all* punitive." They could be in detention for civil contempt until this grand jury dissolves in 2014.

Or they could be released if either the federal prosecutor or Judge Richard A. Jones—who presided over their civil contempt hearings—files a motion to end their incarceration. Olejnik's attorney says it's highly unlikely the prosecutor will take this step. He is, she says, "pretty resolute that this is a path he should be pursuing." But the ultimate authority rests with Judge Jones. Why has he favored the prosecutor in this case and not Duran and Olejnik? It's hard to say. (Judge Jones did not respond to a request for comment.)

But even if the government and Judge Jones force them to run down that clock, they could be further charged with criminal contempt of court, meaning even more time. Limbo within limbo. (A third grand-jury refuser named Maddy Pfeiffer, 23, will soon join Duran and Olejnik. At a contempt hearing last Friday, Judge Jones ordered Pfeiffer to report to the SeaTac FDC at 9 a.m. on December 26.)

As a Thanksgiving treat this year, Duran says, the prisoners got a can of soda, an extra helping of food, and the chance to watch a movie: *Spider-Man*.

I didn't ask him what he thought they'd get for Christmas.

### **December 20<sup>th</sup> - Another Anarchist Will Be Jailed December 26<sup>th</sup> for Resisting Grand Jury**

On the day after Christmas, it is likely that another anarchist will be imprisoned for refusing to talk about their political beliefs and their friends before a federal grand jury in Seattle.

Maddy Pfeiffer, 23, appeared at a contempt hearing last week and was ordered by Judge Jones to self-surrender to SeaTac FDC at 9 a.m. on December 26<sup>th</sup>. [Pfeiffer had previously appeared before the grand jury](#) and asserted 1<sup>st</sup>, 4<sup>th</sup>, and 5<sup>th</sup> amendment rights in response to every question asked.

Pfeiffer will join two other young anarchists who are currently imprisoned for making the same principled stand, refusing to talk about their political activism and refusing to help the government identify leftists and protesters in the Northwest. [As background: "[3 People Now in Jail for Refusing to Talk About Other Anarchists](#)"]. It's possible that they will remain imprisoned for the full term of the grand jury, until March of 2014.

The grand jury appears to be investigating vandalism in Seattle during the May Day protests. But Lauren Regan, an attorney with the Civil Liberties Defense Center, learned that the [grand jury was empaneled March 2, 2012](#) — before the May Day protests even took place. Activists, civil liberties advocates, and journalists have expressed concern that the grand jury is being used for [social mapping](#) of anarchists and leftists.

Using grand juries to harass, surveil, and disrupt social movements is nothing new. [Robert Meeropol](#), son of Julius and Ethel Rosenberg, noted how grand juries have been used during the Red Scare, through the 1960s, and today:

Grand juries have been used as instruments of political repression for decades. My parents, some family members, and their friends were hauled before a grand jury in 1950. Some, cooperated, pointed the finger at others and even helped send my parents to their deaths with their testimony. They received reduced sentences or no prison time. Those who did *not* cooperate, but were not indicted, were harassed by the prosecuting authorities for many years afterwards. Those the grand jury indicted, who were then tried and convicted, went to prison or were killed.

While the stated purpose of the grand jury was to expose criminal behavior, it also served to sow anxiety and distrust throughout the community of activists who had any connection to my parents, as well as to spread fear among the broader progressive community. Grand juries stifle activism and dissent in this manner.

In the face of this, anarchists in the Northwest have received international support from diverse social movements. Hundreds of supporters [called and emailed](#) District Judge Richard A Jones during a day of action. Teach-ins have taken place around the country. Benefit concerts have helped defray legal costs. [“Anon-ops” activists disrupted](#) the district attorney's office.

Pfeiffer, Katherine Olejnik, and Matt Duran say they have drawn inspiration and strength from that outpouring of support. [The Stranger's Brendan Kiley](#) interviewed Olejnik and Duran in jail, and reports:

They haven't been accused of a crime. They haven't even been arrested for a crime. They're here because they refused to answer questions for a federal prosecutor, in front of a grand jury, about people they may (or may not) know: who those people are, who those people hang out with, and what political opinions those people hold...

How, I ask Duran, would you explain why you're here to people on the outside?

“Not everyone will understand,” Duran says in a soft voice. “You have to be in a different state of mind to be willing to go to jail to protect someone you basically have no knowledge of.” He talks about his years as a young student in the Army ROTC, when veterans would come and talk about serving their country because they felt a sense of duty. Not answering questions about other people, he says, “is the duty I can perform.”

## **What can you do?**

Time in jail can feel especially dark during the holidays. (Kiley's article, above, captures this well, and I hope you will read it). Now would be a great time to write a letter to those imprisoned.

## **December 27<sup>th</sup> - Fourth Person Jailed for Refusing to Talk about Other Anarchists in Grand Jury**

A fourth person has been jailed for refusing to cooperate with a federal grand jury that is targeting anarchists in the Pacific Northwest.

Maddy Pfeiffer self-surrendered to the Seattle, Washington federal detention center on Wednesday, December 26th [as ordered by the court](#). Pfeiffer was accompanied by friends and supporters before being taken into custody.

[Pfeiffer had previously appeared before the grand jury](#) and asserted 1st, 4th, and 5th amendment rights in response to every question asked.

This is now the fourth person who has been imprisoned for refusing to testify before the grand jury about their

political beliefs and political associations. Matt Duran and Katherine Olejnik have been in jail since September, and Leah Plante was released in October. [For background about them: "[3 People Now in Jail for Refusing to Talk About Other Anarchists](#)"]

It's unclear how long they may be imprisoned. The purpose of the imprisonment, according to the court, is to pressure them to cooperate with grand jury questioning.

Pfeiffer, Duran, and Olejnik say the grand jury is targeting them because they are anarchists, and they will not cooperate with what they say is a political witch hunt.

You can write Pfeiffer a letter here:

**Matthew Pfeiffer #42421-086**  
**FDC SeaTac**  
**Post Office Box 13900**  
**Seattle, Washington 98198**

### **January 2<sup>nd</sup> - Matt and Kteeo back in solitary confinement**

Matthew Duran and Katherine "KteeO" Olejnik were unexpectedly thrown back into solitary confinement at SeaTac FDC on December 27th, the day after Maddy Pfeiffer self-reported to the same prison. After Matt's friends and family didn't hear from him for a few days, his lawyer contacted him and found out that both he and KteeO were removed from the general population.

Right now we don't know why they were moved back to solitary. It is common for prisons to arbitrarily punish the people they are keeping locked up by keeping them away from other people. Meanwhile, no one has heard from Maddy Pfeiffer since they self-reported on the 26th, and we expect they will remain in solitary for at least a week.

Please call SeaTac FDC at **206.870.5700** to demand that Matthew Duran, Katherine Olejnik, and Matthew Pfeiffer be released from prison.

Don't let your solidarity with the grand jury resisters end with a phone call! The work we do to support the grand jury resisters is part of a broader project of refusal of hierarchy and domination, toward the destruction of prisons, borders, capital, and the state.

### **January 5<sup>th</sup> - Holiday Letter from Kteeo**

Thank you so much for the awesome letters. I'm still working to write you all back, but please know that even if I have not written you back that your letters mean the world to me! Also, if you write to me, please include a return address inside. I have read them wrong sometimes and have had a few returned. You are all super rad, thank you!! I couldn't do my thing without the epic support work going on! So a huge thanks to everyone doing any degree of support work. On to my next ramble:

So, holidays in prison can be a total bummer. I mean, the food is generally better than the usual day-to-day (hell yeah fresh veggies!) Besides the better food, they are just hard. There are several levels to this... A lot of the women I am in here with are mothers. Children are missed just a little more on holidays, and they are worried about a little more too. A lot of the mothers here constantly worry about how their imprisonment effects the consistency in their children's lives. There is no other time this is discussed more than around the holidays. Not being able to carry out traditions, provide physical closeness during this emotional time of year, or to provide gifts (although there are some pretty cool faith-based groups who attempt to give gifts to children of incarcerated parents for the winter holidays, regardless of faith, but they don't fill the need), are all things that are worried about. Mothers in here worry about conveying to their children that they are loved.

Besides many being mothers, women here are caregivers on "the outs" for aging parents and other family members and they have a very hard time being away during the holidays...worried about who those people will spend their lives with. PRISON DOES NOT JUST EFFECT THOSE INCARCERATED!!

It is also just sad to be away from my family (whether created or born-into family) during the holidays. On a personal note, I know that Christmas is going to be hella hard on me. I was never raised religious, but what I do

believe in is the love of my family and every year I have spent Christmas with my mom, dad, and brother (who are awesome people), but this year I'll be in the custody of BOP and I will be real, this makes me very sad. In regards to prison effecting much more than those incarcerated, I know that being in prison over the holidays is going to hurt my whole family and it is hard knowing that there is nothing I can do about it. We are close in our hearts and our minds and we have been making sure to remind each other of our love via phone, letters, and joint projects.

Sorry if I just bummed you all out. I want to assure you that I am doing fine. I just wanted to be real about my experience.

In other news, a huge shout out to CAPR folks as well as numerous ABC chapters and many unnamed groups of people and those of various ranges of kinds of political groups doing support on behalf of all of us.

A huge shout out to the rad folks in Honolulu, HI who keep writing me. You all are incredible. Will you please send me your return address? I haven't been able to get it right and would love to get back to ya'll.

Also Denver ABC thank you so much for your constant support.

To all of your, thank you and happy holidays!

In solidarity,  
Kteeo

PS, Sad Christmas music came on while I was writing this, and I am finding it really funny.

## **19 Dec - Welcome Home, Daniel McGowan**

*Here's a nice piece by Green is the New Red, welcoming our comrade Daniel McGowan home from prison.*

### **MORE:**

For the past four years Daniel McGowan had been imprisoned in two experimental prison units, called Communications Management Units, that radically restrict prisoner communication with the outside world. CMU prisoners are allowed only a handful of minutes on the phone each month, and they not allowed any physical contact during visits — not a hug, not even a handshake.

"I haven't been able to hug my husband, or even hold his hand, for two years," [said McGowan's wife, Jenny Synan](#), in a lawsuit by the Center for Constitutional Rights against the facilities. "This proposed rule does not explain how prohibiting a husband from holding his wife's hand or keeping a father from hugging his daughter, is necessary for prison security."

McGowan was recently released from the CMU in Terre Haute, Indiana, and driven by federal authorities to Indianapolis International Airport. There he met his wife, and the two traveled home to New York City together.

"It's crazy to think its been 7 years since the day I was arrested at work but I'm glad to be on this path now and to be looking forward," McGowan said in an email to friends. "...I can't really express my gratitude for all the love, support, books, letters, visits, and random acts of kindness thrown my way these past 7 years — I tell people all the time I have been so profoundly spoiled by an amazing group of friends, family and allies."

McGowan was arrested in December, 2005, and imprisoned a year later for his role in two arsons claimed by the Earth Liberation Front. Much of his time imprisoned was spent in two CMUs, one in Marion, IL, and the other in Terre Haute, IN. According to the government, CMUs are for prisoners with "inspirational significance." In other words, they are used to isolate political prisoners like Daniel McGowan from the social movements that support them. [To learn more: "[5 Things You Should Know About America's "Little Guantanamo"](#)"]

The journey home is not complete, however. McGowan was released to a halfway house in New York, where he will be living for at least the next few months. After that, there will be three years of supervised release.

McGowan is quickly adjusting to life post-prison. He has started work at a law firm, and says he's excited about vegetarian restaurants that are close enough for lunch breaks.

And McGowan, who always seems to be working, is busy catching up on the last seven years. Yesterday I

received a reply to an email I sent to his support group while editing [the book](#). It was dated December 19, 2010. I asked him if he's really going to read through all the emails since he has been away. "oh, i totally am. there are only 10,000 messages in the account,, should take a week."

### **19 Dec - Tar Sands Blockaders still in jail, and on hunger strike**

*On December 20<sup>th</sup>, hunger strikers in Houston hit day 20 without food and the three activists who locked down inside the Keystone XL pipe on Dec 3<sup>rd</sup> were still in jail, facing exorbitant bail.*

#### **MORE:**

While jail is oppressive, dehumanizing, and boring, your messages of love and support will help lift their spirits. Please send a letter today... And start making your plans to get out to Texas next month for the [TSB Mass Action camp](#), Jan 3rd – 8th.

#### **UPDATE:**

After another round of bail reduction hearings, Glen, Matt, and Isabelle are out of jail, but not out of the woods. We'll keep you updated on their cases.

### **20 Dec - After 20 Months of Court Battles, Charges Dismissed Against Nate Buckley!**

*It took nearly two years, and a lot of harassment by cops in Buffalo, New York, but anti-war and social justice activist Nate Buckley has finally beaten the flimsy charges he was facing.*

#### **MORE:**

In a written decision delivered this afternoon in Buffalo City Court, Judge Fiorella stated, "Officer Russo [NFTA] did engage in improper conduct which is repugnant to this Court's sense of justice. Officer Russo's motive clearly could not have been to prevent further crime or to protect the populace since Defendant Buckley had left the private property and moved onto a public sidewalk free of pedestrians."

"It must be noted that the charges of Obstructing Governmental Administration in the Second Degree and Resisting Arrest flowed from the illegal actions of Officer Russo after Defendant Buckley had left Fountain Plaza. Since there was no Trespass, the subsequent charges must also fall."

"It is hereby the Decision and Order of this Court that the information, charging Defendant Nathaniel Buckley with Trespass, Obstructing Governmental Administration in the Second Degree, and Resisting Arrest, is dismissed in the interest of justice with prejudice."

Thank you everyone for your continued support this is a people's victory, we struggled as a community, and **we** won it as community! It is a victory to the testament of struggle for liberty and justice, against brutality and injustice! Thank you to my family, my community, my lawyers, thank you! There is only one last charge Obstruction of Governmental Administration in the latest arrest scheduled for January 14th at 930 AM part 11 City Court.

### **21 Dec - Mexican Anarchist Black Cross responds to state repression**

*Cruz Negra Anarquista Mexico have written a response to claims made by state officials regarding demonstrations during the inauguration of that countries new president.*

#### **MORE:**

The Mexican Anarchist Black Cross is a libertarian initiative, our work is aimed to extend solidarity with prisoners, both the so-called ordinary ones and those imprisoned for their ideas and political actions and anarchists, supporting them in their legal processes, distributing their letters and doing outreach events to publicise their situation: we organise anti-repression workshops, promote self-organization in our neighborhoods and communities, as well as knowledge of legal defense strategies, based on the idea that repression is a

mechanism inherent to Capital and the State, which does not hesitate to use it to maintain the domination and exploitation which sustains this system; we also disseminate anti-prison ideas and thinking, to prompt debate on the social control nature of the prison, and its function in maintaining the capitalist system.

As an initiative, our efforts are aimed at these tasks, which have always been done in the open. All the activities that we organise and participate in are called for via our webpage or by email, and are signed.

In the mass media, it has been mentioned that amongst the detained were persons belonging to anarchist groups. Faced with these assertions it is necessary to declare that none of those detained belonged to the Mexican Anarchist Black Cross. Nonetheless we declare our absolute solidarity with all the people detained and demand they be freed immediately.

We understand that these declarations, along with the allegations of instigating the events that occurred during the demonstrations, are part of a campaign of criminalisation and persecution against anarchist groups and individuals. Marcelo Ebrard has distinguished himself by the targeting and criminalisation of anarchist groups, during his tenure as Secretary of Public Safety of the City, so this campaign is no surprise to us and we see in these statements a revenge against us because of the work we have carried out, principally in solidarity with the young anarchists that the Government of the Federal District has confined in its prisons in recent years.

We have given solidarity to these, as well as with different cases at a national level of political prisoners, and in that context we have made several reports showing the intrinsically repressive character of Federal District government, who has subverted its own laws in using them in a biased way to create and stage accusations and trials riddled with irregularities.

We denounce this campaign of persecution, that began in 2003 with accusations against anarchist groups following the October 2 commemoration march and in the last year has worsened, (not to mention that a call has been circulating in recent days from an apocryphal group for an activity in solidarity with prisoners), and continues with the administration of Miguel Ángel Mancera, who has also had no hesitation in making incriminating statements against anarchist groups active in the "City of Despair".

What happened on December 1st is the product of social discontent. The investiture of Enrique Peña Nieto is only one part, we can not fail to see that there is a growing outrage at the current social, economic and political climate, in which the concentration of power in a narrow group of people and companies are bringing grave consequences for the vast majority of people. The police, federal and local, displayed their usual brutality against all the protesters; against anyone they found in their path, making arbitrary and indiscriminate arrests. This, coupled with the news of comrades wounded around San Lazaro, further enraged the protesters.

For us, violence originates in the political system and the state, which intends to subdue us by means of its instruments of social control, and the economic system that deprives us of the ability to have a dignified life and exploits us through appropriation of our labour. This is the originating violence and faced with it it will always be legitimate to organise. The real terrorists are those who by their actions or their silent complicity, have plunged the country into a senseless war, filling the cities of fear and death, persecuting and criminalizing poverty and assassinating whoever organises themselves and dares to stand up against it.

Through this communiqué we thus denounce the growing campaign of criminalisation of social protest, and especially against anarchist groups and individuals. Those responsible for this are the Government of the Federal District. We demand the immediate liberation of each and every one of the persons detained.

Down with the prison walls!

Freedom for all!

Anarchist Black Cross Mexico

## **21 Dec - Bring Alex Home for Christmas!**

*The goal of this project has gone unmet and there is still time to donate to the fund that can secure a Mexican comrade's freedom.*

### **MORE:**

On November 14th, Alejandro Torres was arrested along with five others in Pasadena at a Zapatista solidarity action outside of a speech by Vicente Fox, the ex-president of Mexico. Now more than a month after his arrest he is still in jail. Ever since being hauled away by the police with his comrades that night, Alex has been caged in jail for the single crime of being far too poor to afford the extravagant \$100,000 bail that the judge has set for him. Help us bail Alex out of jail so that he can spend Christmas with his family and join us on the outside so that we can fight this case of political repression together! We've managed to arrange an agreement with a bail bondsman to bail Alex out for \$3,000 instead of the unreachable \$10,000 that would normally be required. We think that we can get scrape together the money for this if enough comrades are generous and pitch in.

Please donate here: <https://www.wepay.com/donations/979829063>

When we arrived at the Civic Auditorium in Pasadena on the night of the 14th, we came expecting nothing more than to get together with a small group of activists to pass out some fliers and screen a documentary about the Zapatista struggle. The police came with a different plan in mind. By the time we had arrived downtown, the Los Angeles Police Department had already put the Pasadena Police Department's Counter Terrorism Unit that dangerous protesters were on their way to cause trouble. The Pasadena police were primed for a confrontation. We were primed to watch a movie.

Before anyone had passed out a single flier or shouted a single chant, the police had already ejected the first handful of protesters to show up from the public sidewalk in front of the Civic Auditorium. With a last-minute permit from the Auditorium backing them up, they claimed that only ticketed guests could be on the sidewalk. What this meant in practice was that anyone could do anything they pleased on the sidewalk as long as the police didn't think that they were part of the protesters. Anyone who the police identified as being with the protesters would be threatened with arrest if they approached too close to the auditorium, while those who looked like they belonged in the Pasadena's wealthy and white downtown (including those who actually were protesters) went unquestioned.

Soon after Fox's speech began the police made their first arrest. While stopping a group of protesters who were trying to walk back to the designated protest area on the opposite side of the street, the police waved through the one of them who was white and wearing a dress and shawl. Soon realizing their mistake, she was handcuffed and arrested. Sergeant Bobby Crees then began following one comrade who was trying to return to the main group after their attempt to reach the crosswalk was blocked. Supposedly with the intent to ticket him for jaywalking, the cop, along with backup, followed him straight into the small and quiet crowd of protesters, where they began hitting and punching protesters indiscriminately. Soon four more protesters were arrested, while others were bruised and bleeding, and children were crying. A sixth comrade was targeted for arrest later that night while sitting at a bus stop.

After being held in jail for two days, Alex's bail was set for \$100,000. Largely on the basis of a vandalism conviction for taking down a paper 'no overnight camping' sign at Occupy Long Beach the previous year, for which he had failed to return to report his community service hours for. He was also deemed to be too high of a risk to let out of jail because he has given up having a job and stable home in favor of being a committed foreclosure defence organizer, camping out day and night at the Hernandez family's home in Van Nuys to prevent the bank and sheriffs from evicting them. His 'history of attending protest events' was also cited as a reason to give him such high bail.

Alex is an extremely dedicated revolutionary. He is committed to the ideals of Zapatismo and to the struggle for Chicano liberation. He has an incredibly strong will and spirit, and has greeted us with a raised fist every time we have seen him in court. But there is only so long that most people can go in prison before being beaten down. It is important for all of us – for Alex's friends, family and comrades; for himself; and for the movement – that

he be released as soon as possible. Please help us get together the \$3,000 we need to put Alex back where he belongs – in the struggle, side by side with us.

Meanwhile, the other five arrestees who are outside of jail are all in the process of fighting the charges against the Foxy 6, which variously include felony resisting arrest and assault on a police officer charges, as well as inciting a riot and unlawfully being in a permitted area. We will be providing updates on this case as it progresses and we prepare a public campaign around it.

### **22 Dec – Phil Africa hospitalized**

*To be clear, Phil Africa is now out of the hospital, back in the prison's infirmary. That does little to ease our minds, knowing that the same Pennsylvania prison system sedated and eventually killed another MOVE 9 prisoner. We're including the hain of updates to give a picture of what happened.*

#### **MORE:**

**December 22<sup>nd</sup>:** ONA MOVE! Our brother William Phillips (Africa), who has been imprisoned at the State Correctional Institution at Dallas PA, was rushed to the Wilkes Barre General Hospital and is in intensive care. We need all of our supporters to call the prison ([570 675-1101](tel:5706751101)) and the hospital ([570 829-8111](tel:5708298111)) to inquire about Phil. We are very concerned because this is exactly what happened with our sister, Merle Africa. She had stomach cramps and was taken out to the hospital and the next message that we got is that she died. This is a very serious situation. Please give his correct name (William Phillips #AM 4984) when calling so they can't say that they don't know who you're talking about. Thanks for all your support----Ramona

**December 22<sup>nd</sup>:** ONA MOVE, All! A special thank you to all of you that took time to make the requested calls. It truly matters because all the hospital staff can talk about is all the calls from all over the world that they're getting about Phil. That truly puts protection on him and he needs it. Two of our brothers were able to visit Phil in the hospital (where they continue to say he's not at) and Phil is unconscious. They are saying that they had to medicate him to keep him calm. We want to know why Phil's being medicated to intensely that he won't be alert for two days. We don't trust this so we're remaining ever vigilant and will keep you updated. Thanks again for all the calls. If you haven't yet called, please take the time to do so. It keeps the pressure on. Take good care--- Ramona

**December 26<sup>th</sup>:** ONA MOVE Everybody. Let me first again thank all of you who stepped up in support of our brother Phil. He's now back at the prison, in the infirmary and should be released back to his cell with our brother Delbert in a few days. He's recovering well and sends his love to all of our revolutionary sisters and brothers. Take good care and your support will always be remembered-----Ramona

### **21 Dec - After Newtown Shooting, NYPD Considers Entrapment Schemes**

*A New York Times [report](#) indicates that “top intelligence officials in the New York Police Department” met on December 20<sup>th</sup> to discuss how to use the Internet to “identify potential ‘deranged’ gunmen before they strike.”*

#### **MORE:**

NYPD Police Commissioner Ray Kelly stated, “The techniques would include cyber-searches of language that mass-casualty shooters have used in e-mails and Internet postings...The goal would be to identify the shooter in cyberspace, engage him there and intervene, possibly using an undercover to get close, and take him into custody or otherwise disrupt his plans.”

To anyone familiar with how the NYPD has targeted potential terrorists, it is clear what Kelly and others are considering is developed entrapment schemes or—as the NYPD would probably call them—“sting operations” for catching individuals, who might be responsible for mass shootings.

NYPD spokesperson Paul J. Browne shared the department plans to send officers to Newtown, the city in Connecticut where a mass shooting killing 26 people took place at Sandy Hook Elementary School one week ago. Twenty of them were children.

Browne also said possible tactics to be used would be to search online “for terms used by active shooters in the past that may be an indicator of future intentions.” This, Kelly noted, would not be all that different from how the NYPD has looked online for “terrorists’ chatter.” The idea would be to find “apolitical or deranged killers before they become active shooters.”

What the NYPD is considering is precrime. They are talking about trying to catch people, who are probably mentally ill, and convicting them of “plotting” a mass shooting before they even shoot people. More significantly, they are acknowledging that agents could be used to nudge these “potential deranged gunmen” into carrying out plans for a shooting probably right up until the moment they put their hand on a weapon and begin their approach toward a school filled with children.

Consider, for example, the case of Jose Pimentel, who faces state terrorism charges for allegedly building a pipe bomb that he planned to explode. The NYPD used informants in a sting operation that eventually led to his arrest on November 18, 2011. The FBI was also involved.

Pimentel, who is twenty-eight years old, moved from the Dominican Republic to the United States. He had apparently seen witches before moving to the US but, after moving, began to see “spirits.” This ended when he converted to Islam in 2004 at a Manhattan mosque. He lived on \$2/day allowance from his mother, which was not enough for carfare to the mosque where he wanted to pray. And Pimentel had a blog with a link to material that came from *Inspire*, the online magazine of al Qaeda.

Pimentel was a mentally unstable person, who converted to Islam. As a *New York Times* [report](#) noted, his neighbors found him to be a “somewhat lethargic figure. He would often sit on a bench for hours with a “blank look” on his face. *Talking Points Memo* [confirmed](#) Pimentel smoked marijuana with the NYPD informant. Pimentel also tried to circumcise himself. Prior to the sting operation, he had a felony conviction for purchasing a computer with stolen credit card information.

As Michael Greenberg of the *New York Review of Books* [wrote](#), the NYPD approached the FBI to take the case in order to ensure it would go to federal court. The FBI concluded “Pimental was ‘not a serious terror threat’ and that, according to an FBI official who works with the NYPD and asked to remain unnamed, he lacked ‘the predisposition or the ability to do anything on his own.’ *The New York Times* reported that federal investigators ‘were concerned that the case raised some entrapment questions.’ Some agents ‘wondered whether Mr. Pimentel had even the small amount of money or technical know-how necessary to produce a pipe bomb on his own, had he not received help from the informer.’”

The public can expect to see the same issues arising if the NYPD takes the same approach to stopping “potential deranged gunmen.” There are sure to be a number of cases where people are asking whether the person had a “predisposition or the ability to do anything on his own.” This will be especially true if NYPD informants help the target obtain weapons.

Then, there’s the issue of who the NYPD will be targeting. If they intend to collect “intelligence” through reconnaissance missions to sites where mass shootings have taken place, they will then be formulating a template for detecting a shooter. It is sure to be based on interests, like what music they listened to or what movies they watched. Or, it will be based on how isolated those gunmen were; if they were loner-types, then agents will take note. On the internet, they will look at speech that should be protected and project interpretations to determine whether that person could pose a danger, even if the person has made no explicit threats of violence. Perhaps, informants will even look for odd behaviors and then begin operations based on the fact that prior shooters acted this way.

It is not altogether surprising that this is how the NYPD would seek to be on the “cutting edge” of law enforcement. Over the last decade it has transformed into an espionage agency, which carries out clandestine operations under the guise of combatting terrorism. In 2011, the *Associated Press* [reported](#) extensively on documents showing the pervasive and intrusive surveillance being carried out by the NYPD to “map” Muslim communities. Surveillance powers expanded since the September 11th attacks have given the NYPD the capacity to arbitrarily select any individuals they want for sting operations, especially those that are vulnerable and may have shown some interest in propaganda written by Muslim extremists. This is all a result of a strand of security culture that has flourished among proponents of the national security state for the past ten years.

\*

Unfortunately, one has to wonder if further expansion of the police state to include entrapment schemes designed to “prevent” mass shootings will be met with much outrage from Americans if they find out a person accused of planning a shooting was caught with these tactics. The population is likely to react how they have reacted to the use of entrapment schemes on Muslims by simply accepting that these individuals targeted were probably dangerous people and it may look sketchy but something had to be done. Police have to be vigilant and they can take no chances.

Both terrorist attacks and mass shootings are media events that induce sharp emotional reactions in Americans. Especially when children are killed, they leave people wishing something, anything, had been done to catch those responsible before they carried out the act of violence.

The problem is targeting “potential” criminals does not ensure horrific acts no longer occur. Without addressing the root causes that drive people to commit acts of violence, whether they be mass shootings or acts considered terrorism. And, if a police state remedy drives the response to violence, there is likely to be more resources and trust infused in this remedy and less resources and trust put into tightening up background checks, imposing stricter gun regulations and increasing the availability of mental health services. It may make it less likely that work is done to address the poverty or economic despair, which makes it impossible for a family to afford mental health care or makes it difficult for parents to raise their children because they have to work two or three jobs.

Finally, there is a post, “[I Am Adam Lanza’s Mother](#),” that went viral immediately after the Newtown shooting. A mother, Liza Long, wrote a gut-wrenching piece about her son, Michael, who suffers from severe mental or emotional problems, has violent fits and has taken medication that apparently has not worked. His mother loves him, but she is afraid of what he might do to her and he wants to get him help but is not sure where her son should go. She was told by a social worker the only way he could get help is if he were charged with a crime and became part of the American correctional system. (Of course, that could have even worse implications especially if he was placed in conditions of solitary confinement.)

Would these be the kind of people the NYPD targeted? How young might they be? Teenagers? Ten year-olds? Younger?

Would there ever be a situation where agents tried to get a family help instead of making it worse by using an informant to convince a person to carry out a crime? Would arrests, as with terrorism, become a metric to show authorities were winning some “war” or “battle”? Would we be putting mentally ill people in small cells that numb their senses, make them feel even more isolated from the world and drive them even more crazy than they already are?

What is being considered by NYPD intelligence officials just seems morally reprehensible (not to mention it is exceedingly dystopian). Moreover, if the police are going to use tactics of pre-crime to catch “terrorists” and “potential deranged gunmen,” what category of “criminals” will we try to catch next before they commit a crime?

### **23 Dec – PFC. Manning takes stand, puts military captors on trial**

*On the stand for several hours over two days, Bradley chronicled his experience since arrest, from his harrowing trauma in Kuwait, to his exhaustive efforts to end his restrictive conditions in Quantico, to his much-improved status in Fort Leavenworth.*

#### **MORE:**

Spanning nearly three weeks and comprising more than a dozen witnesses, the Article 13 hearing on the defense’s motion to dismiss based on unlawful punishment was PFC Bradley Manning’s longest pretrial hearing yet. The defense has moved to throw out all charges against the WikiLeaks whistleblower, arguing that the military has violated the UCMJ’s Article 13, which prohibits pretrial punishment. Through testimony from prison guards, high-ranking military officials, and Bradley himself, defense lawyer David Coombs chronicled Bradley’s eleven months in solitary confinement, focusing on the nine months in the Quantico Marine brig, from

July 29, 2010, through April 20, 2011.

Earlier in July, three-star General George Flynn emailed the Quantico chain of command, notifying officials of Bradley's impending arrival and explaining that he believed Bradley was a suicide risk. When Manning got to the brig, he was evaluated and determined to need only medium security. But the Duty Brig Supervisor, likely influenced by Gen. Flynn's directive, overrode that determination and placed Manning on Suicide Risk (SR) watch. From then on, Manning was on SR or Prevention of Injury (POI) watch throughout his entire imprisonment at Quantico. Gen. Flynn was updated weekly on Manning's treatment.

At Quantico Bradley was in a 6×8 ft cell for 23 hours a day, got only 20 minutes of sunshine daily for his first six months, had to eat alone in his cell, wore metal shackles on his arms and legs whenever he left it, couldn't talk to other detainees, was monitored verbally every few minutes and visually around the clock, and had to ask guards to use books, soap, or even toilet paper.

Coombs described the impact of these conditions in his only public appearance, on December 3: "Brad's treatment at Quantico will forever be etched into our nation's history as a disgraceful moment in time."

### **Bradley details abusive confinement**

We finally heard the young Army private we've been supporting for two and a half years, who turned out to be articulate, intelligent, and remarkably poised for someone who survived nearly a year of solitary confinement. On the stand for several hours over two days, Bradley chronicled his experience since arrest, from his harrowing trauma in Kuwait, to his exhaustive efforts to end his restrictive conditions in Quantico, to his much-improved status in Fort Leavenworth.

In Kuwait, Bradley was isolated in a tiny metal cell, which made him feel disoriented and "trapped." He couldn't talk to anyone else, and no one explained what was happening to him. Forced to sleep during the day and work at night, and placed in a "shark attack environment" by guards, in which they give conflicting orders so that everything he did was wrong, Bradley had an anxiety attack and passed out.

"I had pretty much given up," he said. "I thought I was going to die in this 8×8 animal cage."

Guards said they found two nooses in his cell, only one of which Bradley vaguely remembered making. He said he'd known a noose was futile, as he had no place to hang it. When he boarded a plane to leave Kuwait, he prayed he was going to Germany but expected to land in Guantanamo.

When he got to the Marine brig in Virginia, the psychiatrist at the time, Captain William Hocter, recommended Bradley be placed on SR for his first week, to monitor his acclimation. He then advised reducing his status to POI on August 6, 2010, but brig commander and Chief Warrant Officer (CWO) James Averhart didn't reduce it until August 11. CWO Abel Galaviz, head of Marine corrections, later testified that this delay was a violation of Navy regulations.

Bradley was then placed on POI, so he endured nearly all of the restrictions imposed on suicidal detainees – the only discernable difference being that Suicide Risk required the psychiatrists' approval. Still a maximum-security detainee, he remained on lockdown, with metal shackles for his 20 minutes of daylight, and as a "self-harm risk" he still had to ask for the most basic personal items.

A fluorescent light blared into Bradley's cell at all times, but at night he wasn't allowed to cover his face. If guards couldn't see his face, they'd wake him up – often multiple times a night.

### **Quantico ignored mental health professionals**

Nearly every single week, brig psychiatrists implored top officials to remove Bradley from these conditions, avowing both that there was no psychiatric need for his isolation and that his treatment was worsening his mental health. Yet Quantico's brig commanders – first Chief Warrant Officer James Averhart, then CWO Denise Barnes – kept him on SR or POI, both maximum-security classifications, for his entire time in the brig.

In mid-January, Cpt. Hocter pressed Quantico's Battalion Commander, Col. Oltman, on the matter, saying Bradley had no mental-health reason to remain on POI and that he'd never been ignored like this before. Col. Oltman told him to make his recommendation and that Bradley would be kept on POI regardless. Testimony on

his wording varies, but Cpt. Hocter recalls Col. Oltman saying that Bradley would be kept on POI “indefinitely.” CWOs Averhart and Barnes cited Bradley’s trauma in Kuwait, “poor” communication with brig staff, “erratic” behaviors in his cell, and the severity of his charges to justify keeping him on POI. But these issues were all examined, reviewed, and cleared by mental health professionals. Guards said his behaviors were normal for a bored prisoner, and doctors said he wasn’t at risk to himself.

In countering the defense’s motion, government prosecutors focused almost solely on Bradley’s physical health – noting that Bradley did make it to his court-martial alive, and at one point asking Quantico guards, “Did he get three hot meals a day?” – evincing serious negligence of Bradley’s psychological well-being.

This negligence echoed that of Quantico officials. Guards monitored every Bradley’s move, but did they ever care how isolation affected him? Didn’t they realize that forcing him to ask for toilet paper was dehumanizing?

In his closing argument, Coombs said, “If the Quantico brig could have put him in a straightjacket in a padded room and not had anybody complain, they would have.”

CWO Barnes said that if something happened to Bradley, she wouldn’t have retirement options to fall back on. GYSGT Blenis said that if Bradley hurt himself, it’d be Blenis facing a court-martial.

“They were more concerned with how [their actions] would appear to the Marine Corps and Quantico than if Manning was at risk of self-harm,” Coombs said.

This negligence of Bradley’s mental health is tantamount to punishment. Bradley endured nine months of solitary confinement, weeks of that including forced nudity at night, regardless of the guards’ intentions. If Judge Denise Lind recognizes this punishment, she’ll have to dismiss Manning’s charges, or at least give him credit at sentencing.

### **26 Jan - Call Out for Celebrations of Marie Mason’s 51st Birthday**

*Marie Mason’s 51st birthday is coming up on January 26, 2013. Her support crew are asking that folks hold events for Marie around her birthday as part of what will be an annual time to celebrate her life and keep her spirits up while she remains imprisoned. Our next letter-writing will be for Marie and we’ll be gathering signed birthday cards at the upcoming Catharsis reunion show on January 19<sup>th</sup>.*

#### **MORE:**

We know that the mid-winter holidays are a busy time for everyone, but they are a sad time for the prisoners who remain inside – and everyone wants some cheer on their birthday! So we hope that folks can find time to plan a small event for Marie, such as a letter-writing or birthday party. (If time permits, we recommend that you might want to hold letter writings a week or more earlier so the cards can reach her before the 26th.)

Some people are confused about Marie’s mail situation. It is true that she can only *send* letters to a pre-approved list of 100 people. However, she can *receive* letters from anyone and so she will be able to receive all these birthday wishes. (Please be sure that the sender’s first and last name are on the envelope, that letters are all in English – she can receive letters in other languages but will be delayed – and that cards do not have glitter or other things added to them.)

Last, if you are planning a public event for her birthday, please tell us and we’ll include the information on the website-- [supportmarismason.org](http://supportmarismason.org)

### **26 Dec - No Justice on Stolen Land: No Surrender at the Oshkimaadziig Camp by Alex Hundert**

*2010 Toronto G20 "main conspiracy" prisoner Alex Hundert regularly writes for a blog. We’ve included his latest below.*

#### **MORE:**

I am not a person Indigenous to this land. I am a settler imprisoned in a colonial institution, the Central North Correctional Centre, commonly referred to as the Penetang Prison, a provincial prison built on Anishinabek land.

This superjail in Penetanguishene is located by Georgian Bay's Penetang Harbor. Across the harbor is Awenda Provincial Park, which is the current site of the Oshkimaadziig Camp, just over 12 kilometres away by foot or vehicle. As we enter the winter season behind these walls, the camp enters its first winter in the park, reoccupying and reclaiming sacred ground. This winter too, across the country, the Idle No More movement is gaining ground. Winters outside are cold and hard, I strongly encourage people to support the camp via funds, supplies and solidarity. This is a call out to support the Oshkimaadziig Camp.

"Oshkimaadziig in the Anishinabek Language refers to the New People of the Seventh Fire prophecy who will pick up things left behind to light the eighth and final fire." This quote is from a statement issued when the camp was first established in April, at its original site at the Coldwater Heritage Museum. For those unfamiliar with the prophecy of the coming eighth fire, please go watch CBC's documentary, "The Eighth Fire," or better yet read the book by Anishinaabe scholar/author Leanne Simpson, "Lighting The Eighth Fire." Actually, read Simpson's book even if you are familiar. Or better still, read all her books. The camp was established in response to the Coldwater Land Claim Settlement, though it is much more than a protest. On April 14<sup>th</sup> [2012], Rama, Beausoleil, Georgina and Nawash First Nations, signed off on the largest Specific Land Claim Settlement in Canadian history—\$309 million dollars—formally surrendering the already functionally stolen Coldwater track. It contains what Anishinaabe author Hayden King refers to as, "the first reserve experiment in Canada, Coldwater-Narrows." This post owes much to the photo-essay King put out after his visit to the camp in April. I also owe a tremendous amount to the person who sent me a print out of that essay, and has also been providing me with updates on the camp as well as the Idle No More movement.

On December 18<sup>th</sup>-19<sup>th</sup>, the first installments of the Coldwater Land Claim Settlement were paid out to eligible members of the four First Nations covered. On December 17<sup>th</sup> the Oshkimaadziig Camp issued a statement, "Idle No More: Declaration of Anishinabek Nationhood". In that statement, they rejected the terms of the agreement, asserting clearly and boldly, "we are not surrendering any of our rights." They described the process which lead to the settlement as a coerced negotiation in which the First Nations peoples were not properly informed about how the settlement could, in the eyes of the law, affect their inalienable rights as Indigenous peoples. They described the settlement as, "long overdue, minor, and partial compensation for the stolen resources and genocidal policies that had been directed against [their] people." In its essence, that is what a land claim settlement is: compensation for the colonial crimes of land theft and treaty abrogation. In my mind the settlements do not account for genocide, and the government has never acknowledged such attempts, nor can it ever be compensated for. Land claim settlements are also a pervasive example of Canadian policies that are tactics meant to destroy Indigenous nations to the modern extensions of ongoing colonialism. The new austerity budget, Bill C-45, to which Idle No More is in part a response, contains a slew of new colonial policies that are a strategic means of disinheritng Indigenous peoples of the lands they are Indigenous to. The Oshkimaadziig Camp's original statement from April reminds us, "the Crown and the Canadian state continue to uphold its illegal laws and policies such as the Indian Act and the Specific Land Claims policy, which circumvent their own constitution, the 1764 Niagara Treaty, the Twenty-four Nations Belt, the Two-Row Wampum, Dish With One Spoon, which are all based on peace, coexistence and noninterference."

In a December 11<sup>th</sup> interview with the Toronto Star on the Idle No More movement, Hayden King was quoted as saying, "Let's get rid of the Indian Act and resume treaty relationships." A central part of the Oshkimaadziig message is expressed simply and powerfully on one of the banners that has adorned their camp since its inception. It proclaims: No Surrender! The Oshkimaadziig Camp is maintained by Kai Kai Kons, aka Johnny Hawke, and Giibwanisi, aka Richard Peters. I was fortunate enough to visit the camp in Awenda Park shortly before my sentencing hearing this past June, though I have known and admired Hawke since I first met him at the Site 41 blockade and protest camp against the landfill that was to be built on Anishinabek land in Tiny Township. Since I came into jail six months ago, Hawke and Peters have done much more than maintain the camp, which is the site of a traditional Council Rock, which in pre-colonial days served as a meeting for Indigenous nations' representatives from across this part of Turtle Island, where they have re-envisioned its purpose to also include "all Indigenous and non-native allies."

They have also been travelling from one corner of this province to the other, participating in gatherings and facilitating decolonization workshops. From the Annual Grassy Narrows Youth Gathering (where I have been

honoured and privileged to have been able to participate in previous years and where this December the Grassy Narrows blockade celebrated its 10<sup>th</sup> Anniversary), to PowerShift in Ottawa (an active annual environmental conference for activists, students and NGOs), to rallies and events as part of Idle No More, and all sorts of places in between. With their focus on treaties and nation-to-nation agreements, and with emphasis on alliances between Indigenous nations, the Oshkimaadziig Camp has decolonization at its core. I strive to do work and to live in that spirit as well, though obviously, decolonization carries wholly different connotations to Indigenous peoples than it does for White settlers like myself. I will write more about de-colonial imperatives and settler responsibilities at other times. For now, I will merely implore people to support the Oshkimaadziig Camp. For their part, Hawke and Peters talk of decolonization, speaking of learning and unlearning, as well as patience, of cultural revitalization that happens against the weight of assimilation, of refusing to let the state or anyone other than Indigenous people themselves define indigeneity.

The facility in which I am imprisoned is but across the harbor from the Oshkimaadziig Camp, which I am sure is in need of supplies for the long cold winter. And I need to write about the colonial practice of criminalizing indigenous sovereigntists and land defenders, and the criminalization and gross over-representation of Indigenous peoples in the Canadian prisons. From Ipperwash to Ardoch, from Kanonhstaton to *Kitchenuhmaykoosib Inninuwug*, sovereigntists and land defenders have been criminalized and targeted by the states police. In this very prison is a young Six Nations Land Defender, imprisoned for defending himself and his younger brother from assault when a land developer came to illegally, physically evict them from a land reclamation site in Caledonia on Haudenosaunee land. I strongly encourage people to also support the [Six Nations Land Defenders Legal Defence Fund](#).

But it is not only front line land defenders who are targeted and criminalized by the state. By systemic racist and otherwise colonial reasons, Indigenous peoples are by far the most over-represented demographics inside federal and provincial prisons. Poverty and trauma, by-products of living in this capitalist-colonial system—which especially for Indigenous people often result in imprisonment—are obvious consequences of the brutal and ongoing history of colonialism. So is diaspora. Indigenous peoples continue to be forced off and disconnected from the lands their nations are Indigenous to, by policy or by environmental or economic destruction, to work camps for resource extraction industries or the concrete expansion of de-spirited urban spaces. Within the legal system itself, a person's connection to their community is one of the things the courts demand proof of to decrease the propensity of imprisonment, for example, for bail being granted for people not yet convicted, conditional sentences upon conviction, or parole for already sentenced people. The connection to community is something that Canadian colonialism has explicitly sought to erase for people of Indigenous nations. And this is but one of myriad ways that the so-called justice system serves as a colonial apparatus that is part of the ongoing attempts to remove Indigenous peoples from their land so that it can be exploited for profit, and destroy the nationhood of Indigenous people whose very existence undermines and challenges dominant hegemonic myths of the Canadian state. Warehousing Indigenous people in prisons is but one of the current tactics to remove them from the land. Criminalizing Indigenous people like the criminalization of any people whose very existence challenges the dominating norms of hegemonic culture is one of the primary strategies of maintaining the legitimacy myths of the so-called Canadian state.

Decolonization is a process in which that domination is challenged. Myths are unlearned, and Indigenous governance models are revised. It is also a process of restoring balance to the land, and seeking more meaningful forms of justice. That is why, following the Idle No More movement from a cell in the Penetang prison, the words from the Oshkimaadziig Camp banner could not ring more true: No Surrender, indeed. Please support the Oshkimaadziig Camp by donating funds or supplies. Visit [oshkimaadziig.org](http://oshkimaadziig.org) for more information and to donate.

## **27 Dec - The Other Bradley Manning: Jeremy Hammond**

*Democracy Now!* recently spoke with Michael Ratner, president emeritus of the Center for Constitutional Rights, about Hammond's case.

### **MORE:**

A federal judge has refused to recuse herself from the closely watched trial of jailed computer hacker Jeremy

Hammond, an alleged member of the group "Anonymous" charged with hacking into the computers of the private intelligence firm Stratfor and turning over some five million emails to the whistleblowing website WikiLeaks. Hammond's lawyers had asked Federal Judge Loretta Preska to recuse herself because her husband worked for a client of Stratfor, and himself had his email hacked. Hammond's supporters say the Stratfor documents shed light on how the private intelligence firm monitors activists and spies for corporate clients. He has been held without bail or trial for more than nine months.

Last week, WikiLeaks founder Julian Assange mentioned Jeremy Hammond in a rare address from the Ecuadorean embassy in London where he has sought asylum.

**JULIAN ASSANGE:** I have been sustained by your solidarity, and I'm grateful for the efforts of people all around the world supporting the work of WikiLeaks, supporting freedom of speech, freedom of the press—essential elements in any democracy. While my freedom is limited, at least I am still able to communicate this Christmas, unlike the 232 journalists who are in jail tonight; unlike Gottfrid Svartholm in Sweden tonight; unlike Jeremy Hammond in New York tonight; unlike Nabeel Rajab in Bahrain tonight; and unlike Bradley Manning, who turned 25 this week, a young man who has maintained his dignity after spending more than 10 percent of his life in jail without trial, some of that time in a cage naked and without his glasses; and unlike so many others whose plights are linked to my own. I salute these brave men and women.

**AMY GOODMAN:** That was WikiLeaks founder Julian Assange speaking at the window of the Ecuadorean embassy in London, where he has taken refuge for the past six months. He has sought and gotten political asylum in Ecuador, but he cannot leave the Ecuadorean embassy to get to Ecuador because Britain threatens to arrest him if he steps foot on British soil. Well, I recently spoke with Michael Ratner, president emeritus of the Center for Constitutional Rights, and asked about the Jeremy Hammond case here in New York.

**MICHAEL RATNER:** The Center for Constitutional Rights and myself are the lawyers in the United States for Julian Assange and WikiLeaks. WikiLeaks has two very big sources of documents. One of them are the documents allegedly that Bradley Manning uploaded, which include of course the Iraq war logs, Afghan war logs, the videos, etc., and that's Bradley Manning, allegedly. The others are the Stratfor documents, which is the private intelligence company, which are some five million documents, that again were uploaded to WikiLeaks. So, if we talk about our client, Julian Assange, two of the alleged sources are Jeremy Hammond, Anonymous and Bradley Manning. So we're very concerned. WikiLeaks, I know, is very concerned that its sources get protected in all the support they can get.

So, as part of that, I have been monitoring and going to various hearings with Jeremy Hammond, and I went into the prison and I met Jeremy Hammond. And I was at his recent bail hearing in federal court, where even though he's been in prison some nine months and needs to prepare for his upcoming criminal case on his alleged hack into the Stratfor emails, the judge, Judge Loretta Preska, denied him bail. It was a one-and-a-half-hour hearing. There were a number of supporters in the courtroom who came from all over the country, with Jeremy Hammond — "Free Jeremy Hammond" shirts on. And it was, in my view, a very hostile hearing to Jeremy Hammond.

There are two, really, criteria in bail. One is: Are you going to be a flight risk? And the second is: Are you a danger to the community? And the government has the burden of proving that you're a flight risk or a danger to the community. Now, I have to say, the judge had probably decided this case before the arguments went on, because she essentially read an opinion after an hour and a half into the record, denying bail to Jeremy Hammond. And it was really disappointing, because you do have a right to bail under our Constitution. With regard to his being a danger to the community, I mean, they must think Jeremy Hammond is God, because he's not allowed to use a computer that's connected to the Internet, but he's not allowed really to—when he gets to use any computer, because they somehow think—or very limited access to any computer, because they somehow think that even though it's not connected to the Internet, that this guy is so smart, he'll figure out how to

get onto the—into documents. And—

**AMY GOODMAN:** Explain who Jeremy is and what happened to him, how he ended up being arrested.

**MICHAEL RATNER:** OK, Jeremy is a political activist who has been active his—he's only 28 years old now, but he has been a political activist for a number of years. He went after everybody, from Holocaust denier David Irving. He was—the group, apparently—I don't know whether he was part of that—was involved in hacking into Scientology. He did some time in jail for a prior hack of a very conservative group. I think he did a year and a half or two years on that. And now he has—he has been arrested for really being, as you said, allegedly part of the group Anonymous.

There was an informant in Anonymous, apparently, named Sabu, who is somewhat well known, who actually set up this crime for Stratfor. The FBI gave him the computer that the Stratfor documents were actually uploaded to. There's a pretty clear case of entrapment, in terms of trying to get Jeremy Hammond. And they may have even been trying to get our client, WikiLeaks, to do something with those documents that [inaudible] make into something else.

**AMY GOODMAN:** So the government made the Stratfor documents available?

**MICHAEL RATNER:** Right. That's a very good way to say it, Amy. Yes. The answer is—

**AMY GOODMAN:** Was Stratfor aware of this?

**MICHAEL RATNER:** That's a good question. The government knew at some point—and we don't understand this, or I don't understand this—that there was access to the Stratfor emails and five million documents. They then gave Sabu a computer that all of those could be uploaded to. They're put on that. And then, the FBI is in on this, and then they somehow allow them to go out to WikiLeaks, allegedly. So the government had to be following this—and was—every step of the way. So, in some way, it's like—I would hesitate to say typical entrapment cases we're reading all the time about Muslims, but it is that. It seems to me that this is a government-made crime.

**AMY GOODMAN:** Well, it's as if they let the bomb blow up.

**MICHAEL RATNER:** Right, exactly. This is a government-made crime. That's correct. And Jeremy Hammond was considered one of the geniuses involved in—generally, in hacking, but in the Anonymous movement, and in particularly in the Stratfor emails.

**AMY GOODMAN:** So where was he picked up?

**MICHAEL RATNER:** He was picked up—they raided his house in Chicago, and they brought him here, where the indictment is pending against him, some other people from London and—from England or Ireland, a number of other people, for various Anonymous allegations.

**AMY GOODMAN:** I wanted to play a [clip](#) of Julian Assange talking about the leaked emails from the private intelligence firm Stratfor. Julian Assange, we spoke to in the—in London. He is in the embassy in Ecuador [Ecuadorean embassy in London], where he has been granted political asylum.

**JULIAN ASSANGE:** There are some 3,000 emails in the Stratfor collection about me personally and many more thousands about WikiLeaks. The latest on the grand jury front is that the U.S. Department of Justice admits, as of about two weeks ago, that the

investigation is ongoing. On September 28th this year, the Pentagon renewed its formal threats against us in relation to ongoing publishing but also, extremely seriously, in relation to ongoing, what they call, solicitation. So, that is asking sources publicly, you know, "Send us important material, and we will publish it." They say that that itself is a crime. So this is not simply a case about—that we received some information back in 2010 and have been publishing it and they say that that was the crime; the Pentagon is maintaining a line that WikiLeaks inherently, as an institution that tells military and government whistleblowers to step forward with information, is a crime, that we are—they allege we are criminal, moving forward.

**AMY GOODMAN:** Talk more—talk more, Michael Ratner, about the emails of Stratfor.

**MICHAEL RATNER:** Well, Stratfor, as you've covered on the show before, had a lot of really important information about surveillance of everybody from PETA to the Yes Men, to other activists, to working for, you know, U.S. government agencies. It puts out a regular intelligence newsletter, presumably online. It does work for private clients, like, you know, big major corporations, etc. One of the things that came out in the Stratfor emails are a list of people who apparently are subscribers to the—to the newsletter, the intelligence newsletter, if you want to call it intelligence, and there's thousands of those emails and subscribers. And there's an interesting thing that—an interesting occurrence. The judge who tried—who's trying the case so far, the Jeremy Hammond case in federal district court here in New York—

**AMY GOODMAN:** Her name is?

**MICHAEL RATNER:** Her name is Loretta Preska. She is the chief judge of the federal district court. She's the one who denied bail to Jeremy Hammond, in what I consider to be a very, very hostile interview—I mean, very hostile opinion, and really had errors in it that I think should be remedied in his entitlement to bail.

But what came out since that time, only in a week ago, and it came as an email from somebody on the Internet—what came out is that her husband, who's a lawyer, I think at Cahill Gordon—his name is Thomas Kavalier, I think, Kavalier—that his email also was part of the Stratfor releases. So you're going through the Stratfor documents, and there you see a number, you see the email for this lawyer at Cahill Gordon, or Cahill whatever it's called, a big law firm in New York, and that is the husband of Judge Preska. And even worse, from what I understand, is they actually put up a password that you could get into this lawyer's email account and see what his emails were.

So, here, look at this situation. You have the judge; her husband has been hacked. Her husband's email is accessible. And she is sitting on the case of the very person who they allege hacked into that email account. Well, the rules seem to me very clear in federal court, that if there's any appearance of impropriety, appearance of—you know, of a closeness to the case, that basically you have to recuse yourself from being a judge in the case. You have to do it automatically, even if the—even if the defendant doesn't make a motion. Think about it. Your spouse's email is hacked. I mean—

**AMY GOODMAN:** You're pretty angry.

**MICHAEL RATNER:** You're pretty angry about that. And even—and even if you're not, the appearance of—the appearance of injustice or the appearance of an impropriety really is enough, it would seem to me. And that's what's allowed. It's not just the actual conflict; it's the appearance of a conflict. And so, I think that this judge ought to be off this case.

**AMY GOODMAN:** I mean, this is very interesting, because then it's not only his emails that can be read, but presumably they have written to each other, and so the judge herself is exposed.

**MICHAEL RATNER:** Right, I—we don't know that, but this may be. I think someone told me there may not be his—it's maybe his business account; maybe she hasn't written to him. But the point is, other people's emails—the point is, this is her spouse, who was hacked by the very guy she is denying bail to. I mean, think about that. Think about what that means for the system of justice.

**AMY GOODMAN:** So you have the Jeremy Hammond case, and you also were in the courtroom when Private Bradley Manning, for the first time after two years' imprisonment, a lot of that time in solitary confinement, testified for the first time about his conditions. First, we know very little—most people haven't even heard about the Jeremy Hammond case. Why do you think there is that kind of difference?

**MICHAEL RATNER:** You know, it's a good question, Amy. I mean—I mean, the earliest stuff, of course, was Bradley Manning and—you know, and WikiLeaks. That was two years ago yesterday, actually. Two years ago, we had the anniversary of the Cablegate releases, which is the State Department releases. And, of course, they were huge. And they were government documents. Jeremy Hammond was a private security company, and so maybe that's part of it. Part of it is that it came later. Part of it, he wasn't in the military. And so, they really—I mean, they want to make—right now, the government is going to—trying to make an example out of all three of these people. I mean, look what they've done. They've got Jeremy Hammond, no bail, in a federal detention facility.

**AMY GOODMAN:** In Metropolitan Detention Center.

**MICHAEL RATNER:** In Metropolitan Detention Center.

**AMY GOODMAN:** Which is?

**MICHAEL RATNER:** Which is in Manhattan at Foley Square. You've got Bradley Manning finally moved to Leavenworth, where his conditions are better than they were at Quantico, for sure, but in prison. And you've got Julian Assange—

**AMY GOODMAN:** Your client.

**MICHAEL RATNER:** —living in an embassy. So what the government is trying to do is destroy the idea that the government's secrets and its corruption and its crimes ought to be known, and get at the whistleblowers and the publishers who are doing it. And so, we're seeing that across the board. These three, really, are the three that they're obviously focused on putting away for as long as they can.

**AMY GOODMAN:** Michael Ratner, president emeritus of the Center for Constitutional Rights, a lawyer for Julian Assange and WikiLeaks, recently returned from attending part of the pretrial hearing for Bradley Manning.

### **29 Dec - Tripa released on provisional bail**

*On December 29th, 2012 we received the good news that our comrade Mario "Tripa" Lopez was released from prison in Mexico City.*

**MORE:**

Mario's release was due to the hard work of the ABC-Mexico City, Anarchist comrades, and Mario's lawyers. Many funds were raised and loans were taken out to help secure Mario's release, and Mario also has to pay restitution for the alleged damages caused during the night of his arrest. Mario's supporters have asked comrades around the world to help raise money to ensure that Mario stays free and to help recoup the bail funds paid out by comrades in ABC-Mexico and other groups. Until all are free!

### **From liberacion total:**

Recently some changes in the penal legislation in Mexico City have been made, in which the charge of "attack on the public peace" ceased to be a serious crime. Therefore Mario López's lawyer presented himself on Friday 12/28 in the courts, together with *compas* in solidarity, in order to carry out the necessary procedures for his release from jail.

The same Friday, comrades in solidarity got together the money to pay the fee of about 70,000 Mexican pesos (about \$5500 US) so that Mario could leave the prison.

Finally at around 1 AM on Saturday 12/29, our *compa* Tripa left the Southern Detention Center on foot. Now the judicial process against him will continue, but he will be outside of the cages awaiting the sentence.

It is a great joy that Mario is outside of the prison, there is no doubt that this past year many joys have been allowed us, such as the death of the "bombs case" and the end of the warrant for Gabriela's arrest, the release of Tortuga and his not being processed under the anti-terrorist law, the release of Eat and Billy in Indonesia, among other cases.

We salute you, Tripa, for your firm determination; your smile spread to our faces on knowing that you are no longer in the hands of Power and that you can reunite with your environment and your loved ones; it was six long months of captivity that you had to clean your wounds under horrible conditions, but you said nothing could break your insurgent will; a hard fight and you came out stronger than before. Much strength through what happens, you are not alone!

### **31 Dec - Police arrest two people allegedly connected to Occupy Wall Street**

*We're not giving this story too much attention, as it seems as though these two have no political connections, revolutionary or otherwise. The attempt to tie them to Occupy Wall Street is clearly another attempt by the corporate media to make spurious connections.*

#### **MORE:**

The young couple who were [arrested for possessing explosive powder and a sawed-off shotgun](#) in their West Village apartment were [described as "admitted heroin addicts"](#) by the NYPD. Aaron Greene, 31, remains remanded while the arraignment of girlfriend Morgan Gliedman, 27, was postponed after the suspect gave birth to a baby girl.

The police [raided the couple's apartment at 8 West 9th Street](#) in Manhattan on Saturday morning. [According to Police Commissioner Kelly](#), they were "acting on a tip from a couple whom Gliedman and Greene let use their shower after meeting them in Washington Square Park." A [criminal complaint says](#) that Hexamethylene Triperoxide Diamine (HMTD) was found in the apartment (HMTD has been used in successful and planned bombings), as was a "collection of pages" entitled "The Terrorist Encyclopedia" and a sawed-off shotgun and ammunition.

NYPD spokesman Paul Browne [told the NY Times](#), "It's an ongoing investigation that aroused our concerns, obviously, because of the weapons, including the explosives, and the material found in the apartment, including these handbooks involving weapons of mass killing. What it means is still unknown.... We haven't made a connection to any known plot or any connection to any known terrorists." A police source [told the Daily Beast](#), **"It looks like they're junkies. Well-to-do junkies, not terrorists."** The criminal complaint, though, did not mention any drug paraphernalia.

A neighbor characterized the pair as "hippie-types" to us, noting that Gliedman, who went to the Dalton School and NYU, was "always very friendly, very nice," while Greene, a ~~Harvard graduate~~, was "kind of cold, not the

type of person who encouraged politeness. He never said a word to me." And one neighbor, [in speaking with the Daily Beast](#), called Gliedman a "seemingly... happy-go-lucky girl" when she moved into the apartment during her NYU years:

After graduating from NYU, Gliedman earned a master's degree in creative writing at the Art Institute of Chicago, according to her Facebook page. She returned to her apartment two years ago, no longer manifestly happy and not looking so lucky.

"A very changed person," the neighbor says.

Greene moved in around the same time, according to her neighbor, who describes both Greene and this very different Gliedman as "very unsociable people."

"They were very insular and seemed kind of in their own world," the neighbor says.

The neighbor remembers that Gliedman often had friends to the apartment during her NYU days. That changed when Greene took up residence.

"They kept the apartment filthy and they had vermin problems," the neighbor says.

The neighbor lends credence to the police view when he adds, "There was always a heavy cloud of smoke emanating from the place, and one got the sense that they were both heavily into drugs."

The neighbor added about Greene, "To be honest, you could smell him before you saw him."

Greene has a history of arrests, from multiple weapons charges to a 2011 fare evasion. Gliedman's mother, who apparently had visited the her daughter and the apartment many times in recent months, told the Times that her daughter was innocent, "[Greene]'s trying to pin it all on her."

Other neighbors on the street are stunned and annoyed. [One fumed to the Daily News](#), "I'm absolutely enraged some idiotic rich girl was messing around with explosives 100 feet from where I live."

### **1 Jan – The Parole board and the P.B.A.: One and the Same? by Jalil Muntaqim**

*Jalil Muntaqim has a new piece up on his blog. As we often mention, Jalil writes to engage folks and this piece is a great place to start a conversation with him.*

#### **MORE:**

In Blog #12 "NYS Division of Parole—A Den of Iniquity?," subject to a *New York Law Journal* article by John Caher, I offered my take on his article about the rift between NYS Division of Parole and the legislature. Essentially, NYS Division of Parole fails to fully implement new legislation providing Parole Commissioners "... with political cover if they release someone with a violent past, or someone whose crime resulted in the death of a police officer ..." [quoted from NYS Assemblyman Jeffrion Aubry]. The new legislation offered Parole Commissioners a new tool to evaluate a prisoner's prospect to be granted release on parole and not recidivate.

Since then, NYS Division of Parole has ignored the "Risk Assessment" tool, especially as it pertains to prisoners convicted of assault or the death of a police officer. On November 26, 2012, John Caher published an article in the *New York Law Journal* titled "Ex-Parole Commissioners Decry Rescission of 'Cop-Killer' Release." This time, Mr. Caher informs that six (6) former members of the Parole Board, including one former Chairman of the Board, filed an unprecedented *Amicus Curiae* (Friend of the Court) Brief in support of two prisoners' appeals to the NYS Appellate Court appealing their denial of parole.

Both prisoners were convicted in separate cases in the death of a police officer. One prisoner was granted parole after several denials. Then, a couple of days before he was to be released, the Parole Board rescinded his release due to concerted (late) opposition from the NYC Police Benevolent Association (PBA), *The Daily News*, and

letters from the victim's family urging the board to reconsider its decision.

On appeal, the former Parole Commissioners proclaim that the PBA has too much influence over the decision-making process of the Parole Board. The *Amicus* Brief is reported to state:

“The Parole Board cannot treat victims or prisoners fairly in an atmosphere that is easily sensationalized and conducive to improper influence.”

In response, PBA President Lynch holds the position that “cop killers” should never, ever get parole. Such a position is contrary to the ideal of fairness and justice according to the law. If a convicted person is not sentenced to life without parole, the presumption and expectation by law is that person can be granted release on parole. This presumption and expectation is based upon the prisoner's behavior while serving the Court-imposed sentence, moving toward rehabilitation and redemption.

As an example, in the case of *Silmon v. Travis*, 718 NYS 2d. 704, at 708, a prisoner convicted of killing his wife continuously proclaimed his innocence. Because he would not admit his guilt or show remorse for his actions, he was denied release on parole. The Court ruled: “However, the Board is empowered to deny parole where it concludes that release is incompatible with the welfare of society. Thus, there is a strong rehabilitative component in the statute that may be given effect by considering remorse and insight ...” The Court further held that, “Additionally, if an individual has been convicted of a crime, it is generally not the Board's role to reevaluate a claim of innocence, either by someone who maintains innocence in the face of a guilty verdict, or by someone who allocates to the facts (plea bargain) but later claims to be innocent.” Hence, the Court effectively establishes the Parole Board can deny release on parole to a prisoner who continuously proclaims his/her innocence despite the conviction, and that parole consideration should be granted if the prisoner shows remorse and has moved toward rehabilitation.

The two “cop killers” featured in the *New York Law Journal* article both had exemplary prison records and neither was the actual shooter during the crimes for which they were convicted. During their parole hearings they expressed remorse for their participation in the crime, and both had tremendous support for release on parole. Yet the PBA launched, in September, a “Keep Cop-Killers in Jail” web initiative, listing 64 prisoners that their members and supporters can oppose release on parole. Albert O'Leary, communications director of the NYC PBA, “said in the first two weeks of the initiative 300,000 opposition letters were electronically delivered directly to the Parole Board.” He is further reported to have said, “Our policy at the PBA is, if you are convicted of killing a police officer, we are going to oppose your parole forever, because we believe cop killers should never see the light of day ...”

At my last parole (the seventh), one Parole Commissioner had been a 20-year member of the NYC Police Department and a detective, and was currently a dues paying member of the Fraternal Order of Police and the Detective Endowment Association, and the other Parole Commissioner had been a Senior Investigator of the Crime Victims Board. As stated in Blog #12, the NYS Division of Parole is comprised primarily of former law enforcement personnel. All of which, unfortunately, makes it necessary to organize a continuous and persistent campaign for freedom. The Parole Board is no longer a quasi-judicial administrative institution, but has devolved into a political arm of law enforcement to decide how long a prisoner is to remain in prison despite Court-imposed sentences. For those convicted of the death of a police officer, the PBA's proxy—the Parole Board—is imposing sentences of “life without parole” in a draconian act of political reprisal and retribution.

In this regard, I have asked friends and supporters, to initiate a monthly letter writing project, beginning in January 2013, directed to NYS Governor Andrew Cuomo and each member of the NYS Division of Parole listed on its website. These monthly letters should decry the PBA's overwhelming influence over the NYS Division of Parole, and the failure of the Parole Board to adhere to its legislative mandate to make decisions subject to Risk Assessments and a prisoner's efforts toward rehabilitation and redemption. To further urge that I be granted release on parole at my next scheduled parole hearing. While we may not be able to compete with the PBA's web initiative, these continuous monthly letters will establish a persistent presence offsetting any backward notion of not having community support, or, in the words of the Court in *Silmon v. Travis*, “... release is incompatible with the welfare of society.”

The more we get folks to join in these monthly letter writings, the more of a positive impact for real change can

be made. This is especially true for the eventual building of a “Community Prison and Parole Review Board with Ombudsman” as proposed in Blog #12.

### **1 Jan – Maroon the Implacable: Collected Writings of Russell Maroon Shoatz**

*PM Press recently released a new book by Russell Maroon Shoatz. His writing is revolutionary and incredible and we can't wait to get copies for ourselves.*

#### **MORE:**

- His self-critical and fresh retelling of the Black liberation struggle in the U.S. includes many practical and theoretical insights;
- His analysis of the prison system, particularly in relation to capitalism, imperialism, and the drug war, takes us far beyond the recently-popular analysis of the Prison Industrial Complex, contained in books such as *The New Jim Crow*;
- His historical research and writings on Maroon communities throughout the Americas, drawing many insights from these societies in the fields of political and military revolutionary strategy are unprecedented; and finally
- His sharp and profound understanding of the current historical moment, with clear proposals for how to move forward embracing new political concepts and practices (including but not limited to eco-socialism, matriarchy and eco-feminism, food security, prefiguration and the Occupy Wall Street movement) provide cutting-edge challenges for today's movements for social change.

### **1 Jan - NYC: Reportback from NYE Noise Demo Against the Prison Industrial Complex**

*Most of this report was written for [anarchistnews.org](http://anarchistnews.org) by someone outside of NYC ABC. We've added as appropriate.*

#### **MORE:**

On December 31st, over 80 people responded to [the call](#) for a noise demo outside the Metropolitan Correctional Center (MCC) in downtown Manhattan. The crowd easily filled the street in front of the institution and an [aural ruckus](#) filled the air from noisemakers, voices, air horns, a variety of drums, and even a proper brass trumpet.

[Anti-prison](#) and anti-police chants from the crowd accompanied a banner reading “[BURN THE PRISON SOCIETY.](#)” Rebels in the street cheered on the caged and excluded as they banged on their windows, flicked lights on and off, and gave other signals of life from within an otherwise deadening, lifeless building. We made sure those on the other side of the wall know that [they are not alone](#).

We moved back and forth around the building to be sure everyone could hear our screams and tried to be as close as possible to the cell of anarchist hacker [Jeremy Hammond](#) as we chanted his name.

[Let's make 2013](#) a terrifying year for capitalists and state operatives the world over and a joyous year for those seeking the triumph of life over death.

OUR PASSION FOR FREEDOM IS STRONGER THAN THEIR PRISONS  
FOR THE ANNIHILATION OF PRISON AND THE PRISON-SOCIETY

### **1 Jan - Comrade arrested at Chicago NYE noise demo**

*Speaking of noise demonstrations, folks in Chicago also organized one on New Year's Eve. Unfortunately a comrade was targeted by sheriff's deputies and arrested.*

#### **MORE:**

In Chicago we organized noise demos in solidarity with all prisoners and detainees on New Year's Eve. We went from the Metropolitan Correctional Center, to ICE Headquarters, to Cook County Jail. Last night [at 7:30 pm](#), while circling Cook County Jail and making noise for prisoners, our crowd was rushed by 5-7 sheriffs who were violently grabbing people, and pushed our comrade Alex to the fence, and then on the ground. Alex was arrested and taken into custody. We think it is likely they will attempt to throw a trumped up felony on Alex. An NLG attorney, Lily McCartin, is traveling now to Maywood (a suburb) where Alex is being held to

determine what the charges are, and when bond court will be. It will likely be tomorrow. We would like to be able to bond Alex out as soon as possible, so please promote this bond fund to your network of people, and consider making a donation if you are able. Thank you!

<https://www.wepay.com/donations/freealexcg>

**UPDATE:**

Alex had their bond hearing this afternoon on the Class 2 felony charge of aggravated battery against a police officer. The bond was set at \$10k. It was a D Bond, which means that only 10% needs to be paid for them to be released, and their family has already paid that. Bond processing doesn't start until 5pm, but Alex should be released some time tonight.

Alex's family has hired a private attorney, who will likely be working with Lillie McCartin, a local NLG attorney who went to a couple different courts yesterday to figure out where and when Alex's bond hearing would be and who also went to the bond hearing earlier today. She's rad.

So while bond is covered, Alex will likely have substantial legal costs.

**1 Jan - Support for an Atlanta comrade is Needed**

*And speaking of New Year's Eve arrests, a comrade in Atlanta has been to focus of some very negative media attention. After being victimized in a hate crime, Luke O'Donovan defended himself against a crew of several homophobes at a house party, stabbing five of them before getting away. The corporate media is framing it as an insane rampage, while Luke's supporters and other witnesses try to balance this with the following.*

**MORE:**

It has been reported in the press that Luke O'Donovan, 19, went on a "stabbing rampage" at a New Year's Eve party in Reynoldstown, a neighborhood in Atlanta, GA. This is not accurate. The events that occurred were the result of Luke O'Donovan desperately defending himself against a clear act of queer-bashing that included Luke being stabbed in the back.

Some facts of the situation remain unclear, but the events that have been reported thus far are inaccurate. Narratives have described Luke O'Donovan, 19, as having returned to a house party that he had been kicked out of. The reports state that Luke returned with a knife and stabbed one person, and then 4 others who attempted to subdue Luke.

As multiple witnesses have testified and will testify, Luke was never kicked out of the party and did not leave. He remained at the house where the party was occurring up until the incident. This basic fact, and the fact that it has been misrepresented, changes the story as it has been reported thus far. Luke is being portrayed as having gone on a nearly unfounded "stabbing rampage" comparable to recent mass killings. This is false. Luke did not go to the party intending to initiate conflict with anyone. Just fifteen minutes before the fight, Luke was present in the living room of the house, having a pleasant and friendly conversation with other people at the party.

Although the exact sequence of events is unknown at this point, it is clear that Luke was attacked by several people at one time and retaliated in self-defense in an attempt to escape the attack. Several witnesses have reported watching between 5 and 12 men mobbing up on Luke and stomping on his head and body with the intent to kill him. The people who were stabbed during the conflict were not attempting to end the fight with Luke. The altercation was never limited to Luke and one other person, but involved several people mobbing up on him.

The motivations of the attack on Luke seem to originate in the fact that he had been seen dancing with and kissing other men earlier at the party. Luke was repeatedly insulted with homophobic slurs throughout the night.

The men who attacked Luke are known to have exhibited homophobic language and behavior in the past. Luke was called a faggot during the fight. This provides clear evidence that the attack on Luke was in some way motivated by homophobia and perpetrated by multiple men while Luke was alone.

Luke is currently the only person involved in the fight who is in jail. We do not support the prison industrial complex, talking to the police, or snitching. We do not believe that the other side of the fight should be imprisoned, but rather that the incident should be resolved outside of the institutions of the State.

For letters of support and books for Luke, his address is

**Luke Patrick O'Donovan #1300031  
6N307  
901 Rice Street  
Atlanta, Georgia 30318-4938**

For Luke's book wish list,

<http://www.amazon.com/gp/registry/registry.html?ie=UTF8&id=YD6DN5G4TKFD&type=wishlist>

For donations,

<https://www.wepay.com/x1kva71/donations/luke-o-donovan-support-fund>

To contact Luke's support team,

letlukego@gmail.com

Website:

letlukego.com

### **January 3<sup>rd</sup> - A Few Clarifying Points from the Support Committee (in Other Words: Please Get Involved!)**

A few concerns have been raised thus far about the way in which the support committee has been handling Luke's defense. People have expressed concerns about the way in which Luke's family is being involved, on the strategy and rhetoric being used by the support committee, and about the support committee's alleged advocacy for "vigilante justice." We would like to take some time to respond to these concerns in online form, but we strongly encourage people to get in contact with those involved in Luke's support team to air any disagreements, and refrain from strictly communicating over social networking sites (Facebook). We are writing as Luke's close friends, ones he eats and sleeps with everyday, ones with whom he often speaks about his beliefs, and ones who have been in contact with him since he has been in jail. We know and love Luke deeply, and want everyone who feels similarly to get involved in his defense.

### **First and foremost: What is Our Purpose?**

**Our purpose is to support Luke materially and emotionally throughout this trial and for however long he needs us immediately following the trial.** *Our first priority is Luke's release from jail.* Afterward, we believe that Luke should be acquitted of all charges against him. We are fighting toward this end through contact with lawyers and, hopefully, popular mobilizations with others who desire to support Luke however they can. We are also doing our best to meet Luke's emotional needs in light of this because we have known the torment of incarceration and the effect it can have on your spiritual and mental well-being.

While it may come to pass that Luke's attackers receive charges for what they have done, that is not the focus of this support group. *Our focus is Luke.* We understand that the judicial system has legs all of its own and will act how it sees fit. Our intention, however, is to focus our energy on the person we all love and supporting them to the fullest.

### **On Talking to the Police**

We would like to clarify our position regarding talking and interacting with police around Luke's case. We have asked several lawyers for advice, and they have all said basically the same thing to us. ***At this point it is better for witnesses to go to an attorney and give their testimony together with a lawyer.*** Luke is already in jail, and *it is not up to the police to let him out, but the legal system.* We recognize that in Luke's case it will be impossible to exonerate him without going through the legal system. After talking with lawyers from several prominent

legal associations we believe that it is not in Luke's best interests for people to immediately head to the police station and offer their testimony. *We would love for as many people to come forward in Luke's defense as possible, and to help them get their testimony done **through attorneys**.* To be clear we are not telling people to stay away from testifying for Luke. We just want it be done in a way that best benefits his case. **Once a lawyer or specific legal representation has been decided upon or assigned to Luke we will immediately release their contact information**, in order to ensure that anyone who wants to help him with their testimony, eye-witness account, or character witness statement can do so in the most efficient way possible. If you have information, please write it all down now and date it so that you don't forget what happened. Also please consider emailing the support group at [letlukego@gmail.com](mailto:letlukego@gmail.com)

### **On Lawyers and Legal Support**

On the note of legal support, we have been in contact with lawyers from the NLG, the public defender's office, the Occupy Atlanta legal team, and we are working on getting in touch with other attorneys from various legal associations of note. We are trying to secure the best possible legal team available for Luke because we know that this is very serious. At this time, the public defender seems like an efficient option because they work with the judge every day. If we need another lawyer moving forward, which we very well may, we will probably need to pay for one.

### **On Fundraising**

The WePay account that has been set up for Luke will collect money for several purposes. So far it has accumulated over \$600 in just 24 hours. Money from the WePay can be used to pay for Luke's bail, if it is set, for Luke's legal defense, and to keep money in his commissary. For those who may be unsure as to how jail works, Luke's commissary fund allows him to buy items in jail, including vegan food items and stamps to send letters. Luke's commissary currently has a balance of 83 dollars, separate from the WePay. Luke also has an Amazon Wish List, with a list of books he would like sent to him in jail. Unfortunately, we anticipate Luke being in jail for some time, and books are a great way to pass time while imprisoned. In fact, being locked up with nothing to read leaves one in a state of extreme boredom and isolation. Luke requested books be sent when we spoke to him over the phone, and so we are working hard to fulfill this wish. Jail is a miserable place and we want to do what we can to make sure Luke is as comfortable as possible on the inside.

### **On Allegations of Vigilantism**

Some of the language used in the initial post by the support team may have been unclear. For this we apologize. It was imperative to get a statement out ASAP to counteract the dominant media narrative that Luke went on a "stabbing rampage." Although personally we do not believe the justice system offers justice to anyone, we recognize that it is an existing reality and that we must move through it to free Luke. **WE ARE NOT CALLING FOR VIGILANTE JUSTICE.** We are doing our best to respect Luke's own beliefs and desires, as well as our own, while doing the most intensive and thorough defense work possible.

Again we would like to reiterate that for people who have concerns about how Luke's defense is being handled, it is best to talk about it in personal conversations, not through social networking sites. We want as many people around to help defend and support Luke as possible. With that said, **we plan to announce a public meeting soon.** We are currently building a website that will make broad participation easier for people.

### **2 Jan - The wait is over...Asheville 11 update**

*On December 20th of this year 3 co-defendants from the 11 plead guilty to a Class 1 misdemeanor Riot charge in exchange for time served and restitution. The remaining co-defendants are required to complete a number of hours of community service as well as pay restitution and their charges will be dropped completely.*

### **MORE:**

It has been 2 1/2 years since these 11 people were arrested and charged. Many events have transpired inside this case since that night in May. A more comprehensive statement on the end of this case will be forthcoming. For now, let us say once again to all of you that stood behind the accused for so many years; your support and solidarity has been invaluable.

## **2 Jan - Federal judge sets conditions for Sergey's release**

*Sergey Turzhanskiy, accused of throwing a Molotov cocktail at a Portland police cruiser in early November, can be released with several conditions as he awaits trial. We've pasted a corporate news story about the conditions below.*

MORE:

The most unusual condition: Turzhanskiy must cease communication and contact with all anarchist groups.

In particular, he must have no contact with members of a group that a federal prosecutor called the Resist the NW Grand Jury.

Assistant U.S. Attorney Stephen F. Peifer said the group is made up of anarchists who are "frankly in the process of trying to obstruct" the federal inquiry into the May Day firebombing at the Seattle federal courthouse.

Peifer also told the court Wednesday that there were people who came to Turzhanskiy's first federal court appearance in Portland last month who are involved in the investigation into the Seattle courthouse firebombing.

A post on the Resist the NW Grand Jury's Facebook page Dec. 5 said, "Our friend Sergey has been in jail for a full month now (unrelated to the grand jury)," and asked if readers have written to him yet.

Further, Peifer said there were "Free Sergey" postings regarding Turzhanskiy on the websites or Facebook pages of the Denver Anarchist Black Cross and Portland Anarchist Black Cross.

Peifer urged the court not to release Turzhanskiy, considering the danger of the offense and his ties to the anarchist groups.

"Our concern is the defendant is a flight risk because of his serious involvement with anarchist activity, which is a threat to the community," Peifer said.

Police said he threw a flaming Pabst Blue Ribbon beer bottle, containing lighter fluid and a rag, at a marked police car in the North Precinct parking lot. It nicked the car hood and rolled off, was picked up and thrown again at the same car. No one was injured.

Defense attorney Patrick J. Ehlers, of the federal public defender's office, countered that Turzhanskiy does not have a significant criminal record with one prior conviction for contributing to the delinquency of a minor.

Ehlers said one of the websites that Peifer referred to was created simply to raise money for Turzhanskiy's bail and attorney fees while in state custody, and has been taken down at Ehler's request.

And, while Turzhanskiy has the freedom to associate with whom he wishes and enjoys the freedom of expression, Peifer said his client was willing to agree to have no contact with any anarchist groups as a condition of his release.

Turzhanskiy would continue to live with his girlfriend in Portland, Ehlers said. His girlfriend's father, a doctor who works out of state, has agreed to pay Turzhanskiy \$12 an hour to do transcriptions for his medical practice.

Ehlers argued that Turzhanskiy is not a danger to the community. He stressed that no one was injured in the alleged arson, that the flaming bottle wasn't thrown at a person.

"This is not something like an apartment complex or a residence, where someone was in immediate danger," he argued.

Ehlers added that his client is committed to following the court orders. "He's very engaged in his case and he wants to do everything appropriately," Ehlers said in court.

U.S. District Judge Janice M. Stewart said the fact Turzhanskiy has a place to live and doesn't have a significant criminal record makes him releasable, though she said she was concerned about his anarchist connections.

She ordered him not to have electronic or personal communication with any anarchist group, not even through a third party. That's in addition to orders that he remain at his girlfriend's house, surrender his passport, maintain a job and not use any drugs or alcohol.

"You're going to be on a very tight leash," Stewart warned Turzhanskiy. "If you violate any one of these conditions, you'll find yourself back here."

A trial date was set for March 5.

## **2 Jan - Notes from NATO 3 hearing**

*A comrade made it to Chicago to support the NATO 3 and took detailed notes that we're posting below.*

### **MORE:**

Here are my notes from the hearing this morning. The courtroom is atrocious...darkly tinted, bulletproof glass separating the gallery from the court, shitty speakers to broadcast the court proceedings to the public in the small seating area... Yeah, terrible. But here are my notes, which are likely incomplete but hopefully not inaccurate.

Some important things to note are that the defense is planning to file a motion challenging the constitutionality of the IL terrorism statutes being used in this case within the next 3 weeks and they're filing another motion about discovery they're waiting on from the FBI in light of the FOIA info that came out recently that revealed some of the spying on Occupy across the nation.

Michael Deutsche (defense attorney):

Lotsa material seized during the initial arrests: 8 computers, 5 cell phones. Added up to 2 terabytes of information and we got those 2 terabytes on our own drives but initially couldn't read it. The State's investigator said we needed a forensic expert because we couldn't just read it on our own but we obviously can't afford that. We finally got the program we needed to read it. The State has also said there's another terabyte of information. This makes for about a million pages of information in discovery. Most of it is irrelevant because most of it is from people who weren't arrested or charged. We need some guidance from the state about which parts they think they're gonna use at trial, not a detailed list, but some guidance because we can't spend lotsa time going through irrelevant information.

State:

A lot of the terabyte is video so there's really not that much. We also discussed with counsel the efficacy of doing motions to limit the scope of the documents we'll use at trial. Right now our obligation is to give them everything we have and that's what we're doing. It's premature for us to say what we can and cannot use.

Judge:

The State can't start going through to say what may or may not be used. This isn't a civil case where we can just do depositions and move on from there. The system we have requires this discovery process.

Thomas Durkin (defense attorney):

There's also the constitutionality issues. If it's acceptable to the court, we'll file a motion about the constitutionality of the terrorism charges within 21 days. The resolution of that issue would affect a lot of things.

State:

We can resolve that issue if it would help the proceedings.

Judge:

So the defense will file that motion by [Jan. 25](#) and the State will file its response by [Feb. 15](#). Courtesy copies will be due to the court on the day of filing. ... How will this affect our trial schedule? Trial date now set for [Sept. 16](#). For the sake of scheduling, let's assume the motion does not go in the defense's favor. Would we stay on course?

Durkin:

The schedule will be fine. There was also the recent FOIA request to the FBI that shows spying on Occupy across the country. Chicago wasn't mentioned but there are discovery issues because the FBI could have information on these defendants. Also, Miami is mentioned and the discovery motion we filed mentions FBI information from surveillance in Miami.

Deutsche:

I suggest we provide the State with this information and we'll file a discovery motion about this FOIA information and related discovery by the [Feb. 25](#) discovery deadline.

Judge:

The discovery order stands [the one specifying the [Feb. 25](#) deadline]. Make sure to give the Attorney General a notice of the constitutionality challenge. They usually don't appear but they need notice in case they want to. I don't want to have to do this over if they're not given notice. Now take out your pretrial scheduling orders.

State:

The information from Cermak Hospital for one of the defendants came in and one of my staff members checked to make sure it deals with this case but I haven't reviewed it. [Info submitted to judge.]

Judge:

Now about the scheduling order. The new discovery deadline is [Feb. 25](#). Responses in writing by [March 11](#). Trial [Sept. 16](#). Final pretrial conference [Aug. 23](#). Motions in limine filed by [July 12](#). Responses by [July 26](#). Trial briefs and exhibits by [Aug. 9](#). Copies for court have to be provided for all filings.

Deutsche:

About the [Feb. 25](#) discovery deadline...Do we have to file motions about what the State hasn't provided to us that we feel we're entitled to by [Feb. 25](#) as well?

Judge:

Yes. Also Touhy requests. At that point, I can make statements, sanctions and remedies. I can't make the state produce anything but I can severely limit their ability to make their case. If you don't have some of the discovery you want when the [Feb. 25](#) deadline is approaching, file the motion and I'll deal with it.

Deutsche:

They could wait [until Feb. 24](#) to give us stuff and then we'll have to file by [Feb. 25](#). We should have a status conference [on Jan. 25](#) when we file the constitutionality challenge to check in on discovery.

Judge:

Ok, that date by agreement. We'll go on recess now.

### **3 Jan - Live like we feel is best for us by CeCe McDonald**

*CeCe McDonald has a new piece up on her blog and we're pasting it below.*

#### **MORE:**

I just want to say that my prayers and condolences goes out to the families, friends, and loved ones who were affected and hurt by the tragedy that happened in Newtown, CT. I'm sending all the love I can to all of those affected.

I also want to make a statement to all those who want to be so analytical and make irrational connections from things in the media to that tragic incident. How can you point out all the things that are now "wrong," from songs on the radio to movies, and that possibly don't have any connection to the incident, which in itself is very upsetting. But have you ever chastised yourself for eating food when there are babies in other countries that die

from hunger EVERY DAY? Or do you point the finger at yourself for crawling into your bed at night knowing that there are children homeless and literally living on the street from displacement? So people shouldn't be so quick to point fingers and say what other people should and shouldn't do because there is no innocence for anyone if you're not helping any cause that can help anyone.

This is my opinion and if it offends you, then you are one of the people I'm talking about. Just something to think about.

\*\*\*

So this might sound weird, but I got inspired to write this from a Jerry Springer episode I just finished watching. It was really sad to watch, moreso for this young man who was clearly upset because he couldn't be the person he wanted to be. He came on the show to tell his then-girlfriend that he was cheating on her with a guy, and that him and his boyfriend were dating for as long as he and she were. So the girl comes out and he tell her that he love her and she's a really good person... but I've been cheating on you... with a guy. So as the girl and the guy discuss their "relationship" and their feelings for each other, Jerry chimes in and say, "I'm not saying that you can't love who you want, but why would you date her if you were attracted to men?" And she says, "So I was just a cover-up." Then shit got real on Jerry, and it even touched some people in the audience. With tears welling in his eyes, he looked at Jerry and said, "No one knows what it's like being me, having to be bullied in school and being teased for being who I wanted to be. It really hurted...and I didn't mean to hurt anybody. I just didn't know what to do."

At that moment the cameraman showed people in the audience wipe tears away as this man pour our his soul and release his burdens on that stage in front of everybody in that audience, and the millions of people watching on television, including me. Knowing his story is one that is too common and is relatable to many. All I wanted to do was give him a consoling hug and let him know that he isn't alone and that his acceptance and proclamation was brave and that will make him stronger, no doubt in my mind.

But it's situations like that that make me so upset with society in this day and age. Why is it that we (or I should say "they") can't come to terms with acceptance of difference? That this world is greater than any person, and that the complexity of everything around us, from the planets and stars in the galaxies to the smallest atom of our being, can't be put into a box, like most people's minds are, and their understanding of complex things, including love. And we all know love is just as complex as the stars and planets in the galaxies and the atoms which make up all that we are and everything else that is both known and unknown to humans. What's even sadder is that some people can even believe in a possibility of extra terrestrial life (and not that I'm saying that it couldn't be a possibility along with other possible ideas of our vast universe)—why is it so hard to believe that on Earth, there is difference among the people here? What I'm trying to say in simplest form is that people can accept things that are beyond us, whatever that may be, but we keep those in our society in turmoil by not being able to accept the "possibility" and actuality that people of same genders can intimately love each other or that some of us would rather live our lives as the gender we want instead of the one we were "assigned."

Now that we are going into a new year, I think it's time we all choose to live like we feel is best for us. If you are living for someone else, now should be the time to decide what's best for you, whether it be a career change, a new location, or finally, loving the person (or people) you want to! Please don't limit yourself to anything that would better you, and make you love yourself most importantly. Learn to be accepting and learn to love, not just others but YOURSELF! And if you think there is not one person who loves you, know that I do... Be comfortable being you, and don't let ANYONE take that away from you. I think Rachel Jose said it best: "Be a Fruit Loop in a world full of Cheerios!" Originality always wins!

#### **4 Jan - Another Activist Subpoenaed to California Grand Jury**

*Unrelated to the grand jury in the pacific northwest, on January 3<sup>d</sup> another person was subpoenaed to testify before a federal grand jury in California investigating animal rights activists.*

#### **MORE:**

Priyesh Patel of Portland, Oregon, was served a subpoena Thursday while at work, and is scheduled to appear at the San Francisco federal courthouse on January 29th.

Grand jury proceedings are secret, but this grand jury appears to be investigating arson and other property crimes in Santa Cruz that occurred in 2008, in relation to animal rights campaigns against animal experimentation by the University of California system.

Other animal rights activists have been subpoenaed as well. In November, I wrote about the case of Brittany Kenville. [For background: "[I plan on exercising every right that I have" to oppose California grand jury, activist says](#)"]

Patel, Kenville, and other activists subpoenaed are not charged with any crime. Grand jury proceedings are used to determine if there is sufficient evidence to bring a criminal indictment against someone else. Ostensibly, this may act as a safeguard against overzealous prosecutions. However, grand juries have historically been used as a tool to harass, disrupt, and spy upon social movements.

When political activists are subpoenaed to a grand jury, they are not allowed to have an attorney present. They can be asked about who they are friends with, what they believe, and what types of activism they are engaged in. If they refuse to answer questions about their political beliefs and political associations, and refuse to participate in this fishing expedition, they can be imprisoned.

That's exactly what has happened in Seattle. The grand jury there is investigating anarchists, and those who refuse to talk about their community have been thrown in jail. [For background: "[Fourth Person Jailed for Refusing to Talk about Other Anarchists in Grand Jury](#)"]

I'll post more information leading up to this grand jury date, but in the meantime please consider [writing a letter to the grand jury resisters](#) who are in jail for remaining silent.

#### **4 Jan - Tinley Park 5 accept plea deals**

*On January 4, 2013 all members of the Tinley Park Five accepted a non-cooperating plea bargain in which they each plead guilty to three felony counts of Armed Violence in exchange for "lenient" sentences and the guarantee of 'day-for-day' good behavior.*

#### **MORE:**

Jason Sutherlin was sentenced to 6 years. Cody Lee Sutherlin and Dylan Sutherlin were sentenced to 5 years. Alex Stuck and John Tucker were sentenced to 3 1/2 years due to their youth and complete lack of criminal history. Each will be placed upon two years of supervised release upon release from prison.

Before the plea was accepted, the State offered the Tinley Park Five one last chance to betray their comrades in exchange for their freedom. What a waste of time! As anarchist and antifascists, the Tinley Park Five are no more capable of selling out the struggle than their broken system is capable of reforming itself! They laughed at the offer and bravely accepted their fate.

Credit was given for the 7 months already served in Cook County. They will receive 'day-for-day' good time credit which effectively cuts the sentences in half. The state of Illinois also offers several programs and classes which can chip away at sentences. Optimistically, Alex and John could be out before Christmas 2013. Dylan and Cody could be out my Autumn 2014. Jason could be out by Christmas 2014. This is all hypothetical and highly speculative of course.

On Monday January 7th, the Tinley Park Five will be transferred to Stateville for between one and three weeks. There the Illinois Department of Corrections will decide where they will spend the duration of their sentences. Until this decision is reached **PLEASE HOLD ALL MAIL**. If you wish to donate to the Tinley Park Five at this time we ask that you use [WePay](#) rather than money orders at this time, as we're concerned that they will get lost or delayed as the Tinley Park Five are being transferred between facilities. We're working on trying to quickly raise as much money as possible to ease this transition.

Make no mistake, it is with great sorrow that we accept just how long we'll be separated from our dear friends, but they will not be forgotten nor will their struggle cease in their absence. This support crew will continue to advocate for each of them in whatever they decide to do until every last one of them is free. Communiques from several members of the Tinley Park Five to their supporters are expected soon and will be posted on this website.

The Tinley Park Five as well as their supporters, comrades, family, and friends would like to thank Aaron Goldstein, Sara Garber, Brian Barrido, James Fennerty, Stuart Smith, Matthew Dodge, and everyone else who assisted in their legal defense. They would also like to thank the National Lawyer's Guild for connecting these attorneys with the Tinley Park Five as well as the People's Law Office for consulting with us in the initial stages of this ordeal.

The Tinley Park Five also wanted to thank Chicago Anarchist Black Cross as well as South Side for their help in bringing people out to their most recent court appearance. Seeing so many supporters meant more than you could know to them. Thanks to everyone who was able to make it. Thanks to everyone on the interwebz for helping to get the word out about it so well.

I was able to speak with Jason this morning and Alex last night and both of them asked that there be a public acknowledgement of all the groups who have humbled us with their support thus far. Thanks to Denver ABC, Salt Lake City ABC, New York City ABC, Rose City Antifa, Southside Chicago Anti-Racist Action, Philly ARA, Lafayette HARM, Circle City ARA, One People's Project, Bursts-o-Goodness, Political Fail Blog, Sacramento Prisoner Support, M1AA, IWW, VICE, Worker's World (especially NYC and Detroit affiliates), the Btown crew, as well as anyone who's attended a letter-writing party, a court date, or came to visit. Thanks to the countless organizations that I apologize in advance for forgetting to mention.

Thanks to all of you Anonymous gangsters that had our backs with #opStormfrontRaid. Dirty South, whoever you are, you're a life-saver, literally. Thanks to anyone who has stepped up in any way they could whether that be sharing a link or donating a couple dollars.

Thanks to everyone that has helped, but please don't forget... the Tinley Park Five aren't going to be in the news headlines as often but they are still going to need just as much support. **We ask that you not forget about the Tinley Park Five!** Please keep the benefit shows, letter-writing parties, and other acts of solidarity coming as they're needed now as much as ever.

### **10 Jan - Oscar López Rivera Fundraiser**

**WHAT:** NYC-Book Reception/Fundraiser For Political Prisoner Oscar López Rivera

**WHEN:** 6-8pm, Thursday, January 10<sup>th</sup>

**WHERE:** Art Gallery-Bread & Roses – 310 West 43<sup>rd</sup> Street New York, New York

**COST:** Free

#### **MORE:**

Program:

Maria Kercado (Vice President of 1199), emcee-

Matt Myers- Prologue of book and message from Bishop Desmond Tutu

VIDEO Clips: Encuentro Internacional de Derechos Humanos-en Puerto Rico

Keynote Speakers:

\* José López Rivera, brother of Political Prisoner Oscar – Reading of book (to be confirmed)

\* Luis Rosa, former political Prisoner

\* Cultural Presentation

\* Artist Juan Sanchez ( to be confirmed)

\* Artesano de la Plena-Hermanos Velez (to be confirmed for date)

\* Poetry

Sponsors: Caribbean and Latin American Democratic Committee of 1199/ SEIU, National Boricua Human Rights Network, Union 1199, Comité de Puerto Rico en la ONU (Puerto Rico Committee in UN), Resistance in Brooklyn, Professor Ana M. López of the Latin American and Caribbean Studies Unit/Humanities Department at Hostos Community College, Friends of Puerto Rico Initiative (list in formation)

### **19 Jan - 17th Annual MXCC Dinner Tribute to the Families of our Political Prisoners & Prisoners of War**

**WHAT:** Transforming Solidarity: Working Together to End Political Imprisonment & Mass Imprisonment!  
**WHEN:** 3-7pm, Saturday, January 19th  
**WHERE:** Martin Luther King, Jr. Labor Center 310 West 43rd Street (between 8th & 9th Avenues)  
**COST:** \$40/advance reservations • \$45/at the door • Validated Parking \$10

**MORE:**

Join us as we pay tribute to our Freedom Fighters & their Families  
& work to build a Movement to end mass imprisonment

**Keynote Speakers:**

**Johanna Fernandez, Director of Justice on Trial: The Case of Mumia Abu-Jamal**  
**Malik Rashaan, Founder & Organizer, Occupy the Hood**  
**with Cultural Presentations by Hip-Hop Artist Jasiri X**

For reservations/more info contact:

**The Malcolm X Commemoration Committee**

Post Office Box 380-122, Brooklyn, New York 11238

718-512-5008 • email: [mxcc519@verizon.net](mailto:mxcc519@verizon.net)

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

**22 Jan - Veronica & the Case of Mumia Abu-Jamal**

**WHAT:** Book release

**WHEN:** 7-9pm, Tuesday, January 22<sup>nd</sup>

**WHERE:** Bluestockings Bookstore and Cafe – 173 Allen Street (between Stanton and Rivington Streets)

**COST:** Free

**MORE:**

Save this date! More Than a Book Release event featuring Valerie Jones telling the story of her courageous sister, Veronica Jones. Veronica was a witness who falsely testified at the 1982 trial of Mumia Abu-Jamal. Fourteen years later she came forward in court risking heavy charges to right this wrong. For taking this stand the state arrested her right out of the witness box. Later, while very sick, Veronica related her experiences to Valerie, who in turn put them into a book, 'Veronica and the Case of Mumia Abu-Jamal'.

Also featuring Pam Africa as a guest speaker and a legal update on Mumia's case.