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Updates for April 16<sup>th</sup>

## **2 Apr - The Trials of Bradley Manning**

*An article about PFC. Manning came out in Rolling Stone's print version about a month ago. It's now available in digital format so we're including it below.*

### **MORE:**

In June 2010, about two weeks into his military detention at Camp Arifjan, Kuwait, Bradley Manning, the 22-year-old Army private accused of leaking hundreds of thousands of classified documents to WikiLeaks, was taken from the air-conditioned tent where he'd been living, barracks-style with a handful of other inmates, and placed in a cage. No explanation was given; the reasons for this abrupt transfer, which occurred several weeks before any official charges were filed against him, still remain unclear. He would spend more than a month in this contraption; an eight-by-eight-foot cube – nearly identical to those used at Guantánamo – made of steel grid panels and equipped with a bunk, stainless-steel sink and an attached toilet. Human contact, other than with base psychiatrists and guards who would shake down his cell several times a day, was almost nil. On a "reverse sleep cycle," he was woken at 10 p.m. and sent to bed around one or two the next afternoon.

Thus removed from the normal rhythms of the world, Manning, who'd already been in a fragile, emotional state before his arrest, very quickly and visibly began to deteriorate. He was found one night "screaming, shaking, babbling, and banging and bashing his head into the adjacent wall," according to official documents. He had fashioned a noose out of bedsheets, "but it was pointless," he later said, noting there was nowhere to hang it. By the second week of his confinement, Manning had spent so much time in his cage that he had come to believe that he might languish there forever. "My days were my nights and my nights were my days, and after a while it all blended together and I was living inside my head," he said. "I just remember thinking, 'I'm going to die. I'm stuck here in this animal cage, and I'm going to die.'"

And so began Manning's journey through the exceedingly murky realm of military pretrial detention, a nearly three-year ordeal punctuated by months of legalized torture, not unlike what enemy detainees endured at Guantánamo Bay. Though not the standard treatment for U.S. soldiers, even those accused of war crimes, Obama administration officials deemed it "appropriate" for Manning, who, in many regards, "ceased to be a 'soldier' from the moment he crossed the line and revealed the secrets of the war," observes Kristine Huskey, the director of the Anti-Torture Program at Physicians for Human Rights. "In doing that, he became, in effect, the 'enemy.' And once you're the enemy, you can be subject to treatment that is not for people on our side."

A former intelligence analyst, Manning was arrested on May 27<sup>th</sup>, 2010, at his base in eastern Iraq. Army investigators searched his computer, finding evidence of thousands of State Department and military communiqués and encrypted chats between Manning and an account associated with WikiLeaks founder Julian Assange. Manning would ultimately be accused of the biggest leak of government secrets in U.S. history – a massive disclosure, hundreds of times larger than the Pentagon Papers, composed of more than 700,000 U.S. intelligence documents including: a July 2007 video of a U.S. Apache helicopter attack on Iraqi civilians, in which 18 people were killed; nearly 500,000 reports from the wars in Iraq and Afghanistan; more than a quarter of a million diplomatic cables from U.S. embassies around the world; and 779 documents pertaining to Guantánamo Bay.

Though none of the material was "top secret" (the Apache helicopter video, in fact, wasn't classified at all, nor were more than half of the cables), it was nonetheless a damning and, at times, a highly embarrassing portrait of U.S. might and diplomacy, exposing night raids gone terribly wrong; missile strikes mistakenly targeting children; countless checkpoint shootings of Iraqi civilians; widespread torture conducted by the Iraqi forces with

the tacit approval of U.S. troops bound by an official yet previously undisclosed policy of noninterference; and rampant corruption on the part of U.S. allies in Afghanistan, Pakistan and many Middle Eastern nations.

It was by any estimation a staggering breach, painting a portrait of a myopic military culture that, as one former State Department official puts it, "was so intent on keeping the enemy out, I don't think anyone possibly imagined that someone would do something from inside a base."

It was also, as Manning told it, easy. "I listened and lip-synced to Lady Gaga's 'Telephone' while exfiltrating possibly the largest data spillage in American history," he confided to Adrian Lamo, a hacker who Manning contacted and gave a breathtakingly candid confession. "Pretty simple and unglamorous. No one suspected a thing."

Manning now stands accused of 22 violations of military law, eight of which fall under the Espionage Act, an arcane 1917 statute against sharing information with unauthorized sources that was previously used to indict spies like Aldrich Ames, who pleaded guilty in 1994 of selling secrets to the Soviets. Using the Espionage Act to go after leakers has been a signature move of the Obama administration, part of what some view as a larger "war on whistle-blowers" that signifies a stunning reversal from the president's original stance of bringing greater transparency to government. Since Obama first took office in 2009, his administration has brought six prosecutions for leaking national security secrets – more than all the past administrations combined. Of them, Bradley Manning is the only member of the U.S. military and the only person to be placed in pretrial detention. He is also the only person to be charged with "aiding the enemy" by, as the charge sheet reads, "wrongfully and wantonly" causing U.S. intelligence to be published on the Internet, where enemies of the United States might see it.

At a pretrial hearing in December 2011, Maj. Ashden Fein, the government's lead prosecutor in the case, argued that because Manning had read Army reports showing that Al Qaeda and other enemies of the United States used WikiLeaks, he thus "knowingly," if indirectly, provided them with classified information. Whether Manning intended to help Al Qaeda or any other foe is, the government argues, immaterial. "If somebody stole a loaf of bread to feed her family, she still stole the loaf," one of the government prosecutors, Capt. Angel Overgaard, said in January.

In pursuing this line of prosecution, constitutional experts say the government is treading on dangerous ground. "Using the aiding-the-enemy charge in a typical leak case without any evidence that the person had a real intent to give information to the enemy is unprecedented," says Ben Wizner, the director of the ACLU's Speech, Privacy and Technology Project. "Manning hasn't been accused of doing this because he wanted to help Al Qaeda; they just say he put it out there, and any reasonable person would assume that Al Qaeda would have access to it – well, sure, and so would millions of other people."

From the moment he was arrested, Manning was denounced as a traitor. Fox News, unsurprisingly, described him as a "rogue GI." Mike Huckabee argued that "anything less than execution is too kind." The liberal establishment was equally disdainful, ignoring the notion that Manning, a self-described "idealist," was motivated by conscience, seizing instead upon the fact that he had emotional problems. He was "troubled," said The Washington Post; he had "delusions of grandeur," reported The New York Times. "He wasn't a soldier," a recruit who'd been at basic training with Manning told The Guardian. "There wasn't anything about him that was a soldier."

To be sure, Manning was an atypical soldier. Standing just five feet two, "tiny as a child," as one colleague described him, Manning was a relentless questioner. He wore a custom dog tag identifying himself as a "humanist." He had a pink cellphone. He was all but openly gay. Raised in Crescent, Oklahoma, a town with "more pews than people," as he put it, he'd come out to his friends at 13, but since joining the Army in 2007 had lived under multiple layers of secrecy, thanks to the military's "don't ask, don't tell" policy. Boot camp had been a misery. Bullied relentlessly, he suffered anxiety attacks, got into fights, even peed on himself (more than once). At Fort Drum, New York, where Manning was posted with the 10<sup>th</sup> Mountain Division, he was unable to adapt to

military discipline and would often scream back at superiors. He "hated messing up," as one of his supervisors said, and was plagued by feelings of failure, taking any criticism as a personal slight. He flew into uncontrollable rages, yelling, crying and throwing chairs, then became sullen and withdrawn. His behavior was so erratic, several of his superiors suggested he not be deployed.

But the Army, stretched thin by two wars and in desperate need of qualified intel analysts, ignored these recommendations. In the fall of 2009, Manning left for Iraq with the 10<sup>th</sup> Mountain's 2nd Brigade Combat Team, a light-infantry unit he would describe as "a bunch of hyper-masculine, trigger-happy, ignorant rednecks." Haunted by fears that he wasn't "masculine enough," as he told a friend, he began to question his gender. On leave in the U.S. during the snowy winter of 2010, he spent a few days dressed as a woman. He called his female alter ego "Breanna."

Beyond these personal issues was the fact that Manning had begun to have serious reservations. "Manning had a reason to believe the U.S. was engaged in activities that violated a number of laws, and so he made a fateful decision to expose illegality," says Thomas Drake, a former National Security Agency official who was indicted under the Espionage Act in 2010 for leaking sensitive information to the press. "That is the classic definition of a whistle-blower, and what has happened to him since is classic retaliation against someone who exposed pathological power run amok."

On a brisk day in late November 2012, Manning, accompanied by his lawyer, David Coombs, arrived at Fort George G. Meade, the stark, brick Army base outside Baltimore, to argue that his detention at the Marine Corps brig in Quantico, Virginia, where he was transferred after two months in Kuwait, amounted to illegal pretrial punishment. A diverse crowd packed the tiny courtroom: a melange of whistle-blower advocates, attorneys, activists – the latter group dressed in black T-shirts inscribed with the word TRUTH. And of the approximately 20 reporters in attendance, only a handful were from the mainstream U.S. media, which largely ignored the proceedings.

Though WikiLeaks had made news all over the planet, Manning had remained an enigma, squirreled away in military detention while his case was all but subsumed by the government's relentless pursuit of Assange. With Manning unable to speak for himself, his story had been relegated to various friends, family, free-speech advocates, human rights activists, lawyers, reporters and soldiers who'd served with him, all of whom contributed to the narrative that painted Manning as a fragile, damaged, weak individual – an emotional basket case who should never have been deployed to begin with, let alone given a top security clearance.

But the Manning who showed up at Fort Meade was not this soldier. Clad in his navy-blue dress uniform, with rimless glasses and short, neatly combed blond hair, Manning did not come off as "effeminate," as he had been so often portrayed. He didn't cry. He didn't even tremble a little bit – not even when, on the first day of his testimony, his lawyer asked him to map out on the courtroom floor a diagram of his cell at Quantico that, when he'd finished, was so tiny that Manning appeared almost large standing in the middle of it. Not even when, on the second day, the prosecutor held up the "noose" Manning had made of a pink bedsheet, and asked him if he remembered it. During one poignant moment, Coombs handed Manning a cardboard like "suicide smock," like the one he was given to wear in lieu of clothes at Quantico, and asked him to put it on. A stiff blue contraption about 300 sizes too big, it made Manning look like a turtle.

Most of all, Manning seemed very young – a factor easily forgotten amid the larger conversations about government secrecy and WikiLeaks. He'd been just 21 years old when he'd begun perusing classified databases and saw "incredible things, awful things...things that belonged in the public domain, and not on some server stored in a dark room in Washington, D.C." They were internal memos laying out the sordid details of the most blood-soaked and morally questionable wars since Vietnam, conflicts whose essential contours were something that Manning, who was 13 when the U.S. went to war in Afghanistan, and 15 when it invaded Iraq, only vaguely understood.

Now he knew. And by every indication, he was horrified. "I want people to see the truth regardless of who they

are, because without information, you cannot make informed decisions as a public," he told Lamo. "I feel, for some bizarre reason, it might actually change something. Or maybe I'm just young, naive and stupid."

It is sometimes difficult to recall, more than a year after the last troops departed Mesopotamia, the huge political, moral and financial morass that was the Iraq War. Launched in 2003 with an optimistic in-and-out strategy, it was an endless, grinding conflict against a resilient insurgency that killed or maimed more than 36,000 troops while costing taxpayers approximately \$835 billion. By 2007, the year Manning enlisted, the Army was a study in dysfunction. VA hospitals overflowed with wounded soldiers. Countless more suffered from PTSD. Suicides soared throughout the ranks. With recruitment steadily declining, the Army lowered its standards, accepting more kids with drug, alcohol and physical problems. It recruited record numbers of non-high-school graduates, and even sunk to doubling the "moral waivers" it granted to felons. In 2008, the cost of Iraq was averaging \$11 billion per month with no end in sight. By 2009, the bloodshed was such that U.S. forces, under the counterinsurgency strategy of David Petraeus, had turned to paying their former enemies not to attack them.

And yet while the war was a disaster, there was an unstated "prohibition against exposing the myth," in the words of one former high-ranking military official. This silent edict wound its way from the Pentagon to Baghdad, where, over time, it would make its way in the form of a cynical complacency to remote outposts like Forward Operating Base Hammer, where Bradley Manning began his tour in the fall of 2009. By then, recalls Peter Van Buren, a former State Department official who was posted in Iraq, much of what the U.S. was doing had become blatantly transparent. "We'd been at it for years and didn't have much to show for it," he says. "The Iraqis knew that too. They'd learned very quickly that our expectations were very low, and so they played along with the charade. Everyone was winking across the table at one another."

Manning, arguably, wasn't in on the joke. The son of a former Naval-intelligence operator, he had an almost naive belief in American power; he'd wanted to be a soldier since the third grade. A natural with computers, which he'd learned to program when he was eight, he also believed he might be good at the Army – at least the part that didn't require shooting anyone. "I'm more concerned about making sure that everyone – soldiers, Marines, contractors, even the local nationals – get home to their families," he once told a friend. "I feel a great responsibility and duty to people."

A science geek, Manning dreamed of studying physics at Cornell or MIT. But prior to enlisting, he'd spent a few years adrift, working odd jobs, moving from Oklahoma City to Tulsa to Chicago and finally to Potomac, Maryland, a suburb of Washington, D.C, where he worked at Starbucks and spent much of his free time playing an extraordinary amount of Eve Online, the multiplayer sci-fi role-playing game. The Army offered Manning a new life and a way to pay for college, and as draining as it was on him personally, he was, by every account, excellent at his job. A "35 Fox," the Army's code for an intelligence analyst, Manning scrutinized data across a broad spectrum of sources and prepared intelligence briefings for his superiors. A voracious reader, he spent his free time poring over books on physics, biology, international relations, even art history, all of which he believed could inform his analysis and "hopefully," he told a friend, "save lives."

FOB Hammer was a middle-of-nowhere base, situated in eastern Iraq, about a third of the way between Baghdad and the Iranian border. Nine miles square, it had been built for the surge and was fortified by layers upon layers of blast walls and concertina wire to fend off attack. When it rained, the ground turned to peanut butter. When it was dry, soldiers lived in mountains of dust. No matter where you looked, the vista was the same: empty.

Life on the FOB was in some ways a portrait of end-of-the-war ennui. Only a fraction of the 300-odd soldiers at Hammer engaged directly with Iraqis; the rest, like Bradley Manning, never left the base. His world was smaller than a football field, consisting of his double-occupancy trailer, the base chow hall, recreation center and shower trailer and, just a few steps away, his workstation in the Sensitive Compartmented Information Facility, or SCIF. In this windowless plywood box of a building, intelligence analysts led a Groundhog Day-like existence working 12-hour shifts, after which they'd eat, sleep, wake up and do it all over again. It was tedious, often boring work, and security was remarkably lax. "Everyone just sat at their workstations watching music videos, car chases, buildings exploding," he later said.

But their access was tremendous: Even low-level analysts could connect to SIPRNet – the Secure Internet Protocol Router used by both the State Department and the Department of Defense to transfer classified data – as well as to another network used by the Justice Department and the Department of Homeland Security. The networks were monitored but mostly for outside intrusion. Manning once asked an NSA official if the agency could find any suspicious activity coming out of the local networks. "He shrugged," Manning recalled, "and said, 'It's not a priority.'"

Manning started off on the night shift, as part of the Shi'a Threat Team, a group of analysts tasked with tracking insurgent supporters of radical Shiites like Muqtada al-Sadr. He did well, earning commendations for his "persistence," and in November 2009 was promoted to specialist. Not long afterward, word began to spread around the FOB that Al Qaeda was publishing "anti-Iraqi literature" at a local printing facility. With help from American troops, the Iraqi federal police raided the place and arrested a group of 15 men they claimed to be insurgents.

But almost immediately after the raid, it became clear to U.S. forces that the men were not Al Qaeda, but political opponents of Prime Minister Nouri al-Maliki, whom the government wanted to silence. It was an embarrassing moment for the 10<sup>th</sup> Mountain, whose officers "simply wanted it to go away," as one government official who was there recalls. "Had we done our research, we would have realized that Maliki was a thug who was using us to do his dirty work." For some of the soldiers, particularly those who truly believed they were nation-building, it was a devastating blow. "This was their first encounter with the gap between propaganda and reality," the official adds. "We weren't promoting democracy at all. In fact, this whole democracy thing was bullshit."

Manning was one of the first soldiers to learn of the fiasco, having been ordered to investigate the "bad guys" after the raid. "It turned out they had printed a benign political critique titled 'Where Did the Money Go?' following a corruption trial within the prime minister's cabinet," he said. Shocked, Manning "immediately took that information and ran to the officer [in charge] to explain what was going on." The officer told him to "shut up," he said. "He didn't want to hear any of it."

Manning knew the 15 Iraqis were doomed. The Iraqi police were known to torture their prisoners, while the U.S. military looked the other way. Manning couldn't. "That was a point where I was actively involved in something that I was completely against," he said. "And completely helpless." From then on, "everything started slipping. I saw things differently."

According to the government's charges, Manning made his first contact with WikiLeaks in November 2009, either just before or not long after the detainee incident. He would ultimately say he made direct contact with the "crazy white-haired Aussie" otherwise known as Julian Assange, though whether he spoke directly to Assange is unknown. "I've talked to Julian many times, but I've also talked to other guys too who were also 'Julian,'" says one hacker who's worked with WikiLeaks. "You can never be sure who is who."

Among the first things Manning leaked was a 17-minute video, which was titled "Collateral Murder." The video, taken in 2007, depicts Apache helicopters firing on unarmed civilians who appear to be mingling with insurgents in the street. The wounded crawl away and are shot dead. A van appears to retrieve the bodies; there are kids inside. They are shot, too. The crew banters back and forth as if they're playing Call of Duty. "Look at those dead bastards," one says. "Well," remarks another, "it's their fault for bringing their kids into a battle."

Manning had watched the video in the SCIF – these kinds of films played routinely and were watched by dozens of people. "At first glance, it was just a bunch of guys getting shot up by a helicopter...No big deal," he said. "But something struck me as odd with the van thing. And also the fact that it was being stored in a JAG officer's directory." So Manning dug deeper, eventually tracking down the date of the incident and the GPS coordinates, and coming up with a story from The New York Times discussing the death of two Iraqi journalists among 16 killed in a clash with "Shiite militias." "It was unreal," Manning said. "It humanized the whole thing. I just

couldn't let these things stay inside my head."

"Collateral Murder" was released on April 5<sup>th</sup>, 2010, at a WikiLeaks press conference at the National Press Club in Washington, D.C. Within days, it had gone viral – a graphic snapshot of 21st-century soldiering run amok – and was held up by media organizations worldwide as documentation of a war crime.

Manning, meanwhile, had the surreal experience of watching the reaction to his leak from the confines of his base. He was amazed when several of the perpetrators of the attack issued mea culpas, and he friended a few on Facebook without them having any idea who he was. But the crushing routine of the FOB, made worse by his isolation and gender-identity crisis, weighed on Manning. Between December 2009 and May 2010, the period Manning was allegedly in contact with WikiLeaks, superiors noticed a drop-off in both his performance and his mental state, culminating with an incident on May 7<sup>th</sup>, 2010, when he was found curled up on the floor of the SCIF in a fetal position, having carved the words I WANT into a chair. A few hours later, Manning punched a superior in the face. "I'm tired of this!" he said, as his target, Spc. Jihrleah Showman, pinned him to the ground.

The following day, Manning was demoted back to private first class, removed from his job as an analyst and assigned to the supply room as a clerk. Already miserable, he was now as marginalized as he'd ever been. For Manning, it seemed as if the "only safe place," as he put it, was the Internet.

One lonely night, looking for connection and having reached out to strangers online before, he e-mailed a 29-year-old security consultant named Adrian Lamo. A once-handsome Colombian-American with a prescription-drug habit, Lamo had become famous in the early 2000s as the "homeless hacker," a digital savant who, having dropped out of high school in San Francisco, traveled the country on a Greyhound, sleeping on friends' couches or in abandoned buildings, downing handfuls of amphetamines and using his battered Toshiba laptop to troll through the databases of corporate behemoths like Yahoo, AOL and MCI WorldCom – after which he'd helpfully explain to the companies' system administrators how to plug the holes he'd found.

Lamo's career as a "security do-gooder" ended abruptly in 2002, after he, then 21, hacked *The New York Times* and notified the company to point out its security flaws. The *Times* was not amused. In 2004, after a lengthy FBI investigation, Lamo pleaded guilty to computer crimes, for which he was given a sentence of six months under house arrest.

Other hackers regarded Lamo with a mix of curiosity and distrust. "No one can really pinpoint anything particular that he'd done, at least since he'd stopped actively hacking," says Griffin Boyce, a Web developer who knows Lamo. "He took otherwise-secret activities and was fairly open about them; that made people nervous. It's incredibly foolish to speak to the media about doing something illegal." Within many circles, the consensus was that Lamo, desperate for recognition, might do virtually anything for publicity.

But Bradley Manning knew none of this. All he knew was that Lamo, who was openly bisexual, had starred in a 2003 documentary, *Hackers Wanted*, which focused on Lamo's travails with law enforcement; he also knew, from Lamo's tweets, that he supported WikiLeaks. *Hackers Wanted* had never been released, but in May 2010 it leaked online. Shortly afterward, Lamo received a message from a stranger.

"Hi," wrote a person named "bradass87." "How are you? I'm an Army intelligence analyst, deployed to eastern Baghdad, pending discharge for 'adjustment disorder.'...I'm sure you're pretty busy...[but] if you had unprecedented access to classified networks 14 hours a day, 7 days a week for 8-plus months, what would you do?"

Lamo notified the authorities, and over the course of the next several days, he surreptitiously logged their chats. Manning, believing he was speaking confidentially, let loose. He explained the WikiLeaks submission process and said he'd talked with Assange numerous times. He went into depth about lack of security at his FOB and how easy it was to steal information. "The culture bred opportunities," he said. He referred to himself as a "mess," and spoke of his disillusionment – "I don't believe in good guys versus bad guys anymore only [in] a

plethora of states acting in self interest." He often seemed like he was having a nervous breakdown.

Lamo would later say that he was afraid Manning's leaking could put American lives at risk. "Brad was detailing his last-ditch vision of an effort to save the world from itself," Lamo says. "I was seeing my own worst-case scenario of long ago play out: the arbitrary scattering of data that was at best hopelessly subjective and at worst prone to misuse. Truth is an elusive, personal thing," he adds. "Brad confused facts with truth. You can't convince people of a truth they don't want to see."

On May 25<sup>th</sup>, Lamo met with government agents at a Starbucks near his house in Carmichael, California, and handed over the logs of his chats, providing investigators with the crux of their evidence against Manning. Two days later, a week after initiating contact with Lamo, Manning was stopped by Army CID agents while at work in the supply room at FOB Hammer, escorted into a conference room and handed a piece of paper explaining his legal rights. After a brief hearing before an Army magistrate in Baghdad, he was remanded into the custody of the United States military, pending trial. The agony of Manning's Army career was at an end. But the real torture was yet to come.

On July 25<sup>th</sup>, 2010, two months after he was arrested, the extent of Manning's ambitions to expose the dark side of American wartime conduct became apparent when WikiLeaks published the "Afghan War Diary." Manning described the six-year archive of secret military communiqués as "one of the most significant documents of our time, removing the fog of war and revealing the true nature of 21st-century asymmetric warfare." *The New York Times* broke the story the following day in a front-page article depicting the logs as presenting a bleak portrait of the Afghan war, "in many respects more grim than the official portrayal." Five days later, Manning was removed from his cage at Camp Arifjan and put on a commercial charter bound for the United States. Now the highest-value U.S. military detainee in recent history, he was incarcerated at the Marine Corps brig in Quantico, Virginia, where he would pay for his sins.

For decades, soldiers awaiting court-martial had been detained in Quantico brig, a low-slung brick building situated among the elms on one of the country's most illustrious Marine outposts. The Baltimore Sun once referred to it as "the world's most well-behaved prison." But its resources had been halved by recent downsizing, leaving it unable to adequately support long-term detainees, let alone someone of Manning's stature. There were no permanent mental-health counselors or treatment programs: Those in need of psychiatric care were left to see the base psychiatrist, whose duties spread across a 58,000-acre campus.

Manning's incarceration came in the wake of years of scandal over military-detention policy. Nearly 200 detainees have died in U.S. military custody during the War on Terror, among them, seven alleged "suicides" at Guantánamo Bay and two other mysterious deaths at Bagram Air Base in Afghanistan that were later proved to be murders. Though harsh interrogation practices stopped under Obama, curbing suicide – be it of foreign detainees or of U.S. service members – was now one of the military's top priorities.

Making sure that nothing happened to Bradley Manning would become a fixation for Quantico officials, notably Lt. Gen. George J. Flynn, who commanded all operations on the base from his office at the Pentagon. In the spring of 2010, a Navy captain named Michael Webb had killed himself while detained at the brig. Flynn urged his staff to make sure this didn't happen again. "It would be good if you impressed upon all who come in contact with Pvt. Manning the absolute necessity of keeping a close watch on him," he wrote to base officials. "His life has completely fallen apart, which makes him a strong candidate (from my perspective) to take his life."

It was into this hyper-vigilant environment that Manning arrived on the warm night of July 29<sup>th</sup>, 2010, exhausted, having traveled nearly 24 hours from Kuwait via Manheim, Germany. Fearing he'd be sent to Guantánamo, he was initially "elated," he said, to be in the United States, in a "brick-and-mortar building with air conditioning, hard floors and running water." This changed when Manning was taken into a darkened room, where several Marines began a verbal onslaught he called a "shark attack."

"Face the bulkhead!" Manning had no idea what a bulkhead was. Marine terms were different from Army terms,

as was also true with rank. A private first class, Manning was now a lance corporal to the Marines. To not know these distinctions was cause for "correction," which meant more attacks. After this harsh indoctrination, Manning could barely think. "Basically, everything I did was wrong," he said.

One of the questions Manning was asked was whether he wanted to commit suicide. It was a fair question: Manning had been put on suicide watch in Kuwait, after making two nooses in his cell. But after talking to a psychiatrist, who put him on anti-anxiety medication, he'd stabilized. Now he felt fine, he told the guards, who didn't seem to believe him. They pressed him about what happened in Kuwait again and again: If you're fine, then why were you on suicide watch?

Finally, after repeatedly trying to answer the questions to their satisfaction, Manning picked up a pen and, with the Marines standing over him demanding he answer conclusively whether he was suicidal, wrote the phrase: "Always planning, never acting." It was sarcastic, he later explained, and maybe a little clueless. It would also define his fate.

The military does not use the term solitary confinement, preferring "administrative segregation" to describe the form of isolation that Manning, because he was deemed a suicide risk, endured. At Quantico, he was installed in a six-by-eight cell with no window or natural light and spent no less than 23 hours per day in an area the size of an exceedingly small closet. Although regulations state that any discipline administered must be "on a corrective rather than a punitive basis," he spent his waking hours, from 5 a.m. until 10 p.m., forced to sit on the edge of his bed, back straight, in what, after many hours, could be seen as a stress position. He was not allowed to lie down or lean his back against the wall. His glasses, without which he couldn't see, were taken away, leaving him to spend the first few days in a fuzzy oblivion. The brig ultimately returned his glasses, but they were his only accessory: Manning was not allowed toiletries or any other possessions; even pen and paper were only given to him one hour per day to write letters. Though he could read, he was allowed only one book or magazine at a time – but never a newspaper – and if he put the book down to rest his eyes, or was spotted not "actively reading," it was taken away.

There were several guards charged with what they called "Manning Watch" and whose instructions were to check on Manning every five minutes, 24 hours a day. Constant observation and frequent interruption were well-worn tactics widely used on detainees in Iraq and Afghanistan, as well as at Guantánamo. "It's sleep deprivation, basically," says Brandon Neely, a former Army MP who was posted at Guantánamo. It was also broadly acknowledged, and condemned, by human rights monitors, as a form of punishment.

At Quantico, these abuses were considered part of "suicide prevention." To ensure he didn't harm himself, Manning had neither sheets, nor a pillow, and had to relinquish his clothes at night. He was required to sleep on his back, with his head facing the observation booth, directly in the path of a florescent light – if he rolled over, or tried to sleep on his side, a guard would correct him. His arms had to remain above the tear-proof "suicide blanket" he was given, which felt like sandpaper. If his arms inadvertently crept under his blanket when he was asleep, the guards would wake him. Once, trying to untangle himself, he got stuck in the oversize-yet-unwieldy suicide smock and needed assistance to get out of it.

For the first five months of his confinement at Quantico, Manning was allowed just 20 minutes a day of "sunshine call," during which he was taken from his cell in full restraints and led either to an exercise yard or a small rec room. There, held up by guards to prevent Manning, who weighs just 105 pounds, from toppling over, he'd walk, very slowly, in a figure-eight pattern. When he was done, he'd be returned to his cell to sit in isolation, for there were never any inmates housed nearby – ostensibly out of concern, one brig official later testified, for other detainees' sense of patriotism.

Soon after arriving at Quantico, Manning began meeting with Dr. William Hocter, the base psychiatrist, who recommended he be taken off suicide watch after a week. Navy regulations specifically state that once a psychiatrist deems a prisoner to no longer be at risk, he or she shall be removed from suicide watch. At Quantico, however, the officer in charge of the brig, Chief Warrant Officer James Averhart, chose to ignore this directive,

later explaining that, in his view, the word "shall" did not mean "right now," but rather "when I'm satisfied." Averhart waited nearly a week to abide by Hocter's recommendation. That August, he took Manning off suicide watch and placed him in "prevention of injury" watch, a status that may be arbitrarily imposed by brig officials without a psychiatrist's agreement. Despite his psychiatrist's continued recommendation that he be taken off, Manning remained on POI for the next nine months.

Manning's downgrading to a POI – or suicide-risk-lite status – gave him a few more privileges. Now, instead of a suicide smock, he had shorts, a T-shirt and flip-flops to wear during the day (though he still had to relinquish all but his underwear at night). Otherwise, his treatment was much the same: Meals were in his cell, on a plastic tray, with a metal spoon. Exercise in his cell, even sit-ups or push-ups, was forbidden, in the fear that he would injure himself. When he showered, a guard stood outside "with a line of sight on me," he said. When using the toilet, in full view of the guards, he had to request his toilet paper in formal Marine fashion: "Lance Corporal Bradley Manning requests toilet paper!"

Hocter was appalled. In his 20-year career treating patients at military and civilian prisons, including Guantánamo, the Navy captain had never seen any detainee held with such unremitting security as Manning, nor had his recommendations ever been so consistently disregarded. "It wasn't good for Manning, and it just wasn't clinically appropriate," he testified. "If they had a specific reason [why] he had to be watched that closely, it wasn't known to me, and it wasn't psychiatric."

Hocter sought a second opinion in Dr. Ricky Malone, a prominent forensic psychiatrist from Walter Reed, who concurred with his conclusions. "I didn't think Manning needed suicide precautions...I saw no reason for safety precautions," he later said. In fact, he added, "If I was treating him in my clinic, I'd only be seeing him one or two times a month." Brig officials thanked the psychiatrists for their "input" and did no more.

If Manning had been a tough fit for the Army, the Marines regarded him as if he were from another planet. Half the size of most MPs, with thick, military-issue glasses that almost swallowed his face, he was an utterly unfathomable nerd who pored over *Scientific American* and kept a stack of books in an adjacent cell, among them George W. Bush's memoir, *Decision Points*, Howard Zinn's *A People's History of the United States*, Carl von Clausewitz's *On War* and two works by Emmanuel Kant. He rarely spoke, but when he did, he launched into soliloquies about evolution and man's use of the brain. He made faces in the mirror. He plucked his eyebrows with his glasses. He played peekaboo. Sometimes, he'd wage what looked like imaginary sword fights with imaginary characters or lift imaginary weights. Sitting on his bed, cross-legged, he'd contort his legs into what the guards seemed to think were uncomfortable, even dangerous, positions that were actually yoga poses. At other times, he danced around his cell as if he were at a rave. Once, to the guards' horror, he even licked the bars of his cell door.

"Dancing is not technically exercise as far as they were concerned," Manning said in court. "Since it wasn't unauthorized, I figured I could do it." His imaginary weight lifting was, he explained, resistance training. Sword fighting was an escape. "I tried to do anything to stay awake," he said. Making faces in the mirror was a regular part of his day. "It was sheer, complete, out-of-my-mind boredom. The most entertaining thing in there was the mirror," he said. "At least you can interact with yourself."

But the MPs, notably Manning's official minder, Master Sgt. Craig Blenis, didn't get that. Manning was too quiet – a sign to Blenis that he might be plotting something. Then there was the issue of his gender. Blenis had intercepted a letter Manning had written in which he'd signed his name "Breanna Elizabeth." That, in Blenis' view, was clearly "not normal."

Stuck in this Kafka-esque labyrinth of psychiatrists who said Manning wasn't suicidal, MPs who insisted he was, and commanders whose only interest, as one senior base official, Col. Robert Oltman, admitted during a heated argument with Hocter, was that Manning not die "on my watch," Manning appealed directly to the classification-and-assessment board to reconsider his status. He was given a hearing, during which Manning's intake statement, "always planning, never acting," was the focal point. Manning tried to explain that he'd felt pressured by the

Marines who were standing over him at the time.

"So you just lied?" The guards were incredulous. Manning stammered that he didn't know if it was a false statement. "I was told to put something down, and I put something down without thinking about it."

"If we can't trust you [were] telling the truth at that time, how can we trust that you are telling the truth now?" one Marine said. "How can we believe what you say, ever?"

By the extreme standards set by the War on Terror, Bradley Manning was not technically "tortured." His treatment – isolation, suicide watch, minimal exercise – was arguably, and unfortunately, not much different from what many prisoners endure throughout the American penal system, including those in pretrial detention. One editorial in the *New York Daily News* made note of this fact – "Hardly waterboarding," the paper said. "Hardly electrodes on the genitals. Hardly beatings. Hardly burns."

The real measure of torture, however, is far more nuanced. Manning was, if not officially, then effectively, in solitary confinement, which is perhaps the most devastating form of torture: designed to break the spirit and punish. By the winter of his incarceration, the lack of sunlight and clothing and ability to lie down or lean back like a normal human being – not to mention the daily humiliation of having to ask permission, in a sense, to publicly go to the bathroom – had taken its toll. His world was his cell. Gradually, Manning began to feel as if he were mentally slipping backward into "that lonely, dark, black hole of a place" he'd been at in Kuwait.

Seven months into his isolation, Manning told Master Sgt. Brian Papakie, the second in command of the brig, "I don't understand. I'm not doing anything to harm myself." And yet his appeals had gone nowhere. He ran down a list of ways he could hurt himself if he really wanted to: throwing himself against the wall, drowning his head in the toilet, jumping up and down until he had a heart attack. He'd done none of these. "If I really wanted to hurt myself, I could use my underwear or flip-flops."

To Manning, the comment was a moment of frustrated sarcasm. But to the Marines who ran the brig, it was a threat. That night, Manning was told to give up his underwear and flip-flops, as well as the rest of his clothes. He spent the night under his suicide blanket, naked.

Manning woke before reveille to find that his clothes, which were usually delivered to him on his feed tray, weren't there. He usually stood for the morning count in his boxers and shower shoes, a blanket wrapped around him. This morning, as even his underwear was missing, he'd have to stand without any clothes at all. He grabbed his blanket and attempted to put it in front of his genitals. "Is that how you stand at parade rest, Detainee Manning?" a guard barked at him.

Manning dropped the blanket and for the next three minutes stood stark naked, feet shoulder-width apart, hands clasped behind his back, facing the entrance to his cell. As the duty brig supervisor made his rounds, Manning snapped to attention. The supervisor stopped, looked at him and moved on. Several minutes later, Manning was given back his prison uniform.

Manning was forced to relinquish his clothes for the next three nights. On March 4<sup>th</sup>, 2011, news of Manning's forced nudity had been leaked to *The New York Times*. When the piece reached the desk of Lt. Gen. Flynn, he felt blindsided. "It would be good to have the leadership have a heads-up on these things before they are read!" he furiously e-mailed Quantico's commander irate. However, Flynn didn't ask that Manning be given back his clothes. None of the senior brass, in fact, seemed concerned with Manning's treatment. From the MPs guarding the brig to officials at the Pentagon, the attitude was, as one former general notes, one of "callous indifference."

This, in many minds, underscores the dangers of officially sanctioned enhanced interrogation techniques. "In my view, the participation of the military in these confinement and interrogation procedures has had a very corrosive effect over time," says Dr. Stephen Xenakis, a retired Army brigadier general and psychiatrist who is a strong opponent of torture and other harsh interrogation practices. "I'm seeing these kinds of gratuitous and

directionless, malicious acts and attitudes for no particular purpose. It shocks me."

The former chief prosecutor of the Guantánamo military commissions, retired Air Force Col. Morris Davis, agrees: "This whole 'gloves off, you're either with us or with the terrorists' attitude that percolated down from the president to the privates on the front lines undermined the foundations of our military." The question today is whether these practices, which Davis notes, "legitimized the unacceptable as the new normal," created a mentality that filtered down to affect other military detention procedures. "It becomes much easier to conduct or condone abusive treatment when you've spent years in an environment where everyone is either an 'us' or a 'them,'" Davis says, "and where 'by any means necessary' is the baseline."

The U.N.'s special rapporteur on torture, Juan Méndez, would ultimately conclude that the U.S. government was guilty of "cruel, inhuman and degrading treatment" toward Bradley Manning. A similar conclusion was drawn by some 250 prominent lawyers, law professors and legal scholars, including Obama's longtime mentor and former adviser, Harvard Law professor Laurence Tribe, who in April 2011 signed a letter published in *The New York Review of Books* denouncing Manning's treatment as "illegal and immoral," violating the Eighth Amendment's prohibition of cruel and unusual punishment, and the Fifth Amendment's ban against pretrial punishment. They also offered a stinging reproach to President Obama, who, they noted, "was once a professor of constitutional law and entered the national stage as an eloquent, moral leader. The question now, however, is whether his conduct as commander in chief meets fundamental standards of decency."

On April 20<sup>th</sup>, 2011, after months of public pressure and negative press, Bradley Manning was transferred to the Joint Regional Correctional Facility at Fort Leavenworth, Kansas, where, after an extensive interview with the base's mental-health counselors, he was placed in medium custody. After nearly a year of isolation, he would serve out the rest of his pretrial detention with inmates to talk to, housed in an 80-square-foot cell, with a large window providing natural light, a bed and a toilet. He was given a mattress, sheets and a pillow. He could write letters whenever he wanted and was given back all of his personal effects: books, clothing, letters, legal materials, pens, paper, toiletry items – including soap, toilet paper and a razor – and his clothes. In December, during her testimony at his pretrial detention hearing, the commander of the Joint Regional Correctional Facility, Lt. Col. Dawn Hilton, stated that since he arrived at Leavenworth, Manning has exhibited no significant mental-health or behavioral issues. She described him as a "typical" detainee.

Manning's pretrial detention hearing last December went on for nearly three weeks. On January 8<sup>th</sup>, 2013, Col. Denise Lind, the military judge who is hearing Manning's case at Fort Meade, ruled that a portion of his treatment at Quantico was "excessive" and did amount to illegal pretrial punishment. Lind gave Manning less than four months off his eventual sentence, but she did not throw out the case as his lawyers had requested. This ruling, though offering a small victory for the defense, served to uphold the government's central argument that whatever Manning may have endured at Quantico was justified in service to the far more important goal of keeping him alive so he could stand trial.

On June 3<sup>rd</sup> of this year, Manning is scheduled to return to Col. Lind's courtroom, where, after repeated delays, he will finally begin court-martial proceedings. Now 25 years old, he will by then have been in detention for more than 1,000 days – long enough, his attorney has argued, for the Empire State Building, which took only 410 days to construct, to be built, torn down and built again. Manning's defense believes that the sheer amount of time he has been in detention violates the speedy-trial rule, an argument that, so far, has gone nowhere. Nor has the defense's insistence that Manning's idealistic intent – not to mention the fact that he had held back truly "sensitive documents," leaking only those he felt would do no harm – be taken into consideration when considering his guilt. The even broader question of whether the documents he leaked should ever have been "classified" at all, a conversation Lawrence Korb, a former assistant secretary of defense, told me is vital for the country to have, will also not be discussed at trial.

Last November, Manning offered to plead guilty to a subset of the charges, effectively accepting responsibility for being the source of the WikiLeaks documents, though not conceding he aided the enemy. Judge Lind has impressed upon the government its burden to prove that Manning knew, conclusively, that he was aiding Al

Qaeda when he leaked the documents. Without this proof, which many legal experts say may be tough to establish, the aiding-the-enemy charge will likely fall apart.

The other charges against Manning, however, will likely stand. The government's case is built on some 300,000 pages of forensic evidence: a gigantic trove that prosecutors say details, down to the minute, Manning's activities. The chat logs between Manning and the entity believed to be Julian Assange – in which the two discuss the procedures for uploading classified materials to WikiLeaks – may be particularly damning in what many believe is a Justice Department campaign to indict Assange for espionage.

Later this year, the American government's long campaign against Bradley Manning will conclude with a probable judgment that will send him to prison for decades, if not for the rest of his life. Like all the hearings before it, his trial will take place under a thick cloak of secrecy, monitored by military censors, with no public access to court documents, and covered by a sparse and largely independent media. The larger news outlets, like much of the American public, have long moved on from the WikiLeaks saga – just as they lost interest in the war whose abuses Manning exposed. On December 18<sup>th</sup>, 2011, the last 500 U.S. troops quietly left Iraq, ending an almost nine-year military engagement.

But for Manning, the war, and its consequences, must live on. "We're human and we're killing ourselves and no one seems to see that," Manning wrote Lamo in one of their online chats. "It bothers me." He then referenced author Elie Wiesel, whose belief that the opposite of love is not hate but indifference hit home. "Apathy is far worse than the active participation," said Manning. "I prefer a painful truth to any blissful fantasy."

## **2 Apr – Daniel McGowan update**

*In the last Updates & Announcements, we included an article by Earth Liberation Front prisoner Daniel McGowan. The article outlined how Daniel was sent to a special unit called a CMU, based on his political writing. Since then, other articles have come out and Daniel has been taken out of the halfway house, put back into prison, and moved again from prison back to the halfway house. All this in the last two weeks. We're including relevant articles and information below.*

### **MORE:**

#### **April 2nd - Environmental Activist, Prosecuted as If He Was Terrorist, Was Held in Isolation for Political Speech**

An environmental activist, who was prosecuted by the Justice Department for engaging in acts the department considers to be terrorism, has found out through a lawsuit of which he is a plaintiff that he was transferred to a prison in Marion, Illinois, and held in isolation for his political speech.

Daniel McGowan, who had a role in arsons at two lumber companies in Oregon in 2001 that were believed to have been committed by the Earth Liberation Front (ELF), was sentenced to seven years in prison in June 2007. The government sought a "terrorism enhancement" when prosecuting him. (His case was profiled in the Oscar-nominated documentary, *If a Tree Falls*.)

He was imprisoned for a year at FCI Sandstone in Minnesota. In May 2008, the government had him transferred from this prison, with much lower security, to a Communications Management Unit (CMU) (or what is known to some as a "terrorism unit") in Marion. In the CMU, he was barred from physical contact with his wife and family members. His phone access was severely restricted with only one to two fifteen minute calls allowed per week. He was not allowed to have contact with prisoners in the general population.

McGowan was transferred out of the CMU in 2010. His wife was able to visit and see him in the general visitation room. However, on February 24, 2011, McGowan was transferred to a CMU in Terre Haute, Indiana. In both transfers to the CMU, virtually no justification was given for why he needed to be moved.

Now, McGowan is in a halfway house finishing out his sentence. He writes in an article at Huffington Post that when he arrived at Marion he was "confused" about where he was and why:

*"...I was given a single sheet of paper called a "Notice of Transfer." It included a few sentences about my conviction, much of which was incorrect, by way of explanation for my CMU designation. I was provided no other information about why the BOP believed I needed to be sent to this isolation unit. Frustrated, I filed administrative grievances to try to get the information corrected, and find out how this decision had been made. When that did not work, I filed a request for documents under the Freedom of Information Act. I got nowhere. The BOP would not fix the information, and wouldn't explain why they thought I belonged in a CMU.*

*So I decided to contact lawyers at the Center for Constitutional Rights, having known their history of strong advocacy on these issues. We brought a federal lawsuit on behalf of myself and other CMU prisoners to challenge policies, practices and our designation to the CMUs. The lawsuit, Aref v. Holder, was filed in April 2010, and challenges the constitutionality of various policies and practices at the CMUs, including the lack of meaningful process associated with designation to the units, and the lack of any meaningful way to "step down" from the units. The lawsuit contends that this lack of transparency and process has allowed people to be sent to the CMUs based on, for example, their protected speech..."*

By way of discovery in the ongoing lawsuit, McGowan uncovered a memo by Leslie Smith, the chief of the Bureau of Prisons' "Counter Terrorism Unit." It catalogs what he was heard saying and shows speech, which the Bureau of Prisons did not approve, is why he was targeted.

*"...While incarcerated and through social correspondence and articles written for radical publications, inmate McGowan has attempted to unite the radical environmental and animal liberation movements.  
[REDACTED]*

*In a letter published on the Portland Independent Media, inmate McGowan described the cooperation with government authorities by his co-defendants and complained about support provided to these cooperating defendants, from the environmental community, for persons who he claimed were responsible for the, "betrayal of (their) friends and allies."..."*

The Bureau of Prisons paid close attention to statements he made about "errors" the movement had committed in the past when engaged in direct action:

*"...On direct action, inmate McGowan stated such tactics may not be the best option, but often have the most desired effect and detailed his support for such actions by members of the community. Regarding direct action, inmate McGowan stated: "We need to have serious conversations about whether militancy is truly effective in all situations. Certainly, direct action is a wonderful tool, but from my experience, it may not be the most effective one at all times or in all situations." "In some instances, direct action is the most effective tactic." "Actions that are understood by the public and seen as logical can have a positive impact on pre-existing campaigns and struggles." "Despite the fact that my particular case is over, it's imperative that we discuss tactics and strategies in a way that people can actually hear and listen to what each other is saying."..."*

It is all benign and none of it should justify further penalty in prison.

McGowan notes in his Huffington Post article that in prison he was "eager to stay involved in the social justice movements I care about." He "continued to write political pieces, some of which were published on Huffington Post's website." No one in the BOP ever told him he needed to stop his writing nor was he informed that he was "violating any rules." He was put into conditions that amount to solitary confinement without any warning.

If one looks at the memo, one can see details of "crimes" McGowan committed. This is all information that should have been litigated in court during his sentencing. Outside of judicial review, the Bureau of Prisons imposed additional restrictions on McGowan and used what he had pled guilty to committing in order to justify those restrictions.

In another memo marked "sensitive but unclassified" from Smith, one can see why McGowan was re-designated for a CMU in 2011.

*"...During his six month step-down from the CMU program, on January 30, 2011, inmate McGowan directed his wife, Jenny Synan, to circumvent inmate communication monitoring by having documents mailed to the institution under the guise of attorney-client privileged communication (special/legal mail). Specifically, during a telephone conversation, inmate McGowan and his wife discussed the unauthorized release of Counter Terrorism Unit reports to the public through the website [PublicIntelligence.net]. These reports, which contained the label, "Unclassified // For Official Use Only / Law Enforcement Sensitive," were obtained without the approval of the Bureau of Prisons, contained law enforcement information relating to intelligence gathering and investigations, and were released to the public without authorization. [REDACTED]..."*

In other words, McGowan talked about leaked reports and he should not have.

Smith also reports McGowan had "specifically and directly instructed his wife to facilitate the attempted introduction of these documents into the institution by circumventing monitoring through the use of legal mail from an identified attorney." This was because McGowan wanted to "evaluate the original reports for himself."

This same memo also claims McGowan's communication—speech—demonstrates he still supports "anarchist and radical environmental terrorist groups" and desires to "remain in an influential and leadership position among these groups." That is, they are "terrorist groups" because they have been designated as such by the US government and not necessarily because the militant direct action or property damage they engage in actually amounts to "terrorism," as no persons are typically ever physically harmed or killed. The actions are acts of vandalism punishable in a court of law, but whether they are terrorist acts is exceedingly questionable.

As McGowan declares, "The federal government may not agree with or like what I have to say about the environmental movement, or other social justice issues. I do not particularly care as the role of an activist is not to tailor one's views to those in power." Additionally, "Aref v. Holder contends, everything I have written is core political speech that is protected by the First Amendment. It may be true that courts have held that a prisoner's freedom of speech is more restricted than that of other members of the public. But no court has ever said that means that a prisoner is not free to express political views and beliefs that pose no danger to prison security and do not involve criminal acts."

Both of the memos fail to report specific criminal or violent acts that McGowan might have been advocating be committed. Nor do they draw a link between his writings and any acts committed while in prison.

CMUs are used by the Bureau of Prisons to disproportionately target Muslim inmates, particularly those in prison on non-violent material support for terrorism charges. In fact, the Center for Constitutional Rights (CCR) is arguing his case along with Yassin Aref, who was transferred to a CMU after he told fellow prisoners during group prayer they were sent to a "psychologically abusive unit because they were Muslim" and should "'stand firm, stand strong, to stand steadfast' even though the CMU is 'a hard place.'" There was no warning or finding he had violated prison rules with these remarks yet Smith recommended he be put in isolation for his speech.

It is estimated, according to CCR, that 72% of the population at the Marion CMU is Muslim, 1,200% "higher than the national average of Muslim prisoners in federal prison facilities." The Terre Haute CMU population is "approximately two-thirds Muslim," an overrepresentation of 1,000%." These statistics include African Americans who have converted to Islam and prisoners who are of Middle Eastern descent. They show the war on Muslims is not limited to racial profiling, warrantless surveillance and preemptive prosecutions but also include a sinister form of punishment, where they are isolated for indefinite periods for engaging in freedom of speech that condemns the prison or other US government agencies and policies.

As McGowan concludes from experience, "It is becoming increasingly clear that the [Bureau of Prisons] is using these units to silence people, and to crack down on unpopular political speech. They have become units where the [Bureau of Prisons] can dump prisoners they have issues with or whose political beliefs they find anathema. In the months that come, with CCR's help, I hope to prove that in court and show what is happening at the

CMUs. This needs to be dragged into the sunlight.”

#### **April 4<sup>th</sup> - Daniel McGowan Back in Prison**

We got word late yesterday that Daniel McGowan was told he wouldn't be issued a pass to go to work the next day. According to his keepers at the halfway house, this denial came at the direction of the Bureau of Prisons (BOP). When he followed up, Daniel was told that it wasn't merely a denial of a work pass, but a restriction on all movement. When asked if that meant federal marshals were coming to get him the next day, the halfway house administrators told him they didn't know.

The state, and its for-profit halfway house minions, were clearly in collusion. This is just another way that opacity is used to mindfuck folks left to twist in the wind, not knowing what the future holds.

From our understanding, the reason for his re-imprisonment is directly related to an article Daniel recently wrote for the Huffington Post. An attorney with the Center for Constitutional Rights has been to visit Daniel at the Metropolitan Detention Center in Brooklyn. Once we know more, we'll pass the information on.

UPDATE (5 Apr): Thanks to some great work by Center for Constitutional Rights (CCR) attorneys Alexis Agathocleous and Rachel Meeropol, the Bureau of Prisons (BOP) blinked and have allowed Daniel McGowan to return to the halfway house. Make no mistake, without media coverage, radical attorney intervention, and the attention from folks on the streets, all over the world, Daniel would still be at MDC and would likely have spent the remainder of his sentence there. Through negligence, ignorance, or malevolence (or, as we presume, a mix of the three), the BOP targetted Daniel with an outdated regulation that has been struck down by the court as unconstitutional and allegedly removed from the BOP in 2010. Maybe they thought no one would notice.

While Daniel is going back to the halfway house, if you haven't already seen it, you should watch this news report <<http://j.mp/15g6CyQ>>. The reporter for the Huffington Post puts it best: “Absolutely, this story is crazy.”

#### **April 4<sup>th</sup> – Daniel McGowan Jailed, Allegedly For Writing Huffington Post Blog**

The federal government on Thursday jailed Earth Liberation Front activist Daniel McGowan in response to an article he wrote for The Huffington Post, his wife Jenny Synan said. The HuffPost story, which was published April 1, charged the Federal Bureau of Prisons, citing documents McGowan had obtained, with transferring him to a high security prison unit in order to restrict his political speech during his incarceration.

Synan told HuffPost that she asked a BOP official why her husband had been re-imprisoned after his release to a halfway house in December. She said the official told her that the HuffPost article violated a term of his release that restricted him from interacting with the media.

Synan expects the BOP to keep her husband locked up until the official end of his seven-year sentence in June. His 38th birthday, she said, is next month. "We were thinking, 'Oh my God, first birthday home!'"

McGowan's attorney, Rachel Meeropol of the Center for Constitutional Rights, confirmed that McGowan was taken from a Brooklyn halfway house Thursday morning and brought to the Metropolitan Detention Center. She said she believed but had not yet confirmed that McGowan's jailing was connected to his recent blog post.

"Needless to say, this is outrageous," she said. "I've never heard of a regulation limiting an individual from blogging or contacting the news media."

The Center for Constitutional Rights released a statement Thursday afternoon about McGowan being re-incarcerated:

*We have received information that this was triggered by an opinion piece he published on the Huffington Post Monday, and we are currently trying to confirm this and learn more about the situation. We were unable to meet with him today because, we were informed, he was being processed. We will seek to meet*

*with him tomorrow and follow all avenues to secure his release. The name of the piece is "Court Documents Prove I Was Sent to Communication Management Units (CMU) for My Political Speech." If this is indeed a case of retaliation for writing an article about the BOP retaliating against his free speech while he was in prison, it is more than ironic, it is an outrage.*

McGowan pleaded guilty in 2006 to federal charges of arson and conspiracy to commit arson, for fires linked to the animal rights group Earth Liberation Front. Between 2008 and 2010, he served time in the Communication Management Unit (CMU) at the U.S. Penitentiary in Marion, Ill. Prisoners in the unit, which has been dubbed "Little Guantanamo" by critics, are isolated from other prisoners and severely restricted in their contact with their families.

The Center for Constitutional Rights is challenging the Bureau of Prisons' use of CMUs as part of a federal lawsuit. A recently released court document revealed that McGowan was apparently transferred to the CMU at least in part because of his communications with the outside world.

"While incarcerated and through social correspondence and articles written for radical publications, inmate McGowan has attempted to unite the radical environmental and animal liberation movements," the internal memo states.

"In short, based on its disagreement with my political views, the government sent me to a prison unit from which it would be harder for me to be heard, serving as a punishment for my beliefs," McGowan wrote in his blog post.

Synan noted the irony that the BOP, by jailing him for speaking out, had proven her husband's point. "They already have a lawsuit against them for things like this," she said. "He just posted his thing a few days ago about all this stuff -- about his political beliefs and speech -- and they do something to him because of his post about this. It's crazy."

The Bureau of Prisons did not immediately respond to a request for comment on McGowan, but national spokesman Chris Burke said that under a general media policy, "inmates cannot do interviews without permission. So if there's some sort of a phone interview or a sit-in interview, those have to be pre-approved."

But Stuart Whatley, executive blog editor at The Huffington Post, said blog posts cannot be compared to interviews.

"The HuffPost blog is a platform for contributors to share opinion, commentary and their thoughts on any topic of their choosing," Whatley said. "As our guidelines explicitly state, 'you can write about anything you want. Huffington Post does not select or approve your topics.'"

McGowan previously wrote for HuffPost in 2009 while imprisoned in the "U.S. Gitmo" unit.

UPDATE: Friday, April 5 -- Daniel McGowan has been returned to his halfway house after his lawyers confirmed that he had been jailed for his HuffPost blog.

#### **April 8<sup>th</sup> - BOP Invents Special Restriction for Environmental Activist Daniel McGowan: No Publishing Articles**

Today, attorneys for activist Daniel McGowan at the Center for Constitutional Rights released the following update on his situation:

Daniel McGowan is back at the halfway house where he has been residing after a week that was by turns difficult, disturbing and ridiculous. To recap: on Monday, April 1, Daniel published an opinion piece on the Huffington Post titled "Court Documents Prove I Was Sent to Communication Management Units (CMU) for My Political Speech." On Thursday, April 4, Daniel was picked up by U.S. Marshals from the halfway house and taken into custody at Metropolitan Detention Center in Brooklyn. He was issued an "incident report" indicating that his Huffington Post blog post violated a BOP regulation prohibiting inmates from "publishing under a byline." The BOP regulation in question was declared unconstitutional by a federal court in 2007, and

eliminated by the BOP in 2010. On Friday, April 5, after we brought Daniel's unjust detention to the BOP's attention, he was released from MDC, and the incident report was expunged.

That same day, Daniel was provided with a list of prohibited activities by halfway house staff, which he was required to sign. The list forbids him any media contact without BOP approval, though BOP regulations only require preapproval of in-facility interviews. It also prohibits him from publishing any writing of his own without prior BOP permission. As far as we know, this is a made-up rule applied only to Daniel, in a further attempt to chill his freedom of speech.

McGowan, who was released from prison in December and is serving out the last six months of his sentence at a halfway house, is a plaintiff in a Center for Constitutional Rights lawsuit, *Aref v. Holder*, challenging the constitutionality of the federal Bureau of Prisons (BOP) experimental Communications Management Units (CMUs) where he was kept for four years. New documents uncovered in the case indicate he was placed in these highly restrictive experimental units as retaliation for his political writings on current events and issues while he was in prison.

*Aref v. Holder* challenges the violation of prisoners' fundamental constitutional rights, including the right to due process. Attorneys say that because transfer to CMUs are not based on facts or discipline for infractions, a pattern of religious and political discrimination and retaliation for prisoners' lawful advocacy has emerged. Daniel McGowan recently amended the complaint to include claims of retaliation for First Amendment protected speech.

#### **9 Apr - Daniel McGowan Forbidden From Publishing Articles Without Permission**

After more than seven years, the stack of dehumanizing and seemingly unconstitutional interactions between Daniel McGowan and the American prison system is now piled so high it is teetering over into a recursive mess of bleak and Kafkaesque absurdity.

Last Monday, McGowan published a piece on the Huffington Post that laid out much of his situation to date. After years in prison for his role in environmentally motivated property destruction that was prosecuted as acts of terrorism, he wrote, he was finishing up the remaining months of his sentence in a halfway house in Brooklyn.

The various perversions of the case that sent McGowan away are well documented in the documentary (streaming on Netflix!) *If a Tree Falls: A Story of the Earth Liberation Front*. But, as McGowan wrote, less publicized is what happened to him a year into his prison term: Despite a flawless disciplinary record, McGowan was transferred to an experimental new Communications Management Unit, a supermax-like extreme-isolation facility some have dubbed a "Little Guantanamo."

Why was McGowan transferred to a CMU? He never got a good answer to that question, even after a Freedom of Information Act request, so, along with other CMU inmates, he filed a lawsuit challenging the constitutionality of the CMUs and alleging that they are effectively political prisons designed to silence the voices of people whose message the government doesn't like. As it turned out, McGowan was right: Bureau of Prisons memos discovered through the lawsuit appear to link his transfer to the CMU to the fact that he continued to write things the government found politically objectionable.

"While incarcerated and through social correspondence and articles written for radical publications, inmate McGowan has attempted to unite the radical environmental and animal liberation movements," one memo states, before dilating on other political statements McGowan made in interviews and his own writing.

McGowan wrote about all of this in his Huffington Post piece last Monday. Two days later, the staff at the halfway house to which he had been assigned told him that his work permit had been revoked on order of the Bureau of Prisons. The next morning, federal marshals arrived and brought him to the Metropolitan Detention Center. Once there, he was presented with a document explaining that he had violated the terms of his release to the halfway house. Specifically, the incident report stated that McGowan had violated a prison regulation that

stated "an inmate currently confined in an institution may not ... act as a reporter or publish under a byline."

That's right: McGowan was sent back to jail for writing about how he'd been imprisoned in a CMU for writing things.

There's more: The regulation that the Bureau of Prisons cited to justify returning him to jail had actually been declared unconstitutional by a federal court in 2007, and the Bureau of Prisons had finally taken it off the books in 2010. McGowan's lawyers mentioned this to the bureau and to the lawyers representing the government in his lawsuit, and he was re-released to the halfway house on Friday.

But that's not the end of it. Back at the halfway house, staff presented McGowan with a document and directed him to sign it. The document stated that "he is not permitted to have any contact with the media without approval from the BOP's Residential Reentry Manager. Accordingly, Resident McGowan was advised that writing articles, appearing in any type of television or media outlets, news reports and or documentaries without prior BOP approval is strictly prohibited."

It's worth noting that McGowan hadn't been asked to sign this document when he first arrived at the halfway house, nor, as far as his lawyers can tell, has anyone there been asked to sign it. In fact, there's nothing in the Bureau of Prison's published media policy that requires pre-approval before publishing anything.

"There is no national prohibition on publishing," Chris Burke, a spokesman for the Bureau of Prisons, confirmed this afternoon.

"I thought I had lost my ability to be surprised by what the Bureau of Prisons does years ago," said Rachel Meeropol, a lawyer with the Center for Constitutional Rights who's representing McGowan. "But restricting an individual's freedom of speech in this manner is truly surprising. It's beyond ironic that Daniel was retaliated against and returned to prison for publishing a blog about being retaliated against for speaking out in prison."

#### **April 10<sup>th</sup> - Bureau of Prisons Backtracks, Again, On Daniel McGowan**

The latest twist in the saga of Daniel McGowan, an environmental activist who was convicted of arson linked to the Earth Liberation Front, has his lawyer exasperated with the Bureau of Prisons, which is now conceding it cannot stop him from blogging for The Huffington Post.

McGowan was taken from his Brooklyn halfway house by marshals and put in jail last week in response to a blog post he wrote that was critical of the Bureau of Prisons. After his lawyers complained that his rights were being infringed upon, he was re-released to the halfway house where he had been serving out the final months of his term.

But there was a twist: Upon being released, McGowan was forced to sign a document stating that "writing articles, appearing in any type of television or media outlets, news reports and/or documentaries without prior BOP approval is strictly prohibited." Violating that agreement, which he signed under duress, might mean going back to jail.

It was, said Rachel Meeropol, his lawyer at the Center for Constitutional Rights, a form of "fast and loose retaliation."

When HuffPost contacted the Bureau of Prisons' regional office in Philadelphia, however, they quickly backtracked on the agreement.

"He's not prohibited from doing that, and we're going to address it with the (halfway house) contractor," said Lamine N'Diaye, a BOP public information officer. If McGowan wrote another HuffPost blog today, said N'Diaye, "he's not going to be punished."

The BOP's new position may be on firmer legal ground than the contract McGowan was forced to sign: as the CCR pointed out when they fought for his rerelease, a federal judge ruled in 2007 that attempts to prohibit inmates from writing articles under their own byline are unconstitutional.

"This chain of events is so ridiculous, it is almost laughable," said Meeropol. "What is sobering, however, is the impact of these repeated 'mistakes' -- a dedicated activist is being chilled from sharing important information with the public in violation of the First Amendment and the Bureau of Prison's own regulations."

### **2 Apr - April 2013 Communiqué from Jason Sutherlin**

*One of the Tinley Park Five, Jason Sutherlin, has written a public letter that we're happy to share.*

#### **MORE:**

Friends & Comrades,

As a community and as individuals you never stop amazing me. The support and solidarity I have felt from all of you is nothing less than overwhelming and amazing. I have been receiving a steady stream of mail and books since being placed in my current institution. Y'all are bad asses! To all my birthday well wishers and all of you who decided "/b/ my valentine", I love you all.

To everyone who just writes to let me know I'm supported and remembered, either at letter parties or on your own, thank you. I love your letters and appreciate each one. Whether you are telling me about your pets, passions, interests, views, hopes, trumpets, or arm wrestling tactics (that wrist thing is cheating btw)... I find them all interesting and often hilarious. I am unable to respond to all of you every time, but I want you all to know I value every word and you make my week every time I get a letter. Also I am not able to send letters out of the US right now. I do want to send some love to Queensland, Australia. Your letter was awesome and I wish I could write back. Much love to the French Resistance and a certain comrade in Germany. You're rad K.

So I feel as though only the Cook County Jail could ever make a person "ready to get to prison." Needless to say my conditions have greatly improved. I can purchase stuff like dental floss. I can workout. And I now have a walkman. Yes. A real walkman with real, or should I say, reel tapes. I am probably the only person in any prison with a Bjork tape! I'm also in classes which helps pass my time and I can earn days off my sentence. I have been treated professionally and the same as every person around me.

So before I close I want to touch on a subject that has come up over and over again in radical circles and radical causes. It's time to ask yourself some hard questions when thinking about taking direct action. Are you prepared to be locked up? Are you willing to stay locked up to protect your comrades and community? Solidarity is a gift and a responsibility. Please ask yourself and be honest. If you don't believe you can commit to the safety of your comrades and community, take a different path. We can all use the skills we have in the ways we are comfortable. There is so much work to do. So many ways to push for the world we hope to see. Please be safe, think tactically, and keep standing for what you know to be right.

I want to close with love and thanks to all of you. You all give me hope and remind me that some people actually care and that not everyone is a racist, sexist, homophobe... just most of the people that surround me at this moment in time. I still have hope for so many reasons and all of you contribute to that.

I want to publicly thank all my hometown heroes and all the folks holding down rad bookstores from North Carolina to Indiana to Sacramento working on prison support. To my own "dream team" doing research on how to mitigate the damage of mass incarceration and to my own light, who guides me everyday. I would be lost without you. To my crew, love y'all to death! I'll be home before too long.

### **3 Apr - xVx What It Means To Me xVx by Walter Bond**

*Animal Liberation Front prisoner Walter Bond has written a new article, focusing on the intersection of veganism and freedom from alcohol and illegal drug use.*

**MORE:**

Drug and alcohol use is a waste of time, energy and life. Drug and Alcohol Abuse leads to habituation and addiction which is the antithesis of liberation. Most serious revolutionary groups and individuals of the past had provisions or stipulations against the consumption of intoxicants. Groups such as the Black Panther Party for Self-Defense and the American Indian Movement are two shining examples of this. Malcolm X once said “Every time you break the seal on a liquor bottle that’s a government seal you are breaking.” How right he was.

Drugs and drink have been a tool of governments to decimate native cultures and racially eradicate them. In short it has been a very effective tool of genocide. Knowingly and intentionally. Hard drugs such as heroin and cocaine have been used to pacify nearly any movement the government views as subversive. The large and worldwide production of the illegal drug trade works hand in glove with law enforcement, state and government authorities and police more than many people care to realize.

The legal industrial drug complex cranks drugs out as quickly as they can be dreamed up by mad scientists and greedy producers for everything from depression and anxiety to toe nail fungus and limp dick, with absolutely no way of knowing long term side effects to their consumers or their genetic effects on the next generation. The industrial drug complex ensures that those that resist the addictions from illegal street drugs and the liquor bottle will eventually succumb to the doctor, bought and paid for by Astra Zeneca.

Drugs both legal and illegal fuel funding for millions of experiments done on Animals annually. From addicting primates to methamphetamine, to inducing depression in beagles by way of torture and isolation. All this solely to record the results of anti-depressants. This sinister and vicious industry of drug abuse funds the sinister and vicious business of vivisection. Along with the drunk driver that mows down pedestrians while being asleep at the wheel. We also have the enormous amount of domestic violence due to raging alcoholism. Child abuse, rape, molestation and murders which happen in staggering numbers and have direct correlations to addictions in the home. How nice to know that the government distills predatory violence with every bottle it produces. And that women and children get to suffer heinously for the inebriation of drunken men.

Because of all this, and so much more I assert that Vegan Straight Edge as a lifestyle is essential for the individual, for our communities and the planet. What many frame as abstinence is really the practice of self-liberation. Freedom from addiction is literally freedom from one of the most vicious forms of slavery every seen on the face of Mother Earth!

Vegan Straight Edge, in my definition is: Veganism in our diet and consumption, coupled with the ethical belief that Animals exist for their own autonomy instead of human ends. It is also a rejection of inebriation and all recreational drug use from our personal lives. And lastly it is a stand against sexual exploitation in all its forms. On top of this it is a commitment taken for life.

For the uninitiated that have not heard of Straight Edge, or Vegan Straight Edge a cursory glance at the internet on the subject will lead to videos of hyper masculine ‘dancing’, punk/metal music bands and a host of clothing, slogans and graphics. While this is in part, ‘the scene’, and the fashion trend that Vegan Edge has, and does grow through. It’s the message and way of life that is the substance, not the music and fashion, don’t get it twisted.

With many Vegan Edgers aging away from the scene it’s important to make this distinction, so that the vsXe kids out there can learn from our experience, instead of us trying to keep up with theirs. And in the process turning into those creepy old people that don’t realize they look ridiculous in skinny jeans and anime hairdos. But by no means do I discount the power that the vsXe scene has had, and still does. For so many kids, myself included it showed us a way to empower ourselves and fight for what’s positive. It took many of us out of the quagmire and filth of addiction right when we were on the verge of disaster.

Vegan Straight Edge, means everything to me. It’s not the music, it’s not the tattoos and it’s not the camaraderie

that makes Vegan Edge as close to me as my own heart beat. All these things have their place but when the show is over, when the tattoos begin to fade and blend together and when friends come and go, it's the way we live our lives that over time forms the people we are. It's the things we do and refuse to do, that define us. Vegan Edge shrinks the gap between rhetoric and reality. It's not a school of thought and it's not a belief (although both have evolved from it). It's an attempt to try and make this world a more peaceful and just place in an aggressive and forthright manner. Starting with ourselves and reaching in ever wider circles to the world around us. Building scenes and a community worldwide. Screaming our manifestos as anthems to crowds of ourselves that scream them right back in our faces. To the outside world it looks like a mosh pit or a hardcore punk concert, but for us it is not just a show, it's an affirmation.

Unfortunately for many it's an empty fad. A phase that changes right along with musical tastes. Realizing that a lifetime commitment to veganism, drug free living and the refusal of sexual exploitation is at times difficult or cuts into ones hedonistic idea of fun, the substance soon gets discarded by the wayside. For these people that talk of Vegan Edge as their salad days long after they have shit all over everything they once proclaimed to hold so true never were Straight Edge at all. And I have no ear, or patience for tales of their Straight Edge days. Anymore than the throngs of used to be Vegans who proclaim that they had to quit being Vegan because 'It just wasn't right for my body type'.

Interconnectedness is a two way street. It's nobodies right to poison their (our) children, community, environment or endeavors with the essence of oppression, the essence of greed and the essence of consumerism. How odd it is as anarchists to be so vexatious against brand names, advertising and capitalist economy but then sit down with a fucking red white and blue beer can and get drunk on the same shit that whites use to kill the indigenous nations of the Earth! How odd as a Vegan to care so deeply about the inherent rights of an ant or mosquito, but then smoke a joint that feeds a direct consumer link to cartel violence that enslaves whole cities and providences of Latinos for the drug lords reign! Give me a fucking break!

In the final analysis, no one lifestyle, individual or tactic is all encompassing. We all take part daily in the atrocity of mass locust society. But that is not an excuse to just throw our hands in the air and join in the spectacle of insanity that is technologically advanced civilization. Perhaps we are not in a situation to save the world from capitalism, consumerism, Animal, Earth and Human exploitation in the present. Perhaps we cannot usher in an age of Total Liberation tomorrow. But we can save ourselves on a case to case basis, we can empower ourselves in thought word and deed. No matter who we are, or where we are. We can 'scream for change', 'make a change', and be a 'force a change'. In our lives and the lives of those around us. By remaining Vegan For Life and living our One Life, Drug Free!

#### **4 Apr - Dick Gregory will Fast until Lynne Stewart is Freed**

*Dick Gregory issued a declaration on April 4<sup>th</sup>, on the anniversary of the assassination of Martin Luther King, Jr., that "I shall refuse all solid food until Lynne Stewart is freed and receives medical treatment in the care of her family and with physicians of her choice without which she will die."*

#### **MORE:**

The 73-year-old Stewart, a renowned criminal defense attorney, is suffering from Stage 4 cancer. Gregory, known for his social activism as much as his for comedic wit and political commentary, has taken this step to reinforce the worldwide petition in support of Stewart's application for compassionate release. Over 6,000 people, including Archbishop Desmond Tutu and Pete Seeger, have signed to date with the numbers growing by the minute.

As a criminal defense lawyer for over 30 years, Lynne Stewart defended the poor, the disadvantaged and those targeted by the police and the State. Such has been her reputation that judges assigned her routinely to act for defendants whom no attorney was willing to represent. One of these was the blind Egyptian cleric Sheikh Omar Abdel Rahman, who Stewart represented with co-counsels former Attorney General Ramsey Clark and Abdeen Jabara.

In 2002, Lynne Stewart was targeted by then-President George Bush and Attorney General John Ashcroft for providing a vigorous defense of her client. She was charged with conspiracy to provide material support to a terrorist activity after she exercised both her and her client's first amendment rights by presenting a press release to a Reuters journalist.

In 2006, while the Department of Justice demanded a 30-year sentence, Judge John Koetl, handed down a 28-month sentence noting: "By providing a criminal defense to the poor, the disadvantaged and unpopular over three decades, it is no exaggeration to say that Ms. Stewart performed a public service not only to her clients but to the nation."

That sentence, however, was not to stand as the Second Circuit Appellate Court, withdrew Lynne Stewart's bail - even though her case is still before the courts - and remanded the case back to Judge Koetl with the harsh demand that he revisit his sentence and issue a severely enhanced one. On July 15, 2010, Judge Koetl increased Stewart's sentence from 28 months to 10 years imprisonment. This has become a virtual death sentence for Lynne Stewart.

As Gregory so eloquently states: "The reason for the prosecution and persecution of Lynne Stewart is evident to us all. It was designed to intimidate the entire legal community so that few would dare to defend political clients whom the State demonizes and none would provide a vigorous defense. It also was designed to narrow the meaning of our cherished first amendment right to free speech, which the people of this country struggled to have added to the Constitution as the Bill of Rights."

#### **April 4<sup>th</sup> - Declaration by Dick Gregory**

I hereby declare on this day commemorating the life and sacrifice of my friend and brother in struggle, Dr. Martin Luther King, Jr., that in the spirit of his moral legacy, I demand the immediate release from prison of the legendary lawyer Lynne Stewart, who devoted her entire professional life to the poor, the oppressed and those targeted by the police and a vindictive State.

I further declare that from this day forth, I shall refuse all solid food until Lynne Stewart is freed and receives medical treatment in the care of her family and with physicians of her choice without which she will die. There is no time to lose as cancer, which had been in remission, has metastasized since her imprisonment. It has spread to her lymph nodes, her shoulder and appears in her bones and in her lungs. A criminal defense attorney in New York for over 30 years, Lynne Stewart's unwavering dedication as a selfless advocate was acknowledged by the community as well as judges, prosecutors and the entire legal profession. Such has been her reputation as a fearless lawyer, ready to challenge those in power, that judges assigned her routinely to act for defendants whom no attorney was willing to represent.

In 2002, Lynne Stewart was targeted by then-President George Bush and Attorney General John Ashcroft for providing a vigorous defense of her client, the blind Egyptian cleric Sheikh Omar Abdel Rahman. She was charged with conspiracy to provide material support to a terrorist activity after she exercised both her and her client's first amendment rights by presenting a press release to a Reuters journalist. She did nothing more than other attorneys, such as her co-counsel former Attorney General Ramsey Clark, have done on behalf of their clients.

The reason for the prosecution and persecution of Lynne Stewart is evident to us all. It was designed to intimidate the entire legal community so that few would dare to defend political clients whom the State demonizes and none would provide a vigorous defense. It also was designed to narrow the meaning of our cherished first amendment right to free speech, which the people of this country struggled to have added to the Constitution as the Bill of Rights.

The prosecution and imprisonment of Lynne Stewart is an ominous threat to the freedom, rights and dignity of each and every American. It is the agenda of a police state.

I ask you to join with me to demand freedom for Lynne Stewart. An international campaign has been launched with a petition that supports her application for compassionate release. Under the 1984 Sentencing Act, the Bureau of Prisons can file a motion with the Court to reduce sentences "for extraordinary and compelling reasons." Life threatening illness is foremost among these and Lynne Stewart meets every rational and humane criterion for compassionate release.

Join with me, Archbishop Desmond Tutu, Pete Seeger and 6,000 other people of conscience throughout the world who have signed this petition to compel the Warden of the Federal Medical Center, Carswell and the Director of the Bureau of Prisons to act. Act now. There is no time to lose.

The petition can be found online at the Justice for Lynne Stewart website: [www.lynnestewart.org](http://www.lynnestewart.org)

#### **4 Apr - The USA vs. Leslie James Pickering**

*Former Earth Liberation Front spokesperson Leslie James Pickering recently found out that he and his family have been under close surveillance due to their political beliefs and activity. This article is a good reminder of the links the state will go to unnerve and keep off balance those who refuse to be quiet.*

#### **MORE:**

[From *ArtVoice*]

Last August, Leslie James Pickering received unsettling news from an old acquaintance he'd known in Portland, Oregon, where both had lived in the 1990s. Pickering's friend, now living in the Southwest, had received a phone call from two men who identified themselves as agents in the FBI's Buffalo field office.

The agents asked Pickering's friend about his character—what she thought of him as a person. Was he capable of influencing or even manipulating people? They asked her about Pickering's activities in Portland, where Pickering and a partner, Craig Rosebraugh, were founders of the North American Earth Liberation Front Press Office. NAELFPO received and disseminated to the media anonymously delivered communiques from Earth Liberation Front, or ELF, a radical environmentalist group that was, at the time, waging a campaign of property destruction against corporations they considered to be exploiting and destroying the planet's ecosystems. Though he was never a member of ELF, Pickering was a sympathizer and had been a participant in demonstrations against the same kind of activities and institutions that ELF targeted.

The FBI agents asked Pickering's friend if he might have been involved in purported ELF activities in Pennsylvania in the late 1990s and early 2000s. By that time, Pickering had resigned from NAELFPO and returned to Western New York, where he was raised.

The agents asked her to steer them toward others who knew Pickering and maybe didn't like him very much. Is he a loner? An extremist? It seemed, she told Pickering, as if they were creating a personality profile, and trying to figure out what he might be up to today.

What Pickering is up to today is not a mystery. Currently, Pickering is co-owner of Burning Books, a shop on Connecticut Street in Buffalo, where the shelves are filled with histories of radical movements in the US and elsewhere, and stocked with periodicals tracking ongoing human and animal rights campaigns. The store has become a popular stop for activists and authors on lecture tours of the country, and frequently hosts screenings of social justice documentaries and workshops for aspiring activists. (Upcoming events, for example, include a talk by Scott Crow, a founder of the Common Ground Collective, which provided relief to victims of Hurricane Katrina, and himself the target of a decade-long federal investigation, as well as a talk by Rachel Wolkenstein, attorney for Mumia Abu Jamal.) Pickering also writes books: He wrote a biography of Vietnam-era revolutionary Sam Melville, who died in the 1971 Attica uprising, as well as a history of ELF's activities in the Pacific Northwest; he is the editor of an account of the RNC 8, activists charged as terrorists for planning to protest the 2008 Republican National Convention. He gives talks about his books and about his experience as a press liaison for ELF. He is raising a family on Buffalo's West Side.

When Pickering learned of the FBI's phone call to his old friend, he contacted Artvoice and asked what we thought he should do. We, in turn, called the FBI's Buffalo field office to ascertain if the men were indeed FBI agents. None of the four messages we left were returned. This seemed unusual to me: In my experience with the field offices in Buffalo and Pittsburgh, FBI press officers have been quick and even cheerful about returning my calls, perhaps because the FBI's policy is not to comment on much of anything: They will not comment on ongoing investigations, and will not acknowledge whether an investigation even exists. What harm in fielding questions if the response is almost always "no comment"?

So, in collaboration with Pickering and his attorney, Michael Kuzma, we prepared to file a request under Freedom of Information Act for all materials the US Department of Justice had related to Leslie James Pickering, to see if some current investigation was underway.

As we were preparing the request, Pickering discovered a curious piece of paper in his mailbox: a handwritten note indicating that, between August 16 and September 14, 2012, the outsides of all first-class letters and parcels sent to his address were to be held and copied before they were delivered. This is called a "mail cover"; it's a method for federal investigators to track who is corresponding with the subject of an investigation.

Pickering wasn't sure if the note had been left accidentally or on purpose; if on purpose, he couldn't decide if someone was giving him a heads-up or deliberately making him feel nervous.

So we decided to send a FOIA request to the US Postal Service, too, asking for the same thing: all records on file related to Leslie James Pickering.

Both these FOIA requests were filed in mid-September. Six months later, neither has been satisfied. After acknowledging receipt of the requests, both the DOJ and the USPS have been silent. Appeals of their failure to respond have been ignored so far, too.

Pickering is accustomed to paying a price for his association with radical activities, particularly his affiliation with ELF, several members of which eventually went to jail. (Pickering was interviewed for the 2011 Oscar-nominated film about ELF, *If a Tree Falls*, which describes the rise and dissolution of the group.) He and his family cannot cross the border to Canada, for example, because his name is on a federal watch list.

The call to his former acquaintance and the mail cover seemed different—a renewed and heightened interest in his current activities that borders on harassment. Last month, Pickering took his family to California for vacation. On the flights there and back, he was taken aside by airport security for additional questioning and inspection.

But wait, there's more.

Kuzma, who is preparing to file a lawsuit to compel the DOJ and the USPS to respond to the FOIA requests, recently learned the the Western District office of the US Attorney, based in Buffalo, has issued at least one subpoena for records related to Pickering.

What gives? Is Pickering being investigated? How many associates has the FBI interviewed? How many subpoena has the US Attorney issued? And why? It has been 11 years since Pickering stopped relaying communiques for ELF, and the federal government has never disproved what he has always maintained: that he was ELF's press liaison, not a participant in its campaigns.

"The power structure doesn't like the fact that Burning Books is educating people and getting them to think critically. They have a vested interest in keeping the masses uninformed and disengaged," says Kuzma, who will offer an account of Pickering's ordeal at a benefit event scheduled for Wednesday, April 10, 6-8pm, at the First Amendment Club, 93 Bridgeman Street. The event will raise money to play the filing fees for the lawsuit

challenging DOJ and USPS.

A more appropriately named venue could not have been chosen for this fundraiser, Kuzma says.

“The activities of Burning Books are fully protected by the First Amendment as well as Article One, Section Eight of the New York State Constitution,” says Kuzma. “Under the Privacy Act of 1974, federal agencies are prohibited from maintaining records describing how any individual exercises rights guaranteed by the First Amendment.”

### **6 Apr - CeCe in Segregated Housing**

*CeCe McDonald has been transferred around the state in the last month and a half. Please take time to write her a letter while she is held in segregated housing, aka "the hole."*

#### **MORE:**

As was previously announced, CeCe was transferred to MCF-Stillwater, at her own request, at the beginning of March. She was enrolled in the Atlantis treatment program there, which operates in a separate unit from the general population. She was glad to be at Stillwater for a number of reasons, but was quickly frustrated with the program because of issues ranging from blatant transphobia in the program to the snitching culture that is fostered within it. We are unclear on the specifics, but she was kicked out and placed in segregation within a few weeks of being there, and received an additional 30 days onto her sentence as a disciplinary measure. After repeated pleas from her and her advocates to remain at Stillwater and be placed in the general population there, she was instead transferred back to St. Cloud recently. She remains in segregation.

We are still unsure where she will be placed for the remainder of her sentence, but in the meantime we are calling on folks far and wide to write to her immediately! Send her your love and let her know she is not alone, that we are all watching out for her, and that we got her back!

Chrishaun McDonald #238072  
Minnesota Correctional Facility-St. Cloud  
2305 Minnesota Boulevard S.E.  
St. Cloud, Minnesota 56304

### **6 Apr – New Grand Jury Subpoena in NYC**

*For the second time in four years a Federal Grand Jury in NYC has threatened the freedom of our friend and comrade, NYC anarchist and legal activist Jerry Koch.*

#### **MORE:**

Jerry resisted the state’s intimidation in 2009 when he was subpoenaed to testify in front of a Federal Grand Jury allegedly investigating the March 2008 Bicycle Bomber attack on the Times Square Army recruiting station. Jerry defied this act of political repression in 2009 but the State is back to its dirty tricks threatening to jail him for refusing to participate in their witch-hunt against anarchists and radicals. Once again he is being singled out for his political beliefs and his brave act of resistance will most likely result in his imprisonment. We are enraged by the fact that the government can rip our friend away from us and throw him in jail for refusing to collaborate and for daring to exercise his 1st, 4th and 5th amendment rights.

We stand by Jerry in his resistance to this and all grand juries, tools of secrecy and intimidation used to collect information and harass anarchists who oppose those in power. It is a testament to Jerry’s integrity and principles that he is standing firm despite having the State threaten his liberty for a second time. It is time to send a message that no matter how many times they come after us we, like Jerry, will refuse to cooperate and to bargain for our freedom at the expense of our friends’ liberty.

**PACK THE COURT IN SOLIDARITY:  
10:00AM, THURSDAY, MAY 2ND**

500 PEARL STREET NEW YORK, NEW YORK

more information at [jerryresists.net](http://jerryresists.net)

### **7 Apr - New Writings by Mumia Abu-Jamal**

*Below, we've pasted the transcripts of Mumia's latest audio commentaries, covering topics including the transfer of comrade Russell "Maroon" Shoatz, imperial exceptions in Israel, and the pervasive U.S. war economy.*

**MORE:**

#### **March 20th - Russell 'Maroon' Shoatz Transferred**

If my prison source is correct, Black liberation fighter, imprisoned intellectual, historian and now book author, Russell "Maroon" Shoatz, has been transferred from the dungeons of SCI Greene – and he is in the 'hole' of SCI Mahanoy in Southeastern Pennsylvania.

Maroon, who has the dubious distinction of being perhaps the longest held-in-the-hole prisoner in Pennsylvania— nearly 36 years!, is now 69 years old.

Except for a brief interlude in 1986, Maroon has spent a lifetime in state prison holes, in Huntingdon, in Western, in Greene— and now, in Mahanoy.

His first trek began in 1977— that's right, 1977!

Today, 36 years later, he's still in the hole, after an exemplar period of over a decade without misconducts.

As fate would have it, his transfer is marked by the serendipitous release of his new, and first, book, *Maroon the Implacable: The Collected Writings of Russell Maroon Shoatz*, by PM Press of Oakland, California.

The renowned poet/activist Amiri Baraka called the book a "very funky instruction manual on how to make revolution in imperialist America."

Maroon's writings have appeared for years in small, little known anarchist booklets and pamphlets. This book makes much of that excellent work accessible to a wider audience.

When I left Death Row, I had several delicious days to listen to him (for he did most of the talking), and marvel at the brilliance and quickness of his mind. He talked politics, current events and trends to come in the nation and the world.

Now, you can share in some of that fine thinking by reading *Maroon the Implacable*. This book will surely spark the movement to get him out of the Hole, and hopefully, open the doorway of his dungeon to freedom.

#### **March 22nd - Imperial Exceptions in Israel**

There is something so wonderful and terrible about the spectacle of U.S. President Barack Hussein Obama on the world's stage.

Wonderful, as he is a Black man at the very pinnacle of political power; terrible, too, in that his immense talents are put at the service of the Empire.

When he speaks in an eloquence so sorely lacking from his predecessor, one hears the sweetness of self-evident reason, with an ease that would've baffled he who came before him.

And yet, beneath the words, in things unsaid, lie the very same imperial perceptions and presumptions.

As Bush said it, "What we say, goes!"

It is astonishing to read and realize how easily the U.S. may indict another country for some evil, which we, or our allies have perpetrated with perfect impunity.

Iran may not have a nuclear weapon, but Israel can have hundreds. Indeed, during the Shah's reign, Iranian scientists performed nuclear tests at MIT!

But today's Iran isn't the Shah's, and in the seat of power sits an Iranian religious leader who, unlike the Shah, isn't a paid puppet of the Americans.

The Alawite government in Syria can be taken to task for a disputed report of chemical weapon's use, but Israel can strike Gaza with white phosphorous, an extremely poisonous chemical that bursts into flame when in contact with air. The U.S. acted as if Israel dropped cotton candy.

And as for chemical weapons, remember Agent Orange?

The U.S. denuded Vietnam's great forests, causing almost incalculable ecological and human damage that continues to haunt Vietnam to this day, not to mention tens of thousands of Vietnam vets, who have visited damage upon their children, caused by exposure to this powerful defoliant and poison.

War talk, on the 10th anniversary of the Iraq War – by anybody – is crazy talk.

#### **April 7th - Corporate Whores=Corporate Wars**

It would be easy, considering American history, to describe this country as "warlike."

And while such a description would be technically correct, it would be misleading, for it ignores the social forces which drive men to war.

For chief among those forces is the media, as it provides the narrative, which focuses the rationale for war. Secondarily is the role of the State, as it too shapes the story.

Lastly and perhaps most importantly, is the role of the corporations and their lobbyists, who may often be seen as the engines of war.

For in every war, no matter its stated basis, some business (or group of businesses) makes money off the miseries and carnage of military conflict.

As far back as the Civil War (America's most deadly war, to boot!), we saw the emergence of great US meat companies – first to feed the swelling multitude of soldiers – then to feed millions of American consumers newly learning how to relish meat in a can.

Weapons manufacturers, ammunition makers, jet builders, bomber designers; and – voila! – before you know it, you're in military-industrial-complex country.

War is extremely big-business; and when we're not busy using such weapons abroad, we're selling them to so-called allies, for internal repression or constantly draining border wars between neighbors.

For all our talk of 'peace' and 'stability,' the USA is, by far, the world's biggest arms merchant, sowing destruction the world over.

And members of Congress are but lobbyists once removed— both during, and after, their terms expire.

As schools close in major American cities (Chicago, Philadelphia, and Oakland, for example), and libraries shutter their doors, weapons of war are being funneled to local police departments – in the name of the latest pseudo-war: terrorism.

As we stoke the fires for tomorrow's wars, we close the doors to knowledge and reason.

### **8 Apr - Motion to Dismiss filed in Chris Lagergren case**

*Chris' legal counsel filed a Motion to Dismiss the Florida Statute 828.42 Florida Animal Enterprise Protection Act, Animal Enterprise Disruption charge against him. A new Motion Hearing has been set for April 18, 2013 at 9am.*

#### **MORE:**

Chris and his legal counsel were notified to appear before Circuit Court Judge Ptomey on March 28, 2013 at 9am for a Motion Hearing. Due to scheduling conflicts with multiple parties it was not possible for all parties to be at the hearing. Chris' legal counsel issued a Re-Notice to Appear at his Docket Sounding on April 8, 2013. The new date could change depending on the availability of Chris' legal counsel, some of whom will be flown in from outside the State of Florida.

There is also a new Docket Sounding scheduled for May 6, 2013 at 9:00 am in Key Largo, FL. Jury selection and trial are expected to occur at the end of May.

As with all cases involving charges against activists, what affects one of us, affects us all. It is so critical that everyone pull together and unite around this common cause – for Chris, for the movement, and for the animals. Thank You!

### **8 Apr – Update on Maroon Shoatz Freedom Campaign and how YOU can help**

*30 Days to free Russell Maroon Shoatz began on April 8<sup>th</sup>. Part of the campaign is a dedicated call-in campaign. More information on how to support this campaign is below.*

#### **MORE:**

Former Black Panther Russell Maroon Shoatz has been held in torturous conditions of solitary confinement in Pennsylvania prisons for the past thirty years. He has not had a serious rule violation for more than two decades. Maroon's role as an educator, human rights defender, writer, and critical intellectual of liberation movements is widely renowned.

From April 8 to May 10, 2013, the Campaign to Free Russell Maroon Shoatz is calling for an intense call-in and write-in campaign to bring pressure on the Pennsylvania Department of Corrections (PA DOC), to release Maroon from solitary confinement and into the general prison population. This is the first major phase of a coordinated political-legal campaign, beginning with Maroon's attorneys sending a "Demand Letter" to the PA DOC on the morning of April 8, 2013. The letter, outlining the legal and humanitarian reasons why an immediate release from solitary is needed, gives the PA DOC an opportunity to correct the grave injustices being carried out on a daily basis before litigation begins.

**April 8**—Begin flooding the office of Pennsylvania Department of Corrections (DOC) Secretary John Wetzel with phone calls, letters, and faxes. Send a copy of that letter, or address a similar letter, to the office of SCI Mahanoy Superintendent John Kerestes.

**PA DOC Secretary John Wetzel** 1920 Technology Parkway Mechanicsburg, Pennsylvania 17050

**Phone number:** 717.728.4109 **Fax number:** 717.728.4109

**SCI Mahanoy Superintendent John Kerestes** 301 Morea Road Mahanoy, Pennsylvania 17932

**Phone number:** 570.773.2158 **Fax number:** 570.783.2008

**If you have contact with media** in your area, consider suggesting that they cover this story, including the April

8 – May 10 pressure campaign. **Help publicize the campaign** in schools, workplaces, churches, and communities nationwide.

### Talking Points

- Russell Maroon Shoatz (if writing DOC, always put his prison number – AF-3855) has been in solitary confinement for almost 30 years despite the fact that his disciplinary record has been impeccable—without incident for the past 20 of those years.
- Such “prolonged” solitary confinement is a violation of the United Nations Convention Against Torture, according to UN Special Rapporteur Juan Mendez. It starves the mind of basic social interaction, human contact, and intellectual stimulation needed for proper brain functioning.
- Other Pennsylvania prisoners with more extensive violent histories and more recent disciplinary infractions have nevertheless been released from solitary and are now held in general population.
- Maroon is being targeted because of his work as an educator and because of his political ideas; his time in solitary began just after he was elected president of an officially-sanctioned prison-based support group. This targeting is in violation of his basic human and constitutional rights.
- At age 69, Maroon poses no threat to the physical well-being or running of the Pennsylvania Department of Corrections. His 23-hour-a-day physical isolation in solitary is unnecessary and costly.
- We join the American Civil Liberties Union, Physicians for Human Rights, and a growing number of prominent world leaders in calling for an end to prolonged solitary confinement. Maroon’s case is one of the most egregious, politically motivated, and long-standing of the nation’s solitary cases.
- Maroon has deep roots in Pennsylvania’s Black community, many friends in peace, justice, and human rights organizations, and family members and supporters throughout the State, the USA, and the world. We understand the PA DOC Secretary’s Office and the Warden of SCI Greene to be particularly and personally responsible for the torturous and lethal conditions of solitary under which Maroon is still kept.
- Maroon must be released from solitary confinement IMMEDIATELY!

### Who is Russell Maroon Shoatz?

Russell Maroon Shoatz is a former leader of the Black Panthers and the Black freedom movement, born in Philadelphia in 1943 and originally imprisoned in January 1972 for actions relating to his political involvement. With an extraordinary thirty-plus years spent in solitary confinement—including the past twenty-three years continuously—Maroon’s case is one of the most shocking examples of U.S. torture of political prisoners, and one of the most egregious examples of human rights violations regarding prison conditions anywhere in the world. His “Maroon” nickname is, in part, due to his continued resistance—which twice led him to escape confinement; it is also based on his continued clear analysis, including recent writings on ecology and patriarchy. **THOUGH MAROON WAS RECENTLY TRANSFERRED** to a lower-security correctional facility in Central Pennsylvania, he **IS STILL HELD** in a **SOLITARY CONFINEMENT UNIT**. It will take a mass, grassroots movement to free this inspiring community activist.

Part of the momentum for the campaign will come from a book tour taking place during this period, promoting the newly-published *Maroon the Implacable: The collected writings of Russell Maroon Shoatz*. But it is up to everyone concerned with human rights anywhere and everywhere to spread the word far and wide, to make these 30 days count—for an end to solitary confinement and an end to the torture of Russell Maroon Shoatz

**Campaign to Free Russell Maroon Shoatz, [freemaroonshoatz@gmail.com](mailto:freemaroonshoatz@gmail.com)**

### **10 Apr - Jeremy Hammond Court Date Recap**

*Jeremy Hammond had another court appearance on April 10<sup>th</sup>, the first time he's seen his mother in over a year. We're including his support crew's brief summary below.*

**MORE:**

The turn-out to Jeremy's court hearing yesterday was amazing. The courtroom was standing room only. The hearing itself was quick and procedural, but the effect of the crowd of supporters was clear from the moment Jeremy entered the room, grinning from ear to ear. Jeremy's lawyers summarized the difficulties they face in reviewing the evidence—for example, the chat logs alone consist of 3.5 million lines of text including some 45,000 participants—but the real event came at the end when Jeremy got to visit semi-privately with his mother and twin brother in the courtroom. A U.S. marshal said that such visits aren't normally allowed but Judge Loretta Preska waived the rule and Rose and Jason got to talk to Jeremy face-to-face for the first time in over a year.

Suffice it to say that judges and prosecutors behave differently in empty courtrooms. That is why it is so important that we pack the court again for Jeremy's next hearing. Details are below.

Time: April 30 at 2pm

Place: 500 Pearl Street

Courtroom 12A

New York City

**11 Apr – Grand Jury Resister Maddy Pfeiffer Released from SEATAC**

*Great news! The last of the Pacific Northwest Grand Jury resisters (so far) was released last week.*

**MORE:**

[From *The Stranger*]

In last week's paper, we wrote about Matthew Duran and Katherine Olejnik, two of several grand-jury refusers who were subpoenaed, hauled before a grand jury and a federal prosecutor (without a defense attorney in the room), asked to testify about other people's political opinions and social affiliations, refused to answer on the grounds that **the questions were McCarthyesque**, then thrown into prison for an indefinite period of time. (That's a simplification. More about the details at <http://www.thestranger.com/seattle/freedom-is-frustrating/Content?oid=16403520>).

The two spent about half a year in the joint (losing employment and housing arrangements in the process), including a good chunk of time in solitary confinement, then were released, leaving one behind.

That one, Maddie Pfeiffer, has been released today by Judge Richard A. Jones, according to a one-sentence email from Pfeiffer's attorney I received a few minutes ago.

At this point, we still don't know the whys and wherefores—and the office of **US Attorney Jenny Durkan** and **Warden Jack Fox of the SeaTac Federal Detention Facility** have still refused to answer the four pertinent questions:

1. Who decided these people should be hauled in front of a grand jury (since **they weren't even in Seattle** when the vandalism crimes were committed)?
2. What was the argument to do so?
3. Who decided the three (plus a fourth, Leah-Lynn Plante, who was released several months ago) should be placed in solitary confinement, **the most punitive thing** that our legal system can legally inflict on a person, short of execution?
4. What was the reason for placing them in solitary? (For example: Did they break a rule? Were they fighting with other inmates? Were they a demonstrable threat to themselves or others? Were they being **punished for their political beliefs**? Or were they subjected to a condition the UN has described as "torture" just for kicks?)

Despite repeated requests over a period of months from attorneys, journalists (or at least this one), and the

prisoners themselves, nobody in charge of those institutions has seen fit to explain how and why those things happened to four people who were **not even charged with, much less convicted of, a crime.**

### **12 Apr - Migs Takes Non-Cooperating Plea Deal, Receives 3-Year Sentence**

*Mark Neiweem (“Migs”) accepted a non-cooperating plea deal in Cook County Court to felony charges brought on by interactions with undercover Chicago police officers who had infiltrated activist groups prior to last May’s NATO protests. We’re including a couple of articles related to his plea and subsequent transfer.*

#### **MORE:**

Migs pleaded guilty to a probation violation charge from a previous felony conviction and to solicitation and attempted possession of an explosive or incendiary device.

Having spent more than 300 continuous days in the appalling conditions of Cook County Jail while awaiting trial, Migs will now serve out the remainder of a 3-year sentence in a state prison. He is expected to receive credit for time served and other reductions in the duration of his incarceration for good behavior.

Migs and the other defendants in the NATO 5 were all targeted by the same undercover Chicago cops, known as “Mo” and “Gloves,” because of their perceived politics and associations. Last November, Sebastian Senakiewicz (“Sabi”) took a non-cooperating plea deal to a charge of falsely making a terrorist threat and is currently serving his 4-month boot camp sentence, after which he is expected to be deported to his native Poland. The NATO 3—Brent Betterly, Brian Jacob Church, Jared Chase—are all facing conspiracy and terrorism charges. Their recent constitutionality challenge to the terrorism charges was denied by the judge, although they may have the opportunity to raise this challenge again at trial. Their trial is currently scheduled for mid-September of this year.

On Friday, Mark Neiweem (“Migs”) was moved out of Cook County Jail and is currently being held in the Stateville Correctional Center pending his assignment to his final location, which is not known yet. He may be there for a few days or weeks, but he’s in need of letters and books to help him through this time.

Letters and books can be sent to:

**MIGS\* #M36200**

**Stateville Correctional Center**

**Post Office Box 112**

**Joliet, Illinois 60434**

\*Address cards/letters to MIGS. Address envelopes to Mark Neiweem.

He won't be able to receive visitors while he's in Stateville, so stay tuned for more updates. Donations to the NATO 5 support fund, which helps provide for both commissary and legal funds, can be made at <https://www.wepay.com/donations/nato-5-defense>.

### **April 12th - Chicago-area NATO Arrestee Pressured into Guilty Plea after 329 days in Cook County Jail**

Mark Neiweem, a 28-year-old Chicago activist, pleaded guilty in Cook County Court yesterday to felony charges brought on by interactions with undercover Chicago police officers who had infiltrated activist groups prior to last May’s NATO protests. Neiweem pleaded guilty to a probation violation charge from a previous conviction and to solicitation and attempted possession of an explosive or incendiary device.

Neiweem, who had spent 329 continuous days in the appalling conditions of Cook County Jail while awaiting trial, will now serve out the remainder of a 3-year sentence in a state prison. He is expected to receive credit for time served and other reductions in the duration of his incarceration for good behavior.

“The politically motivated prosecution and abuse Mark suffered in Cook County Jail point to a degree of coordinated state repression and coercion which was physically and psychologically unbearable,” said Rachel Unterman of the NATO 5 Defense Committee. “Ultimately, Mark decided to end his ordeal and be transferred

out of Cook County Jail by taking a non-cooperating plea deal.”

Neiweem faced two consecutive prison sentences as a result of his probation violation, which required a minimum of several years and for which he did not have the right to a jury trial. This charge stood separate from his NATO arrest charges of solicitation and attempted possession of an incendiary device. He was also routinely targeted by jail guards for abuse and mistreatment since last May.

“Mark was willing to tolerate far more abuse than could ever have been expected of him in order to stand up for his political and ethical beliefs,” Unterman said. “In the end, pleading guilty to receive concurrent rather than consecutive sentences was the only realistic and rational alternative he had.”

In the lead-up to the NATO protests last May, Neiweem was one of several activists specifically targeted by undercover police officers for his political views and as part of a larger effort to justify the millions of taxpayer dollars spent on police during the NATO summit. He was arrested suddenly and without explanation on May 17 of last year, pulled into a black van and held in jail for three days without explanation, charges or a hearing. While he was initially given a \$500,000 bond, this was revoked due to his probation violation, leaving him trapped in Cook County Jail pending trial.

While in jail, the police took advantage of a serious medical condition, putting his life at risk by denying him access to vital medication and forcing several trips to the hospital. Neiweem also encountered innumerable hardships and deprivation, including ever-present threats to his basic safety from other inmates, repeated physical assault by guards in the jail, being placed in solitary confinement multiple times, undergoing continual “lock-downs” on his floor, having his books and possessions destroyed by guards, and being prevented from buying basic necessities by guards who often made his commissary request-slips unreadable.

#### **14 Apr – Phone Campaign for Jalil Muntaqim**

*Over the past few months, our comrade Jalil Muntaqim has both had his parole (again) denied and suffered a minor stroke. Though the parole denial is being appealed, allowing him to languish any longer behind bars is reprehensible. Please join us in a phone campaign to get Jalil free.*

#### **MORE:**

Jalil had a minor stroke in February. (He did not know that he had suffered a stroke, but had a tingling sensation in his left arm.) The first doctor he saw at Attica wanted to send him to the hospital immediately, but the head doctor, Dr. Rho, said that they first needed to get permission from Albany to take Jalil to the hospital.

So, finally, on Monday, April 8, 2013, Jalil was shackled and had the black box put on and taken to ECMC in Buffalo, where he had a CAT scan. This all occurred in the morning, and he was back at Attica by about 10:30 a.m.

The neurologist who reviewed the CAT scan called Attica and requested that Jalil be admitted to the hospital. The CAT scan revealed that Jalil has damage to his upper right cerebral hemisphere. Shortly thereafter, an ambulance arrived. However, the escort team from Albany had already left by this time.

Dr. Rho once again intervened, and said that the outside neurologist had told him that, since Jalil had no symptoms, he could be treated on an outpatient basis, once again requiring permission from Albany. Jalil is not sure that Dr. Rho is telling the truth about this. He thinks they are deliberately denying him adequate medical care.

At this time, Jalil has an Administrative Appeal pending from his last parole denial. The Parole Board has until August 9, 2013 to make a decision.

Jalil is asking people to call the NYS Division of Parole in Albany at 518.473.9400 to urge the Parole Board to reverse its denial and release him immediately. We can also ask for compassionate release, since he is being

denied adequate medical care.

When you call the parole board, you must refer to Jalil as Anthony Bottom #77-A-4283, currently at Attica Correctional Facility. Be polite, but firm and let us know what kind of response you receive.

If you are a doctor or work in the medical profession, we encourage you to write to Commissioner Brian Fischer at:

NYS Department of Corrections and Community Supervision  
Building 2  
1220 Washington Avenue  
Albany, New York 12226-2050

Please request that Jalil get the medical attention he needs in order to adequately recover from the stroke.

Also, please cc NYC Jericho Movement Post Office Box 574, New York, New York 10018

### **19 Apr - Herman's House opening in NYC**

*The critically acclaimed documentary Herman's House, about Angola 3 prisoner Herman Wallace, is opening in New York City on April 19th!*

#### **MORE:**

Herman Wallace may be the longest-serving prisoner in solitary confinement in the United States—he's spent more than 40 years in a 6-by-9-foot cell in Louisiana. Imprisoned in 1967 for a robbery he admits, he was subsequently sentenced to life for a killing he vehemently denies. Herman's House is a moving account of the remarkable expression his struggle found in an unusual project proposed by artist Jackie Sumell. Imagining Wallace's "dream home" began as a game and became an interrogation of justice and punishment in America. The film takes us inside the duo's unlikely 12-year friendship, revealing the transformative power of art.

#### **RESERVE YOUR TICKETS**

April 19-25

Cinema Village Theater (22 East 12th Street, New York, New York, 10003)

3 PM & 7 PM Daily Showings (more showtimes will be added based on the advance ticket sales!)

Following the Friday [April 19] and Saturday 7 PM [April 20] screenings, and the 3 PM Sunday [April 21] screening, director Angad Bhalla will host a Q&A and discussion along with subjects from the film, organizers and representatives from organizations leading the fight to reform solitary confinement including the New York Civil Liberties Union, the Correctional Association of New York, Jails Action Coalition, Metro New York Religious Campaign Against Torture and Solitary Watch.

Learn More:

[www.hermanshousethefilm.com](http://www.hermanshousethefilm.com)

[www.facebook.com/hermanshousethefilm](https://www.facebook.com/hermanshousethefilm)

[www.twitter.com/hermansfilm](https://www.twitter.com/hermansfilm)

### **19 Apr - New Film on MOVE: Let the Fire Burn @ NYC Tribeca Film Festival**

*Well, it sure seems to be the time of year for films about political prisoners to premier. What are the odds of two documentaries about U.S. held political prisoners opening on the same night?*

#### **MORE:**

The film premieres on Friday, April 19<sup>th</sup> at 6:30 pm at the Clearview Cinema in Chelsea NY ( 260 West 23rd Street). Some of the MOVE family will be outside passing out flyers and information.

On Monday April 22<sup>nd</sup> this film screens at 6:00 pm at the AMC Loews Village (66 3rd Avenue) at 6:00 pm.

On Wednesday April 24<sup>th</sup>, "Let The Fire Burn" again screens at 3:45 pm at the Clearview Cinema.  
On Thursday April 25<sup>th</sup> at 10:00 pm this film once again screens at the AMC Loews Village.  
Tickets for the opening on the 19th are \$16.00 plus \$3.50 if you buy tickets online at  
<http://www.tribecafilm.com/filmguide/5132381a1c7d76a6bb000002-let-the-fire-burn>

*Synopsis:*

Jason Osder makes an impressive feature film debut through his unbiased and thorough account of the incidents leading up to and during the 1985 standoff between the African-American MOVE organization and Philadelphia authorities. "Let the fire burn" were the fateful words that may or may not have been spoken by one Philadelphia authority on an intense and confusing day that destroyed a community. Documenting the personal stories of neighborhood residents, MOVE members and officials through extensive archival footage of court hearings, news broadcasts, home movies and interviews, Osder leaves no stone unturned, save the first one cast.

The structure of the film follows the same crescendo as the dramatic clash that claimed eleven lives and literally and figuratively devastated an entire community, taking viewers on the same tumultuous ride as those directly involved. The angst of the MOVE organization, the fear of the community and the confusion of authorities all reach a boiling point as emotions overpower reason. A real-life Wild West story without the luxury of identifying its heroes by the color of their hats, the film admirably demonstrates that sometimes no amount of known fact can help us understand the complexities of our psyche.

**17-20 Apr – Between Torture and Resistance Book Tour**

*Between Torture and Resistance is a compilation of writings by Puerto Rican Political Prisoner Oscar López Rivera, edited by Dr. Luis Nieves Falcón. There are several book release events over the next week in Manhattan, Brooklyn, and the Bronx.*

**MORE:**

Wednesday, April 17, 2013, 5:00pm  
Hostos Community College, 3rd floor Room C391  
450 Grand Concourse  
Bronx, New York  
The Puerto Rican Club of Hostos Community College

Friday, April 19, 2013, 6:00-9:00pm  
El Maestro Cultural Center  
1300 Southern Boulevard  
Bronx, New York  
Keynote speaker Dr. Luis Nieves Falcón

Saturday, April 20, 2013, 11:00am-2:00pm  
Charla /Brunch  
Resistance in Brooklyn  
For more info, Elspeth Meyer: [elspeth@pipeline.com](mailto:elspeth@pipeline.com)

Saturday, April 20, 2013, 6:00-9:00pm  
Casas las Americas in East Harlem  
182 East 111 Street  
New York, New York  
NYC Coordinadora