

Updates for April 2nd

19 Mar - Reentry Support for Patreese Johnson

Patreese Johnson is set to be released this summer and the Bay Area New Jersey 4 Support Committee is getting ready to gather some funds to help her on the outside. More info is coming soon, but if you wanna have a fundraiser or house party in your town to support her get in touch.

19 Mar - Rights Group Condemns Dismissal of Animal Rights “Terrorism” Case

Recently, a federal judge dismissed a lawsuit that challenged the constitutionality of the federal Animal Enterprise Terrorism Act (AETA), without addressing the central First Amendment question in the case.

MORE:

The Center for Constitutional Rights (CCR) brought the case on behalf of five long-time animal rights activists who allege that the 2006 law violates their right to free speech. The judge ruled that the men and women suing the government did not have standing to bring the case and therefore the case could not go forward. The judge’s ruling was based on a narrow interpretation of the AETA as criminalizing only property destruction and threats, despite the law’s broad prohibition on causing an animal enterprise any loss of property, which is generally understood to include the loss of profit. Attorneys say they will appeal the dismissal.

“As Judge Tauro recognized, each of our clients has refrained from engaging in constitutionally protected speech out of fear that she or he will be prosecuted as a terrorist under the AETA,” said Center for Constitutional Rights Senior Staff Attorney and lead counsel Rachel Meeropol. “While the judge’s narrow reading of the statute would solve some of its many constitutional flaws, our clients and other activists have no guarantee that prosecutors, or even other judges, will agree. They will continue to be chilled from speaking out on important issues of public concern until this law is struck down.”

According to attorneys, the language of the AETA is so overbroad that it criminalizes protected First Amendment speech. The law punishes anyone found to have caused the loss of property or profits to a business or other institution that uses or sells animals or animal products or to “a person or entity having a connection to, relationship with, or transactions with an animal enterprise.” Furthermore, according to Meeropol, key terms in the statute, including the definition of an “animal enterprise,” are unconstitutionally vague. The plaintiffs, who have long histories of participating in peaceful protests and animal rights advocacy, say that fear of prosecution as terrorists has led them to limit or even cease their lawful advocacy.

“Since the passage of the AETA, I no longer feel free to speak my mind on the issues closest to my heart out of fear that my advocacy could be prosecuted as terrorism,” said plaintiff Sarahjane Blum. “How can I continue my activism if I cannot even challenge the constitutionality of the law that is chilling my speech?”

Groups including the Fur Commission USA, the National Cattlemen’s Beef Association, and several pharmaceutical companies lobbied for the law. Critics argue it punishes peaceful protests and turns non-violent civil disobedience into “terrorism.” Moreover, though it targets animal rights activists specifically, the AETA is written so broadly, they say, it could turn a successful labor protest at Wal-Mart, which sells animal products, into an act of domestic terrorism. Non-violent protesters charged under the law face up to twenty years in prison, depending on the amount of profit loss that results from their actions.

In the first use of the AETA, in 2009, four activists were indicted and arrested in California by the Joint Terrorism Task Force for protesting, writing on sidewalks with chalk, chanting, leafleting, and using the Internet to find information on animal researchers. They each faced ten years in prison. A federal judge dismissed that case in 2010.

The AETA amended the 1992 Animal Enterprise Protection Act (AEPA), which punished causing a “physical disruption” to an animal enterprise. In 2006, six activists were convicted in New Jersey for conspiring to violate the AEPA, and served between one and six years in prison for publishing a website that advocated and reported on protest activity against an animal testing lab, its business affiliates, and their employees. The activists were not accused of injuring anyone or vandalizing any property. One of the defendants in that case, Lauren Gazzola, is a plaintiff in the lawsuit challenging the AETA.

The Center for Constitutional Rights provided amicus support in the New Jersey AEPA case, and was co-counsel in the California AETA case.

Blum v. Holder, was filed in the U.S. District Court for the District of Massachusetts. Alexander Reinert, an associate professor at the Benjamin N. Cardozo School of Law, along with David Milton and Howard Friedman of the Law Offices of Howard Friedman PC, are co-counsel on the case.

March 27th - Court Dismisses AETA Lawsuit. Here’s How That Affects You.

A U.S. district court has dismissed a lawsuit by animal rights activists that argued a federal law has put them at risk of being labeled “terrorists.”

Five longtime animal rights activists filed the lawsuit against the Animal Enterprise Terrorism Act, which is a law passed in 2006 at the request of groups like the National Cattlemen’s Beef Association, Pfizer, and GlaxoSmithKline.

The activists cited vague and overly broad language throughout the law wrapping up protest activity that causes a “loss of profits,” along with its attempted use against activists for protesting and chanting. All of this, combined with the “eco-terrorist” public relations campaigns of industry groups and the harassment of law enforcement, has had a chilling effect on animal rights activists. This was the foundation of the lawsuit brought by the Center for Constitutional Rights: the AETA has not been used against the plaintiffs, but it has made them afraid to speak up.

The U.S. District Court for the District of Massachusetts took a very narrow reading of the AETA, and dismissed the lawsuit. But that’s not necessarily a bad thing. Here’s why:

The Good

In hopes of getting the case thrown out, the government argued that the activists didn’t have legal standing to bring the suit in the first place. In order to make this argument, the government had to argue that the activists are not personally at risk under the law. The judge agreed:

“Plaintiffs have not alleged an intention to engage in any activity prohibited by the AETA. The conduct they seek to participate in – lawful and peaceful advocacy – is very different: documenting factory conditions with permission, organizing lawful public protests and letterwriting campaigns, speaking at public events, and disseminating literature and other educational materials. None of Plaintiffs’ proposed activities fall within the statutory purview of intentionally damaging or causing loss of real or personal property or intentionally placing a person in reasonable fear of death or serious injury.”

In other words, the Justice Department and District Court are both making clear that the AETA can’t be used against the types of activism listed above. The government is publicly limiting its official interpretation of the law, and rebuking what some industry groups and lobbyists have sought. That’s good news.

The Bad

Those statements about the law’s scope are positive developments, but they are not binding in any way. They are ammunition to be used in the defense of activists in court, and they may even be a deterrent to prosecutors and industry, but they’re not safeguards.

More troubling, though, is that Judge Tauro's ruling completely sidesteps the core First Amendment arguments at issue in this case by noting that these activists aren't breaking the law. It relies on the idea of "lawful" conduct as a crutch: if activists are behaving lawfully, the reasoning goes, they have no reason to fear prosecution, and thus no right to challenge the law in court.

As the government argued:

"None of this activity involves the deliberate damaging of personal property or other unlawful or violent actions such as trespass, theft, or harassment – the type of conduct targeted by the statute."

The statement above is a victory in that it limits the scope of the law, but it does not go nearly far enough.

For example, note that "trespass" is included alongside "violent actions." As I argued in my Congressional testimony — and as supporters of the law conceded — this could be used against activists who non-violently break the law through civil disobedience. And as FBI documents revealed, the bureau has considered prosecuting undercover investigators as "terrorists" because they "trespassed" and caused a loss of profits.

In addition, "theft" would include activists who rescue animals from horrific cruelty and neglect. Removing a suffering animal from a factory farm without permission may not be legal, but it certainly should not be the purview of terrorism legislation.

On top of all this is a much bigger concern. Across the country, states are considering "ag-gag" bills that criminalize undercover investigators, whistleblowers, and even journalists. Those bills became law in three states last year. Some of the bills this year are so broad that they criminalize anyone who takes photographs or video of factory farms, or who "possesses" or "distributes" that footage. The court's promises about "lawful" activity not being at risk are meaningless as corporations are seeking to radically redefine the law.

The Future

Given the concerns I raised above, and given the "ag-gag" bills pending across the country, it may come as a surprise that I think this lawsuit has been a victory.

The ruling itself will be appealed, according to activists and the Center for Constitutional Rights. That legal fight continues. This dismissal is a setback, but it is not an unexpected one.

Meanwhile, some of the worst-case scenarios envisioned by some attorneys and activists have been dispelled by the government on the record. If activists do find themselves in court, this will be invaluable.

Most importantly, this lawsuit reflects a sea-change within the animal rights movement. For years, some animal activists have behaved as if ignoring these ongoing corporate and government attacks would make them go away. Macho posturing and short-sightedness created a climate in which merely acknowledging the growing repression was a sign of weakness; the response to fear was simply to pretend that fear does not exist.

This lawsuit is about stripping the AETA of that fear. These activists are shining a public spotlight on corporate tactics that for decades have thrived in the dark. As we have seen with the growing chorus of opposition to "ag-gag" bills, most people are outraged that anti-terrorism resources are being used to target animal advocates. The problem is that the general public is completely unaware it is happening. Sunlight is this industry's worst enemy, both in terms of exposing factory farms and exposing corporate attempts to label activists as "terrorists."

By coming forward and shining a light on this legislation in court, activists are confronting their fear, and their opposition, head-on.

21 Mar – NATO 5 Mega-update

A lot has happened in the cases faced by the NATO 5 and we've compiled them below.

MORE:

March 19th - Brief Notes from the NATO 3 Constitutionality Challenge

On Tuesday, March 19, the judge in the NATO 3 case heard the oral arguments on the defense motion to dismiss the terrorism charges as unconstitutional. Below are some brief notes on the arguments presented in this hearing. The judge is expected to rule on the constitutionality challenge on Wednesday, March 27 at 2pm in Room 303 of the Cook County Criminal Courthouse at 26th and California. You can find out more about these cases at <http://nato5support.wordpress.com> and donate to the support fund at <https://www.wepay.com/donations/nato-5-defense>.

After some preliminary matters, Michael Deutsche of the defense team set the framework for the two parts of the motion, the facial challenge and the as-applied challenge. The facial challenge asserts the statutes are unconstitutional on their face. The as-applied challenge asserts the statutes are unconstitutional as applied to the defendants in this particular case.

Deutsche asserted that the constitutionality challenge is proper because the statutes effect First Amendment protected activity. He also briefly mentioned another ground by which to challenge the statutes, as established by the Illinois Supreme court, which is that the statutes have no core or substance. Further, he asserted that the statutes allow for the criminalization of innocent people, that they do not require a violation of state or federal law, and the definition of terrorism or terrorist acts do not include force or violence. He also argued that the alleged actions are not rationally related to the crime of terrorism, that “coercion” and “intimidation” are vague terms and that “significant portion of the civilian population” is simultaneously vague. Additionally, he argued there is no culpable mental state [intent] clearly specified in the law. On its face, this statute is vague and criminalizes innocent conduct and conduct that is not related to terrorism.

For the as-applied challenge, Deutsche noted that the prosecution had filed a more specific Bill of Particulars detailing the alleged conduct that led to the charges, as their first one had been extremely vague. The new Bill of Particulars the state had filed was still extremely vague and does not allow the defense to adequately prepare their defense. The judge noted that this issue would be addressed. Deutsche then remarked that he is addressing the as-applied aspect to the motion when he asserts again that no actions were taken in this case, and no one was intimidated or coerced in this case, but that this is an alleged “attempt case” in which the evidence the state is expected to produce will consist of statements made by the defendants. Given that this will be the evidence, it is going to be particularly hard in this case to determine if a “significant portion of the population” was coerced or intimidated. Additionally, the statutes do not put defendants on notice that what they are doing is terrorism. He also argued that the statutes allowed the prosecutor to arbitrarily prosecute for politically motivated reasons, make examples of those they target, disappear them for 3 days, and then issue a press release and hold a sensationalized press conference on the eve of the NATO Summit protests claiming “we’ve arrested the terrorists” and setting bond at a fantastical \$5 million for the 3 defendants.

Not surprisingly, the state attorney started by saying that the defense’s assertion that these charges are politically motivated is completely inappropriate and improper for a constitutional hearing. She also argued that the case does not implicate the First Amendment because the defendants’ conduct is in no way protected by the First Amendment. The state also said that the statute clearly defines a mental state and provides 9 categories of things that are “terrorist acts,” including doing something that risks great bodily harm or death. Regarding the as-applied challenge, she asserted that the defendants’ alleged conduct falls under the parameters of terrorism. She alleged that they made 4 Molotov cocktails, purchased gasoline to make them, and commented to an “undercover” that “the city of Chicago will never be the same.” She further alleged that the defendants commented about seeing a police officer on fire in downtown Chicago. She stated that this clearly shows intent to intimidate or coerce. Additionally, the state said that the defendants should have known that they could not do what they are alleged to have done, and that just because a statute allows for prosecutorial discretion does not mean that it is vague.

After the defense’s rebuttal, the oral arguments had concluded and the judge moved on to handle other business.

This business included discussing the state's amended Bill of Particulars, which is still impermissibly vague. Defense attorney Durkin also noted that the state had changed the alleged conspiracy dates from October 1, 2011–May 2012 to April 2012–May 2012 and that this change was notable since Occupy encampments were spreading around the country in early October 2012 and the allegation initially included this time period. The judge gave the state until next week to re-write the Bill of Particulars so it is sufficiently detailed.

The judge also affirmed that he would allow the sheriff's office to determine how many deputies in bullet-proof vests to have in the courtroom surrounding the defendants during pre-trial proceedings but would limit this at trial when this presence could influence the jury. The other matter discussed in the hearing (at the beginning) was that the state had filed a sur-reply to the constitutionality challenge that the judge had not approved and therefore did not read. He accepted the sur-reply but gave the defense until Friday, March 22 to file its own sur-reply so the defendants would have the last word on their constitutionality challenge.

March 28th - Judge Denies Constitutionality Challenge in NATO 3 Case

Yesterday at Cook County Criminal Court, lawyers for the NATO 3 defendants—Brent Betterly, Brian Church, and Jared Chase—along with over two dozen supporters, appeared in court before Judge Thaddeus Wilson awaiting his ruling on the constitutionality motion. The motion, which was filed in January, moved to dismiss four of the eleven counts the men are charged with, all of which fell under the Illinois terrorism statute. The motion argued that the terrorism statute is unconstitutionally vague, both on its face and as applied to this particular case.

In his opinion, Judge Wilson ruled that the statute is not unconstitutionally vague on its face and denied that aspect of the motion. In regards to the unconstitutionality of the statute as applied in this case, the judge dismissed it for now but the defense has the option of filing it again closer to or during trial, when the judge will have more documentation of the alleged conduct to review. The NATO 3 are scheduled to begin trial on September 16, 2013.

Judge Wilson's 33-page order can be found on our Court Documents page. You can also find the People's Law Office's announcement about the decision at <http://peopleslawoffice.com/judge-denies-motion-to-dismiss-in-nato-3-case/>.

The next hearing for the NATO 3 is scheduled for Tuesday, April 16 at 2PM. This decision means that the defendants still have all 11 serious felony counts to fight. Their legal team is busily preparing their defense, which is expected to cost more than \$20k in investigative, court, witness, and other legal costs. All five NATO 5 defendants also remain incarcerated and need support funds for commissary items. Please donate to their support fund today: <https://www.wepay.com/donations/nato-5-defense>. You can also start planning an event or action for our International Week of Solidarity with the NATO 5.

April 1st - Sabi Transferred to Boot Camp

Sabi was transferred to boot camp during the last week of March. He will remain there for 4 months and will likely face deportation to his native Poland immediately afterwards. He is unable to receive visits and mail while at boot camp.

Sabi was arrested on May 17, 2012 during a house raid and charged with falsely making a terrorist threat for claiming that he had explosive materials and wanted to use them during the convention. The state alleged that he told the undercovers about the materials he possessed and his plans for using them. During the raid, no explosives or other materials mentioned in the state's proffer were found. Nevertheless, he was held on \$750,000 bond and has been incarcerated since his arrest. Facing 15 years in prison followed by deportation, he took a non-cooperating plea deal last November. He was sentenced to 4 years with a recommendation of 4 months in boot camp.

We will post further updates on Sabi as they become available. Thank you to everyone who has written and supported him.

21 Mar - Louisiana AG Says Angola 3 “Have Never Been Held in Solitary Confinement”

James “Buddy” Caldwell, attorney general of the state of Louisiana, has released a statement saying unequivocally that Herman Wallace and Albert Woodfox, the two still-imprisoned members of the Angola 3, “have never been held in solitary confinement while in the Louisiana penal system.” We’ve also included former Angola 3 prisoner Robert H. King’s response.

MORE:

In fact, Wallace, now 71, and Woodfox, 66, have been in solitary for nearly 41 years, quite possibly longer than any other human beings on the planet. They were placed in solitary following the 1972 killing of a young corrections officer at Angola, and except for a few brief periods, they have remained in isolation ever since.

The statement from Caldwell follows on the heels of a ruling by a federal District Court judge in New Orleans, overturning Albert Woodfox’s conviction for the third time—in this instance, on the grounds that there had been racial bias in the selection of grand jury forepersons in Louisiana at the time of his indictment. Subsequently, Amnesty International, along with other activists, mounted a campaign urging the state of Louisiana not to appeal the federal court’s ruling. In the absence of an appeal, Woodfox would have to be given a new trial or released.

Caldwell’s statement—which was rather mysteriously sent out to an email list that included numerous prisoners’ rights advocates who have supported the Angola 3—begins: “Thank you for your interest in the ambush, savage attack and brutal murder of Officer Brent Miller at Louisiana State Penitentiary (LSP) on April 17, 1972. Albert Woodfox and Herman Wallace committed this murder, stabbing and slicing Miller over 35 times.”

Caldwell clearly states that he has every intention of appealing the District Court’s decision to the notoriously conservative Fifth Circuit: “We feel confident that we will again prevail at the Fifth Circuit Court of Appeals. However, if we do not, we are fully prepared and willing to retry this murderer again.” Caldwell asserts that the evidence against Woodfox is “overpowering”: “There are no flaws in our evidence and this case is very strong.”

These statements belie the fact that much of the evidence that led to Wallace and Woodfox’s conviction has since been called into question. In particular, the primary eyewitness was shown to have been bribed by prison officials into making statements against the two men. (For more details on the case, see our earlier reporting in Mother Jones, here, here, here, and here.) The two men believe that they were targeted for the murder, and have been held in solitary for four decades, because of their status as Black Panthers and their efforts to organize against prison conditions. (The third member of the Angola 3, Robert King, convicted of a separate prison murder, was released after 29 years in solitary when his conviction was overturned in 2001).

But Caldwell’s most controversial assertion is that Wallace and Woodfox’s conditions of confinement over the past 40 years do not qualify as solitary confinement:

Contrary to popular lore, Woodfox and Wallace have never been held in solitary confinement while in the Louisiana penal system. They have been held in protective cell units known as CCR. These units were designed to protect inmates as well as correctional officers. They have always been able to communicate freely with other inmates and prison staff as frequently as they want. They have televisions on the tiers which they watch through their cell doors. In their cells they can have radios and headsets, reading and writing materials, stamps, newspapers, magazines and books. They also can shop at the canteen store a couple of times per week where they can purchase grocery and personal hygiene items which they keep in their cells.

These convicted murderers have an hour outside of their cells each day where they can exercise in the hall, talk on the phone, shower, and visit with the other 10 to 14 inmates on the tier. At least three times per week they can go outside on the yard and exercise and enjoy the sun if they want. This is all in addition to the couple of days set aside for visitations each week.

These inmates are frequently visited by spiritual advisors, medical personnel and social workers. They have had frequent and extensive contact with numerous individuals from all over the world, by telephone, mail, and face-to-face personal visits. They even now have email capability. Contrary to numerous reports, this is not solitary confinement.

Caldwell's description does not, in fact, refute the fact that the two men are held for 23 hours a day in closed cells that measure approximately 6 x 9 feet—smaller than the average parking space. CCR, or Closed Cell Restricted, is the Louisiana prison system's euphemism of choice for solitary confinement. Woodfox and Wallace in recent photos.

In addition to challenging their convictions, Wallace and Woodfox have filed a civil suit in federal court, arguing that their 40 years in solitary confinement violate the U.S. Constitution. Their lawyers argue that both have endured physical injury and "severe mental anguish and other psychological damage" from living most of their adult lives in lockdown. According to medical reports submitted to the court, the men suffer from arthritis, hypertension, and kidney failure, as well as memory impairment, insomnia, claustrophobia, anxiety, and depression. Even the psychologist brought in by the state confirmed these findings.

In his statement, Caldwell warns that if they win their civil suit, "these convicted murderers...could possibly receive money and a change in their housing assignments." Any move out of solitary has been firmly opposed by the warden of Angola, Burl Cain. In a 2008 deposition, attorneys for Woodfox asked Cain, "Let's just for the sake of argument assume, if you can, that he is not guilty of the murder of Brent Miller." Cain responded, "Okay, I would still keep him in CCR...I still know that he is still trying to practice Black Pantherism, and I still would not want him walking around my prison because he would organize the young new inmates. I would have me all kind of problems, more than I could stand, and I would have the blacks chasing after them."

Caldwell himself has even more vociferously opposed releasing the men from solitary. An ambitious Democrat-turned-Republican known for his Elvis impersonations, Caldwell took office in 2007 and was reelected in 2011. He has characterized the Angola 3 as political radicals and called Woodfox "the most dangerous person on the planet."

In the fall of 2008, after Woodfox's conviction was overturned for the second time, a federal court judge ordered him released on bail pending the state's appeal. Caldwell opposed the release "with every fiber of my being." Woodfox planned to stay with his niece, but his lawyers uncovered evidence that the state had emailed the neighborhood association of the gated community where she lived to say that a murderer would be moving in next door. Caldwell soon convinced the Fifth Circuit Court of Appeals to revoke Woodfox's bail. He also brought Woodfox's habeas case to the full Fifth Circuit, which reversed the lower court ruling and reinstated his conviction.

Now that a federal judge has ruled, for the third time, that Woodfox did not receive a fair trial, Caldwell apparently feels the need to reiterate his position. "Let me be clear," his statement concludes. "Woodfox and Wallace are GUILTY and have NEVER been held in solitary confinement" (emphasis in the original).

March 27th – Robert H. King Responds to Louisiana Attorney General James Caldwell

Many thanks to all of you who have aided our cause and added your voices to our quest to free Albert from an obviously unjust imprisonment of more than 40 years. Please continue to make your voices heard and your dissent known, especially in light of the recent email response by Louisiana's Attorney General, James Caldwell. One wonders: Why in the face of so many mitigating facts and circumstances would the Attorney General persist in his unethical efforts to pursue the persecution of Albert Woodfox and Herman Wallace? Is it really justice he seeks, or is there something else he wants? The following may add some light to the subject.

When Woodfox was first granted a new trial in 1993, the Attorney General's Office elected to retry the case, which is a rare occurrence. Twenty-three years earlier, John Sinquefield, a young and ambitious local assistant district attorney, prosecuted Albert and made repeated references/inferences to Albert's political beliefs and militancy. Having had prior involvement in this case, Sinquefield could not (or chose not to) prosecute in his

second hearing. However, this recusal (or self restraint) did not apply to his assistants. Enter Julie Cullen, an attorney working with Sinuefield. It was Cullen who declared to the press, that she would retry Albert as "a 'Black Panther.'" During that trial in 1999, when I appeared as a character witness for Albert, Julie Cullen made repeated references to Woodfox's militancy as Sinuefield had done before her and Woodfox was again convicted.

Sinuefield, Cullen and Caldwell were all previously connected to this case by the thread of time and they have all used this case to further their careers. Sinuefield and Caldwell are well-documented boyhood friends, who went to school together, graduated together and became lawyers together. In Sinuefield's own words, "We've been friends, allies ever since." Julie Cullen has worked with and been very close to both men. As you can see, their careers have been protected at all costs, even accusing innocent men of murder or rape, as Caldwell in his recent email has done once again.

Buddy Caldwell has long done a great disservice to people of intelligence, especially lawyers...and jurists, in his attempt to sell this malicious and unsubstantiated rape lie. If, in 1969 there had been actual evidence of Albert committing rape, why would the system instead choose to try Woodfox on only the lesser charge of robbery? According to Caldwell, Albert was considered "a career criminal." The logical question therefore remains...If Albert had committed all of these other alleged crimes and was in fact a career criminal, why was he not prosecuted? Just for the record - any young black man that was arrested became a suspect for unsolved crimes. This was a process so widespread that across the country the practice is known as "clearing the books."

It is in this same context that Caldwell has wrongfully accused Albert Woodfox and Herman Wallace of committing the murder of prison guard Brent Miller. The evidence linking Herman and Albert to the crime is nonexistent. The bloody fingerprint at the scene of the crime did not match Herman or Albert's. A knife found at the scene of the crime had no fingerprints on it at all. Other DNA evidence that allegedly had Albert's specks of blood on it was lost by the prison. Furthermore, multiple alibi witnesses testified that Albert and Herman were in other parts of the prison at the time of the murder. In contrast, it has been proven that state witnesses were bribed to lie under oath. Albert's conviction has now been overturned three times, and Herman's conviction is similarly under Federal Court scrutiny for evidence exposing prosecutorial misconduct and constitutional violations.

Finally, by claiming that the Angola 3 have never been in solitary, Caldwell is redefining the nature of solitary confinement and minimizing its inhumane conditions. Courts here in the USA have already ruled that confining prisoners in cells 23 hours a day constitutes solitary confinement regardless of any small privileges that may or may not be incrementally given and taken away at random. Over a decade ago, we filed a civil lawsuit challenging the State of Louisiana for their unconstitutionally cruel and unusual treatment that is solitary confinement. Magistrate Judge Dalby describes our almost four decades of solitary as "durations so far beyond the pale" she could not find "anything even remotely comparable in the annals of American jurisprudence." It is for the courts and not for Attorney General Caldwell to define whether or not being held in close cell restriction constitutes solitary confinement.

Attorney General Caldwell would do well to consider that I was prosecuted for being a "co-conspirator" by proxy for only knowing Albert and Herman and for my affiliation with the Black Panther Party. I had never met prison guard Brent Miller but I was put in solitary confinement and placed under investigation for this crime for 29 years. More to the point, had I not been 150 miles away at the time in another prison but at Angola prison, I would probably have been charged and convicted for a murder I did not commit. As I am free, speaking out now is what I must do.

Again, thanks to the many individual supporters and organizations who stand by the Angola 3 and ask you to continue to take action.

22 Mar - Dozens Arrested as Anti-Keystone XL Protests Erupt Across Country

Over 30 protests as part of a Week of Action to Stop Tar Sands Profiteers held by over 50 grassroots organizations take on corporate investors bankrolling the toxic Keystone XL tar sands pipeline. As a result,

dozens have been arrested.

MORE:

One month after the largest climate rally in U.S. history urged President Obama to deny the permit for the Keystone XL pipeline's northern segment, protesters in dozens of cities throughout the U.S. are confronting KXL's corporate backers directly.

Thirty-seven have been arrested over the last ten days for disrupting business as usual at TransCanada and their investors' offices, with more are planned before the week is over.

The March 16-23 Week of Action to Stop Tar Sands Profiteers, in solidarity with Great Plains Tar Sands Resistance's Direct Action Camp in Ponca City, Oklahoma, is endorsed by over 50 grassroots environmental organizations around the country. Organizers seek to expose green-washed corporations like TD Bank, a top shareholder in TransCanada, and force them to divest from the controversial Keystone XL tar sands pipeline.

"It's encouraging to see people around the country taking action to stop tar sands profiteers," said Ron Seifert, spokesperson for Tar Sands Blockade. "No longer will we allow them to build KXL and invest in toxic projects that endanger the health of low-income and communities of color. We will not allow "business as usual" to continue."

Here are a few highlights from the Week of Action so far:

100 people occupied a TransCanada's office in Westborough, MA, holding a "Funeral for Our Future" and disrupting work for several hours. Twenty-five were arrested for locking themselves inside the office:
<http://www.tarsandsblockade.org/funeralforourfuture/>

TD Bank branches have seen protests at multiple locations including three people who were arrested for locking themselves inside a branch office in Washington, DC. <http://www.tarsandsblockade.org/weekofaction-day4/>

Twelve people arrested for blockading a fracking pipeline in upstate New York:
<http://ourfutureisunfractured.wordpress.com/>

Portland, Oregon held a bike tour of the city's worst polluters including a rally at a TransCanada office:
<http://www.tarsandsblockade.org/weekofaction-day3/>

Dozens of activists in grim-reaper garb surround Michels Corporate office in Kirkland, WA, demanding that Michels stop building KXL: <http://www.tarsandsblockade.org/weekofaction-day3/>

Check www.tarsandsblockade.org for live updates from actions around the country. At least 18 more actions are planned between now and Saturday, March 23rd, including six more actions against TD Bank in New York City, Washington D.C., Montpelier, VT, Newark, DE, New Haven, CT, and Asheville, NC.

One of the largest events of the week will be tomorrow, Thursday, March 21 in Oklahoma. Great Plains Tar Sands Resistance is taking action to physically stop KXL construction. Read more here:
<http://gptarsandsresistance.org>

22 Mar - Dane Rossman Denied Bail After One Month of Detention

While we'll be talking about Dane's case tonight, it's worth mentioning that very recently he was denied bail. Additionally, there's a fundraising solidarity dinner for Dane on Sunday, April 14th in NYC.

MORE:

Dane was denied bail yesterday after being detained for exactly one month. In front of a courtroom packed with

Dane's Tucson friends and supporters, a Federal Magistrate ruled that Dane was a flight risk and refused to set bail conditions. Dane found the finding that he was a flight risk ironic given that he spends much of his time hollering about transience being the bane of North American anarchism. The Magistrate also refused to consider the various special circumstances surrounding Dane's detention and possible extradition, ruling that because Dane posed some flight risk, however small, these matters need not be considered.

Dane would like to send his personal thanks to all of his supporters who showed up for his hearing. He also wants people to know that the U.S. Marshals instructed him that he was not allowed to look at the crowd during his hearing.

Dane's extradition hearing is set for mid-April. Please check back for more updates, and please do consider donating funds or organizing a fundraiser in your area as the costs surrounding Dane's detention and legal process are expected to be quite high.

22 Mar - Update on Eric McDavid's case

We're including the most recent update to Eric McDavid's habeas petition.

MORE:

We just wanted to take a minute to update you on a couple of things happening with D and his case. We recently filed the final response for D's habeas petition with the eastern district court. The petition addresses a number of errors made by the court and D's former attorney during trial. This is not an appeal - although, if successful, it would be similar in effect.

Two wonderful lawyers from the Bay have dedicated incredible amounts of time and energy to this filing. We understand what a huge undertaking this has been - and that it was a labor of love and solidarity. They have done this virtually pro bono - and we would like to pay them some money so that they can continue to devote time to working on this legal battle. But we can't do so without your help. There is not currently enough money in the coffers to pay for the lawyers AND for D's partner's visitation.

The International Day of Solidarity for Marie and Eric on June 11th has been a major source of income for us the last two years in a row. And June 11th is fast approaching! Hopefully we won't need to ask for your financial assistance after that day... but in the meantime, any small amount you could give would be very much appreciated. It won't take much to sustain us (and pay the lawyers) for the next three months. But we need your help to do so.

In that vein - June 11th! Please mark your calendars, talk to your friends, and start planning for your event! Reading your report backs and hearing about your events are always a huge source of inspiration for us. We're excited to see what this year brings!

Thank you all for your continued, amazing support.

23 Mar - The Wages of Solidarity by Mumia Abu-Jamal

We're including the latest column by Mumia Abu-Jamal. His columns are a great basis for starting a conversation with Mumia should you choose to write him a letter.

MORE:

The story is quite recent, and therefore, much is not known.

A state prison system commissioner opens his front door, and is greeted by flame and bullets.

A grieving governor (John Hickenlooper-Dem.) laments the killing of his friend, and initial reports suggest that the state's highest prison official met his end because of a tiff with a disgruntled Saudi Arabian citizen in his state's custody.

Then, within hours, another narrative emerged, but once again, the media concentrated on the sensational, missing the story within the story.

The press sped to tell of an Evan Ebel, the son of a friend and contributor to the Colorado governor's campaign. The son, we are told, was close to a white supremacist prison gang.

Suddenly, we are knee-deep in speculation about white supremacist groups, as if this was the motivation for the slaying of the state's prison chief.

Lost in all the hoopla is a comment by state officials that Ebel left prison in January, 2013, after significant time in solitary.

Think about that.

If a man leaves prison, and in a mere matter of weeks, embarks upon a killing spree (again, we don't know this, but it is alleged), shouldn't we examine his experiences in prison?

What forces so embittered him that he would rather die than endure them again? What, pray tell, must the conditions have been like to charge a man's heart so, that (if initial reports are true), he slew three people in less than three months after release?

Questions unasked and unanswered.

Solitary confinement, experts tell us, is torture that drives men mad.

One thing is certain. Evan Ebel resolved to never return – no matter what.

26 Mar - Alex Hundert released from prison!

Canadian activist Alex Hundert was recently released from prison-- convicted of actions taken during the 2010 G20 summit in Toronto..

MORE:

I am out of jail; safe and sound.

I have been out of the house, wandered around the neighbourhood, in daylight and in darkness last night. It is good to be out.

Here is something I wrote last week.

“...any strength that i may have carried through this was brought in from the outside, borrowed from the people I have been honoured and privileged to fight alongside, derived from the communities and the earth that we fight for, it is derivative of our struggles, sent in from the outside word by word, letter by letter, from the people who have extended themselves into this enclosure to support, to keep of strength, to keep up the fight. all of the strength i have had in here has come from them, from you, from being able to stay connected to community, and in turn rooted to the earth.” (March 21, 2013)

All I really want to say right now is to extend my most sincere gratitude and utmost appreciation to everyone who has offered support to me and to my family and friends and to the various communities I and others who have gone through the same and similar experiences belong to, and to those who offer the same to the numerous other people going through similar experiences for numerous other but intersecting reasons who so rarely get the same, thank you, so much.

And especially to those who have been central and integral to the support i have received, more.

I have decided not write a list of names, cause I am sick of lists of names, and also because I do not want to forget or exclude anyone.

To everyone, see you in the streets.

27 Mar - Targeted Repression and Monitoring in Buffalo, New York

Our comrade up in Buffalo, Leslie James Pickering, has, along with his family, been targeted by the FBI.

MORE:

[From angyr-hippo.tumblr.com] My old friend Leslie is facing some trouble out in Buffalo. Not long ago it came to light that his Post Office box was being monitored, FBI agents were contacting past associates, and that a grand jury had convened to investigate him for who knows what.

Leslie was an early member of Liberation Collective, an intersectional animal liberation organization formed in Portland in the mid-90s. He later worked with the Earth Liberation Front press office, and now carries on his activism at a worker owned, radical book store based in Buffalo. When he isn't visiting long term class-struggle prisoners like David Gilbert and Jalil Muntaqin, he is raising an amazing daughter with his partner. They need him, we need him, and we should all be doing what we can to watch this situation and lend support when possible.

Leslie James Pickering has been politically active since the mid 1990s and is best known for his role as Spokesperson for the Earth Liberation Front Press Office and authoring a number of radical histories, including Mad Bomber Melville. He currently resides in his hometown of Buffalo and runs Burning Books with Theresa Baker-Pickering and Nate Buckley.

Back in early September, he got word that an old, west coast acquaintance received a phone call from the Buffalo field office of the FBI, asking a number of questions about him. A couple of weeks later, a half-sheet of USPS cardstock was "accidentally" left in his mailbox, detailing a mail cover on him and his residence. Last month he found out that a local institution was served a federal grand jury subpoena for records on him covering the last 2 years, and when he went to board a flight early this month he was suddenly given Secondary Security Screening Selection (SSSS) status, when he'd never before had any trouble with airline security.

Leslie has good legal help, locally, and has filed FOIA requests to relevant agencies. He also has strong local media support, some of have also filed FOIA requests. Due to all this government pressure, he is also no longer allowed to cross the border into Canada.

More information will be released soon including how we can help!

<http://burningbooksbuffalo.com>

28 Mar - G20 Protester Eva Botten Sentenced

On March 28th, Eva was sentenced to 10 months, followed by 2 years probation.

MORE:

Arrested in the fall of 2010, Eva is an activist from BC who was found guilty of 6 counts of mischief over \$5k and 1 count of disguise with intent this past January 2012. The Crown alleges she caused over \$300k of damages to corporate targets, police headquarters and banks, during the 2010 G20 protests in Toronto.

28 Mar – Callout for June 11th Organizing

June 11th has become a day of international organizing and action for long term anarchist environmental prisoners. It's time to get started on organizing an event where you are and we've attached the call out for 2013.

MORE:

Everywhere that there exists dynamic struggle against the state and capitalism, there is some degree of

repression. Capitalism knows well how to protect its interests, and it entails targeting and eradicating those who challenge its dominance. While we continue our daily struggle against this monster, we also fight to make sure our friends and comrades who have been imprisoned by the state aren't forgotten, that their material and emotional needs are taken care of, and that they remain connected to the movements that they have been forcibly yanked away from.

Last year, as one small gesture to address this, June 11th was called as a yearly day of solidarity with two of our longest-imprisoned anarchist comrades, Marie Mason and Eric McDavid. While we realize that many of us have limited time or resources to put toward basic material support for prisoners, we hope that their names and stories, as well as the lessons learned from their cases, can become well known everywhere. In our actions and solidarity, we wish to draw connections between Marie's and Eric's cases and those of imprisoned anarchist comrades all over the world who are experiencing firsthand these alarming trends of lengthy sentences and increased repression. This is a preliminary call addressed to all those who fight against this prison society to take action on June 11th, in solidarity with Eric, Marie and all long-term anarchist prisoners.

The cases of Marie and Eric appear fundamentally different at first glance. We choose to connect them in the context of June 11th, not only because of their similar sentences and the fact that they both remained incredibly strong in the face of intense harassment, but also to highlight and analyze the U.S. government's multi-faceted strategy of repression.

Marie Mason was arrested in 2008 after more than 30 years of both above ground and clandestine organizing and action. She has been involved in both environmental and labor struggles, edited many radical publications, and was involved in water rights, anti-infrastructure and anti-logging and development projects in the Midwestern United States. She had already been subjected to years of FBI harassment when she was indicted for a string of Earth Liberation Front (E.L.F.) arsons that had occurred in 1999 and 2000. Her indictment was only possible due to the collaboration her ex-husband, Frank Ambrose, with the FBI. Due to continuing expenses, pressure and threats of a life sentence in prison, she took a non-cooperating plea deal that recommended her for 15-20 years. Citing her actions and her unwillingness to collaborate, the State turned on its word and sentenced her to nearly 23 years. Since being incarcerated, she has suffered health problems and has had many difficulties accessing vegan food, has been harassed and threatened constantly and has been re-located to a prison in Texas, hundreds of miles away from her family in Michigan. In the special "medical" unit she is currently held captive in, correspondence with the outside world is extremely controlled; her conditions can be likened to a Communications Management Unit in the U.S. or the FIES units in Spain. Some of her supporters and her family are still attempting to pursue legal means of reducing her sentence, but judicial avenues seem to be thoroughly exhausted at this point.

Eric McDavid, on the other hand, is a young anarchist who was arrested for committing no action except thoughtcrime. In 2005 he was befriended by a young girl named Anna who apparently shared his passion for taking action in defense of the environment. However, "Anna" was actually a government informant, paid over \$65,000 to infiltrate the anarchist and radical environmentalist scenes to entrap people. Anna heavily pressured Eric and two friends, Lauren and Zachary, to take action, and even went as far as to pay for renting a remote cabin in the woods where they could practice making bombs. The cabin was filled with hidden recording devices and cameras, and was funded by the FBI, who also paid for the transportation, bomb materials and provided bomb recipes. When the government felt that they had gathered enough information, they swooped in and arrested Eric, Lauren and Zach. At this point, no actions had been carried out. Lauren and Zach, under pressure from both the state and their families, collaborated with the government, while Eric remained strong and did not. His case went to trial and he was convicted and sentenced to 20 years in prison. Although jurors in the trial later stated that they didn't understand the case and didn't think the trial was fair, all of Eric's appeals have failed.

These two arrests are just a small part of a broader plan of repression by the U.S. government known by anarchists as "the Green Scare," an allusion to the Red Scare of the 1950's in which communists in the United States were harassed, blacklisted and deported. Eco-anarchists and animal rights activists in the U.S. have faced a similar brand of coordinated harassment since 2001, being named the #1 domestic terrorism threat in the

United States even though their action, through careful planning and consideration, have never harmed humans or animals. In 2005, the government's "operation backfire" plan completely ripped apart the underground E.L.F. movement in the northwest United States, and subsequently Eric, Marie and others have been targeted for two apparent purposes: the first being to completely wipe out the E.L.F. in the United States, and the second being to foster a culture of fear and obedience. The state has unfortunately been quite successful in this task, thanks to tactics such as extensive surveillance, infiltration, and clever uses of laws such as the AETA (Animal Enterprise Terrorism Act, a law that makes it an act of terrorism to cause financial impact on businesses that profit from animal exploitation), as well as laws against organized crime and conspiracy charges.

We don't encourage solidarity on the basis of long-term sentences because we believe in a possibility for a reasonable or fair sentence for any prisoner (though both Marie's and Eric's 20+ year sentences are well in excess of the sentencing guidelines for their so-called crimes.) We focus on the longevity of their sentences because, whatever the circumstances of their arrest, the government is using these lengthy sentences to send a message, and to scare broadening circles of people into compliance and fear. By locking Eric and Marie up for decades, the state wishes to erase them. If, minimally, once a year, our comrades names are shouted from the rooftops and written on the walls, our enemies will have not fully succeeded in this sinister task. Of course we're reminded of the absence of our comrades daily, but we hope that this yearly day of solidarity can be a starting point for keeping them the minds of a greater number of people more regularly.

Last year, events and actions occurred in over 30 cities across the U.S. and internationally. The expressions of solidarity were impressive, from a public noise demonstrations and events across the US to fundraiser dinner shows in Israel, and actions of sabotage from as far away as Russia and Peru. (A dossier of actions from last year, as well as information and material for this year are available at <http://june11.org>).

The heyday of the E.L.F. in the United States is over. We're moving into a dynamic period of growing social antagonism, and need to make sure that prisoners such as Marie and Eric aren't left behind or forgotten. Solidarity for them should not be relegated to prisoner support specialists or those who knew them personally – their absence is of importance to all of us, and support for them should be generalized. The struggle to free Marie, Eric and others is the struggle against the society that not only creates and maintains prisons, but also commits the environmental devastation that Marie and Eric raged against.

To other comrades facing or serving long term imprisonment: we send warm greetings to Eat and Billy, undergoing trial in Indonesia for acts of sabotage; to those comrades in Greece currently imprisoned or facing long sentences relating to Revolutionary Struggle and Conspiracy Cells of Fire cases; Billy, Costas and Silvia in Swizerland; Tortuga, Freddy, Marcelo and Juan in Chile and all those implicated in the Caso Bombas; All other non-cooperating Green Scare defendants in the U.S., some of whom are about to be released: Daniel McGowan, Sadie, Exile, Jonathan Paul and the recently re-captured Justin Solondz. These are just a small sampling of cases, but unfortunately we could go on and on. We have no definition for what "long term" imprisonment could mean - every moment the state steals our loved ones away from us is too long.

Organize an event or action on June 11th, this year and every year. Let's fight together, for the destruction of this prison society and to help remind our comrades they're never alone!

1 Apr - Maroon Shoatz transferred, held in solitary confinement

On Friday, March 29, family members and the legal team of Russell Maroon Shoatz were informed by staff at State Correctional Institution (SCI) Greene, Pennsylvania, that he had been transferred to SCI Mahanoy.

MORE:

The Superintendent's Assistant at SCI Mahanoy confirmed that Maroon had arrived there on Thursday, March 28. He was immediately placed in solitary confinement, the torturous condition he has endured for over 22 consecutive years (and over thirty years in total since his 1983 incarceration).

Despite the fact that Maroon has not had a serious rule violation in over 20 years, he had been held in solitary

confinement continuously during his eighteen years at SCI Greene.

Pennsylvania Department of Corrections (DOC) Secretary John Wetzel refused to comment on this “permanent” transfer, or provide any additional information when his office was contacted on Friday.

During the past year, a movement has been developing in support of Maroon. Prominent legal and human rights organizations have come out in support of Maroon, thousands of people have signed petitions, made phone calls, and written letters demanding his immediate release, his case has begun to receive substantial national and international press, and a collection of his writings has just been published – with a national book tour just under way. A major Campaign to Free Russell Maroon Shoatz has been launched, and a legal team has been assembled with plans for potential litigation this spring to challenge the unconstitutional and immoral torture which Maroon continues to be subjected to.

None of this has escaped the notice of the PA DOC.

It is too soon to tell what effect this move will have on Maroon. Members of his family and legal team will be visiting him in the coming days and news from these visits will be quickly shared. It is clear that this move is in reaction to the work of the Campaign; we must continue our efforts until Maroon is fully released from solitary confinement, “restricted housing,” or other torturous conditions. A 30-day pressure campaign which was to begin on April 8, 2013 following the release of a “demand letter” from his legal team is still in place pending word over the next three days from Maroon himself, his family and his lawyers. The pressure campaign calls on all people committed to human rights, justice, and peace to write to Secretary Wetzel insisting that Maroon – who will turn 70 years old in August – be released into general population.

Increased vigilance is needed more than ever, as Maroon and SCI Mahanoy need to be well aware that his determined and broadly-situated supporters are keeping daily track of his circumstances. Send a message of friendship and solidarity to this effect directly to Maroon, and stay tuned for further updates and action alerts in the coming week.

1 Apr – Update on Dr. Mutulu Shakur

We recently received an update about Dr. Mutulu Shakur that conveyed, among other things, the revelation that he has suffered a stroke. We're including the update below.

MORE:

greetings to all,

i was put in the shu on feb 7th. the incident shot was for encouraging a group demonstration and circumventing the phone monitor, none of which was true. stems from the black history discussion at the north ridge university. professor karin stanford. more details to come later.

the shot encouraging a group demo was thrown out, and the sanction was given for circumventing the phone monitoring, which again is not true. i received a sanction of 6 months without phone, and six months without email, but i was able to secure the emails back. so i'm without the phone for the next 6 months. i have been in the hole since feb 7th to march 28.

on march 18th i had a dho hearing and the shot was thrown out, and no detention segregation time. i had a stroke on feb 16th. i was still in the hole because they had a lockdown in the prison for an attempted escape. on the 15th to the 16th my stroke occurred. i was taken to the hospital for 4 days to diagnose the effects of the stroke.

i was let out the hospital on thursday of the following week and put back in the hole and stayed until this thursday the 28th. my email was not functional for 24 hours. i'm letting you all know that i am back in general population, and any visits will be in the general visiting area.

if you want to, you can now email me even though i'm not focused as i should be. i will still like to hear from you even if you don't hear from me. my voice is a lil strange, my eyesight is a problem and i walk with a jive limp, but all in all i'm an alligator, i can go in mud and water, and if i wasn't in good shape i would be in worse condition. don't look funny at me because i look cross eyed, but i will deal with all the residue of the stroke as time goes on.

i thank you all or all your concern. the legal struggle for my pardon and parole and the t.r.c. and now the prison bureau issues will have a full plate of work to be done.

this incident centers around the 1st amendment right to advocate for one's freedom to government agencies and organizations to represent views that are not controversial but compassionate and historical in nature, it goes to the overview of why i should have parole and pardon, and why i should use the t.r.c. as a narrative for that proposition.

the factual basis is nothing in the b.o.p. guidelines that prohibits the prisoners from talking to a group of students about a historical fact. there was no suggestion, no intent and no motive and no innuendo to encourage a group demonstration. professor karin stanford was on my approved phone list and visiting list. there was no effort to circumvent phone monitoring.

any ways, i love you all and thank you for your support. it's not how you fall down but how you get up.

1 Apr – All the Children by Mondo we Langa

We're including a new poem by Mondo we Langa and an update on him.

MORE:

i was a witness to your statement
i heard the words expressing grief
over the deaths
especially of the children
the slaughtered innocents
who as you said
had their whole lives ahead of them
before they were cut short
you looked so genuinely moved
to me
so deeply touched
but as you did more than once
i too must pause
but not to wipe away a tear
but to ask you something i would ask
if you were here
do not all the children of the world
have their whole lives ahead of them
and if it's true what some people say
that guns don't kill people
people do
then YOU kill children
Obama
and you have no tears
for "collateral damage"
or for their grieving families
in Afghanistan and Pakistan
and those other places

where the drones perform their gruesome deeds
at your command
these cowardly machines that are unmanned
perform your gruesome deeds
of carrying out death sentences
on the untried and unconvicted
whose shattered bodies will take root
to bloom in a vengeful harvest time.

I wanted to let folks know what's been going down with Mondo, half of the Nebraska 2, currently incarcerated at Nebraska State Penitentiary in Lincoln, NE. He's been locked up for 43 years on a life sentence for allegations of homicide, or, alternatively stated: his effectiveness in organizing with the Black Panther Party in Omaha earned him a target on his back, and he was framed for a bullshit charge on an act that was clearly staged.

His health is failing considerably. He is 64 years old, and is now celled in the medical unit where he receives treatment for his chronic pulmonary disease. He is restricted to a walker and carries an oxygen tank with him. He has a hard time moving around and walking outside, which is especially troublesome to a man who enjoys the sunshine.

I just thought I'd reach out to you all with the hopes of hosting a letter writing night with him and Ed Poindexter (the other half of the Nebraska 2) in mind. Again, they've both been locked up for 43 years. Forty-three. 43!

1 Apr - Court Documents Prove Daniel McGowan Sent to (CMU) for Political Speech

Former Earth Liberation Front prisoner Daniel McGowan has written an article, in conjunction with folks from the Center for Constitutional Rights. The article outlines newly uncovered information that proves that he was sent to secretive housing units for his political speech and writing.

MORE:

I currently reside at a halfway house in Brooklyn, serving out the last few months of a seven-year sentence for my role in arsons credited to the Earth Liberation Front (ELF) at two lumber companies in Oregon in 2001. My case, and the federal government's rush to prosecute environmental activism as a form of terrorism, were recently explored in the Oscar-nominated documentary, *If a Tree Falls: A Story of the Earth Liberation Front*.

What has received less attention, though, is what happened to me while in federal prison. I was a low security prisoner with a spotless disciplinary record, and my sentencing judge recommended that I be held at a prison close to home. But one year into my sentence, I was abruptly transferred to an experimental segregation unit, opened under the Bush Administration, that is euphemistically called a "Communication Management Unit" (CMU). Since August 2008, when I first arrived at the CMU, I have been trying to get answers as to why I was singled out to be sent there. Only now -- three years after I filed a federal lawsuit to get to the truth -- have I learned why the Federal Bureau of Prisons (BOP) sent me to the CMU: they simply did not like what I had to say in my published writing and personal letters. 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.

The first of the two CMUs was opened quietly, without the public scrutiny required by law, in 2006 in Terre Haute, Indiana; the Marion, Illinois CMU followed in 2008. In fact, at a hearing in my case before I was sentenced, my attorneys argued that giving me the "terrorism enhancement" could result in my designation to a CMU. How right they were! The units are designed to isolate prisoners from the rest of the prisoner population, and more importantly, from the rest of the world. They impose strict limitations on your phone calls home and visits from family and friends -- you have far less access to calls and visits than in general population. The communications restrictions at the CMUs are, in some respects, harsher than those at ADX, the notorious federal "Supermax" prison in Colorado. Also, unlike ADX, they are not based on a prisoners' disciplinary violations. When my wife and loved ones visited me at the CMUs, we were banned from any physical contact whatsoever.

All interactions were conducted over a telephone, with Plexiglas and bars between us. Until they were threatened with legal action, CMU prisoners were only allowed one single 15-minute phone call per week.

This is very different from most prisons. I started my sentence at FCI Sandstone -- a low security facility in Minnesota. I never received a single incident report the whole time I was there and stayed in touch with my family by phone and through visits. The importance of maintaining these family connections cannot be overstated. My calls home were, for example, the only way I could build a relationship with my then two-and-a-half year old niece. When my family would visit, it was incredibly important to all of us to be able to hug and hold hands in a brief moment of semi-normalcy and intimacy. It was these visits that allowed us to maintain our close contact with each other through a time of physical disconnection, trauma and distress.

What's also notable about the CMUs is who is sent there. It became quickly obvious to me that many CMU prisoners were there because of their religion or in retaliation for their speech. By my count, around two-thirds of the men are Muslim, many of whom have been caught up in the so-called "war on terror," others who just spoke out for their rights or allegedly took leadership positions in the Muslim community at other facilities. Some, like me, were prisoners who have political views and perspectives that are not shared by the Department of Justice.

While serving my time I was eager to stay involved in the social justice movements I care about, so I continued to write political pieces, some of which were published on this website. No one in the BOP ever told me to stop, or warned me that I was violating any rules. But then, without a word of warning, I was called to the discharge area one afternoon in May 2008 and sent to the CMU at Marion. Ten days after I arrived, still confused about where I 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. Through discovery in the case, the federal government has finally been forced to hand over previously-unseen memoranda explaining why I was picked out to be sent a CMU. Authored by Leslie Smith, the Chief of the BOP's so-called "Counter Terrorism Unit," and cataloging in detail some of the things I have said in the past years, they make one thing clear: I was sent to the CMU on the basis of speech that the BOP just disagrees with.

The following speech is listed in these memos to justify my designation to these ultra-restrictive units:

My attempts to "unite" environmental and animal liberation movements, and to "educate" new members of the movement about errors of the past; my writings about "whether militancy is truly effective in all situations"; a letter I wrote discussing bringing unity to the environmental movement by focusing on global issues; the fact that I was "publishing [my] points of view on the internet in an attempt to act as a spokesperson for the movement"; and the BOP's belief that, through my writing, I have "continued to demonstrate [my] support for anarchist and radical environmental terrorist groups."

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. But as *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. In fact, decades of First Amendment jurisprudence has refused to tolerate restrictions that are content-based and motivated by the suppression of expression. And courts have recognized that when a prisoner is writing to an audience in the outside world, as I was, it's not just the prisoner's First Amendment rights that are at stake: the entire public's freedom of speech is implicated.

I do not know what is happening with the men I got to know in the CMUs but I know they are still dealing with everything I had to deal with -- isolation from the outside world, strained relationships, always being on eggshells about the constant surveillance and never knowing when they will get out of the CMU.

It is becoming increasingly clear that the BOP is using these units to silence people, and to crack down on unpopular political speech. They have become units where the BOP 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.

4 Apr - Animal Advocacy and Terrorism Law

WHAT: Panel Discussion on the Animal Enterprise Terrorism Act and free speech

WHEN: 6:00pm, Thursday, April 4th

WHERE: 5 Washington Place, New York, New York

COST: FREE

MORE:

The Animal Enterprise Terrorism Act of 2006 makes it illegal to engage in any conduct with the aim of harming animal industry. This panel will discuss the history of the AETA and the impacts of this law on the right to free speech and association.

Moderator:

David Wolfson, Advisory Committee Member, NYU Animal Studies Initiative

Panelists:

Abi Hassen, Mass Defense Coordinator, National Lawyers Guild

Will Potter, Author, Green is the New Red

Odette Wilkens, Executive Director, Equal Justice Alliance

Co-sponsored by NYU Student Animal Legal Defense Fund.

RSVP: <http://animalstudies.as.nyu.edu/object/animalterrorismmlaw.html>

5 Apr – ProLibertad Teach-in for Jailed Puerto Rican Revolutionaries

WHAT: Puerto Rican political prisoner teach-in

WHEN: 6:30pm, Friday, April 5th

WHERE: Casa de las Americas - 182 East 111th Street (between Lexington and 3rd Avenues)

COST: Free

MORE:

Thursday April 4th, 2013 is the 33rd anniversary of the arrest of 11 of the Puerto Rican Political Prisoners! After years of struggle, we still have 2 Political Prisoners left! Join The ProLibertad Freedom Campaign as we commemorate the men and women who have been imprisoned for fighting for the freedom of Puerto Rico!

Program:

Letter Writing to Oscar and Norberto!
Films on the Political Prisoners!
Come hear about the New Campaign for Oscar Lopez Rivera!
A report on the case of Machetero Norberto Gonzalez Claudio!

Rosa Clemente's's Statement of Support:

In 2008 I was proud to be nominated by the Green Party as the first Puerto Rican/Boricua Vice-Presidential Candidate to be on the ballot in a presidential election. One of the main reasons I joined this political party is that the Green Party Platform includes the immediate release of all Political Prisoners, Prisoners of War and the immediate de-colonization of La Isla.

Not only must we stand up and challenge Norberto's wrongful incarceration, but the denial of treatment for his cancer as well as the removal of his orthopedic shoe, which is inhumane and shows the lengths the U.S. government will go to silence our freedom fighters. I am proud to stand with ProLibertad, Norberto's wife Elda and the many groups that are demanding that Norberto be given medical attention now! As he heals, we all must continue the fight to FREE 'EM ALL! Palante, Siempre, Palante.

Contact: The ProLibertad Freedom Campaign
Website: <http://www.ProLibertadWeb.com>
Email: ProLibertad@hotmail.com
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6-7 Apr - NYC Anarchist Book Fair

The 2013 NYC Anarchist Book Fair is coming up and NYC ABC will be tabling and co-sponsoring a panel discussion. We're posting information about the latter below.

MORE:

NYC Anarchist Black Cross, PM Press, and Resistance in Brooklyn present . . .
Prisoners Are Speaking: Are We Listening?

Whether in the medium of books or in other writing, letters, artwork, or through deeds themselves, prisoners in resistance are speaking out. Some are political prisoners and/or prisoners of war imprisoned for their political actions in social movements, including traditions of anti-imperialist national liberation; others are survivors of white supremacist capitalist mass incarceration and state control politicized by experience and solidarity. They are women, men, and other genders. Many are survivors of emotional, sexual, and physical abuse, in and outside of prison. Some are survivors of political repression and/or torture. Some struggle against sexism and marginalization. Some struggle with aging, illness, and neglect. They are organizers, fighters, writers, and rebels.

They speak out against the prison system, against special control units and solitary confinement, against political imprisonment and political retribution. They act and speak to incite, to inspire, to leave movement legacies behind. Some speak out against oppression, silence, invisibility, and oblivion. Some speak to exist. They call out for solidarity in and outside of the walls.

For those of us who are not incarcerated: Are we reading? Are we listening? Are we hearing them? Are prisoner voices truly finding the eyes, ears, and hearts of anarchists and others on the outside in minimum custody? Are we responding? Are we carrying forward the visions we share?

An NYC Anarchist Bookfair discussion of:

*Maroon the Implacable: the collected writings of Russell Maroon Shoatz, Edited by Fred Ho and Quincy Saul

*Oscar Lopez Rivera: Between Torture and Resistance, Edited by Luis Nieves Falcon

and

We Have Not Been Moved: Resisting Racism and Militarism in 21st Century America, by Matt Meyer

Endorsed by (List in formation):

Hell Gate Anarchist Black Cross, Machetero-Movie.com, #nothingtobegainedhere, NYC Campaign to Free Russell Maroon Shoatz, ThroughtheWalls.org,

Featuring panelists . .

Lisa Sanchez Gonzalez

Author of books such as The Stories I Read to the Children: The Life and Writing of Pura Belpré . . . and Boricua Literature: A Literary History of the Puerto Rican Diaspora. Has taught at universities in the U.S., Puerto Rico, and Brazil. Her relationship to anarchism is philosophical and individual.

Russell Maroon Shoatz III

Son of political prisoner Russell Maroon Shoatz. He and his sister collaborate regularly with anarchists, including tabling and presenting at anarchist bookfairs, on behalf of their father and all political prisoners and prisoners of war.

And featuring facilitation and introductions by Matt Meyer, Author of books such as We Have Not Been Moved and more, Editor of Let Freedom Ring and more, and long-time writer and organizer for anti-imperialist, anti-military, and pro-political-prisoner movements. He is a long-time member of Resistance in Brooklyn and the War Resisters League and his organizing includes socialists and anarchists.

13 Apr – Benefit show for NYC Anarchist Black Cross and Wolf Mountain Sanctuary

We're really excited to see folks organizing a benefit for us. There will be loud bands and plenty of information on the prisoners we support as well as for the other organization receiving funds from the benefit-- a wolf sanctuary appropriately named Wolf Mountain Sanctuary.

MORE:

WHAT: Benefit for NYC ABC/Wolf Mountain Sanctuary

WHEN: 7:00pm, Saturday, April 13th

WHERE: Fitness – 1196 Myrtle Avenue, Brooklyn, New York

COST: \$8-\$10 donation

BANDS:

BARBARIAN (record release, NYC)

SKELPTARSIS (NYC crust)

LORDS OF DEATH (NY DBEATDOWN)

DISCHAKA (NY DBEAT PUNKS)

more bands TBA

14 Apr – Book Party for "Exiting the Prism" by Jalil Muntaqim

WHAT: Book party

WHEN: 1:30-4:30, Sunday, April 14th

WHERE: Brecht Forum – 451 West Street (Manhattan)

COST: Free, with books for sale

MORE:

NYC Jericho is very happy to report that we finally have a venue for Jalil Muntaqim's Book Party!!

The Brecht Forum at 451 West Street in Manhattan has agreed to host our event on Sunday, April 14, 2013 from 1:30 to 4:30 pm.

PLEASE SAVE THE DATE!

As soon as we have confirmed some poets and spoken-word artists, we will announce them on our website, www.jerichony.org

Plan to come, have a great time, eat some food, buy the book and help Jalil EXIT THE PRISM!

15 Apr - Framed, Captured, and Gagged: State Repression of Black Radicals in the 1960s

WHAT: Panel discussion of the history of state repression of Black radicals in 1960s United States

WHEN: 6:30pm, Monday, April 15th

WHERE: Engelman Recital Hall, Baruch Performing Arts Center (BPAC) (Entrance on East 25th Street between Lexington Avenue and 3rd Avenue.)

COST: FREE

MORE:

panelists include:

Dhoruba Bin Wahad, Former Black Panther released from prison after 19 years following the publication and discovery in 1990 of COINTELPRO documents pointing to 1) his innocence & 2) a COINTELPRO frame-up.

Ericka Huggins, Former Black Panther and Political Prisoner -- Imprisoned with Bobby Seale for two years in the 1960s

Dr. Akinyele Umoja, Professor at Georgia State Univ. author of forthcoming book on the politics of self defense in the southern civil rights movement

Dequi Kioni Sadiki, activist, educator and co-coordinator of the Sekou Odinga Defense Committee