



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for May 28<sup>th</sup>

### **13 May - New Writings by Mumia Abu-Jamal**

*Below, we've pasted the transcripts of Mumia's latest audio commentaries, eulogizing Richie Havens and Malcolm Latif Shabazz.*

#### **MORE:**

##### **Richie Havens**

With a voice that seemed equal parts grit and sand, Richie Havens was an original. Although known to the industry (and DJs) as a folk singer, anyone who listened to him, both that magical voice and his frenetic guitar playing, know instantly that he was much, much more.

To most fans, his performance at the famous 1969 upstate New York Woodstock Music Festival was their introduction to his raspy, soulful sound.

But like rare musicians, some of his best work wasn't that which sold the most, or made its way to radio.

His was the voice that sang the eloquent anguish of the Ku Klux Klan, with the throaty lyric: "He who rides with the Klan, is a devil, and not a man..."

Think of folk-singers – or any singers for that matter – who sing of America's home-grown terrorists. (Other than the Black British reggae band, Steel Pulse, I can think of none).

Richie Havens did so with passion, brilliance and an eerie, raw beauty.

##### **Malcolm Latif Shabazz**

It was with deep and profound shock and sorrow that I received the news of the tragic – one might say incomprehensible – death of Malcolm Latif Shabazz, the grandson of Black Nationalist leader and icon, Malcolm X.

Born Oct. 8, 1984, several decades after the assassination of his grandfather, Malcolm had the lean, angular beauty of his famed forebear, so much so that a shadow of grandfather was reflected on his face.

But his face bore far more, for there, in his eyes, dwelt the unmistakable glint of the pain of those once imprisoned. His bit came in the midst of his childhood, a boy's mistake that instantly transformed into the unthinkable: an arson that took the sweet life of his grandmother, Dr. Betty Shabazz, and scarred a child forever.

The details of his passage into eternity aren't clear, but it seems Malcolm, while on vacation in Mexico, got into a rumble with locals over a bill. And the locals, none too fond of Yankees anyway, beat the young man to death.

In his relatively short life, Malcolm traveled perhaps as much as his grandfather, visiting France, Libya, Venezuela alas, Mexico.

Malcolm Malik Shabazz, the grandson of Malcolm X, was 28 years old when he returned to his ancestors.

### **13 May - Violence Against (Trans)Women Today by CeCe McDonald**

*CeCe wrote a short essay on street violence against women and (trans) women, initially for a panel at the University of Minnesota. It was postponed due to drama with the Department of Corrections drama, but is now*

*finished.*

**MORE:**

A major problem in the entire world is violence against all women, which also includes trans women. Throughout time, women have been subjected to the cruel “iron fist” of the male species’ ever-inflicting egos. The violence that has been upheld for centuries have affected us all, whether it be a tyrannical leader’s harsh rule over a nation or domestic rule inside the household. Women have a higher rate of experiencing violence in all its forms—physical, verbal, and/or sexual. In most cases we are the victims of murder, and in the act of defending ourselves we are subjected to time, even life in prison. How can society say that it detest and challenge violence against women, when there is very little, if any, real help for us, and the help we give ourselves result in punishment?

Street violence and trans women go hand in hand, and I’m sure that if asked any trans woman can agree that most of her conflicts occurred outside of her dwelling. For me, all of the incidents that I’ve experienced were outside of the home. I, and most trans women, have to deal with violence more often and at a higher rate than any cissexual person, so every day is a harder struggle, and the everyday things that a cissexual person can do with ease are a constant risk, even something as simple as taking public transportation. Street violence has affected me drastically, and I think—no, I know—that if I never learned to assert myself that I would’ve never gained the courage to defend myself against those who have no respect or gratitude towards others in the world, I would have met my demise years ago.

Currently, I am in a men’s state prison for the death of someone I accidentally stabbed in the act of defending myself. It all started around 12 am on June 4th, 2011 when a group of racist drunks began to verbally bash my friends and I on our way to a local 24-hour grocery store. After being called everything from faggots to niggers, tempers escalated and I was caught in between the madness. A woman from the other group decided to throw her alcoholic cocktail in my face, and to add insult to injury, she smashed her glass cup in my face which lacerated my cheek and was deep enough to cut a saliva gland which caused painful complications later on after getting 12 stitches. When the police arrived it wasn’t hard for them to assume who the aggressors were—surely, for them, it had to have been the group of black kids who started all this drama. At least that was the feeling I was receiving by the way they were treating me and my friends. And instead of taking me directly to the ambulance, they made me sit in the back of a squad car in handcuffs while bleeding badly and in very bad pain.

When I was finally transported to the ambulance, I was immediately bombarded with questions, even before I could get the medical attention I needed. And when I got to the hospital it didn’t go any better. I was told to take off all my clothes, after that I was shackled to a hospital bed, and poorly examined hence the large deformity that was on my left cheek from a saliva gland being cut. From there I stay in an interrogation room for over 5+ hours. And it all went downhill from there. I can say that I’m so blessed to have such wonderful, caring, loving friends, family, and supporters that helped me through this injustice.

But it does go to show that there is nothing really in place for women to protect themselves—ourselves. We need to unite to make a voice for all those who have become a victim of violence. I want to shout-out all the organizations and programs that are doing just that. To all those who showed up to the 1 Billion Rising event in Pittsburgh on Valentines Day I LOVE YOU ALL! I also want to shout out all the victims of violence that were honored at the event: Patreese Johnson, Charmaine Pfender, Marissa Alexander, and Tanika Dickson. I LOVE YOU ALL! We are all victims of violence and the injustices and oppression of a faulty legal system and the PIC. And in memoriam of all our fallen sisters, this is for you! Our flames of resilience and tenacity burn bright in the efforts of a revolution for women. We will not give up until there are the necessary changes in this world for better protection and equality. And it is up to us to show that we are concerned and that none of our struggles will go in vain.

I cannot reiterate enough to people how they should get involved. GET INVOLVED! Organizations like 1 Billion Rising need our help, or get involved in local organizations and program. I pray that no other woman should have to deal with violence on any level, and I know that we can make a change.

Thank you all for taking time to hear (or should I say read) my concerns for our women in the world. I LOVE YOU ALL! Please stay strong, live well, and fight hard!

**May 17th - A major milestone: my 25th birthday!**

Greetings my loves!

Well, despite the shitty circumstances I'm in, I'm excited to say that I'll be turning 25 this month...YAY! And already the month is starting off fantastically on account of Jason Collins being the first openly gay athlete still active in the NBA. I commend you, Jason, for being an outstanding influence and role model. I seen in an interview that he did that he wanted to end the stereotypes of what "gay" is, which I think he was referring to the most common stereotypes of gay men as feminine and flamboyant, not that there is anything wrong with anyone's personal individuality. But he is a perfect example of a masculine man who also identifies as an openly gay man. And not to mention he is so very sexy... (wink wink) LOL. But nonetheless, the LGBTQNC community thanks Jason Collins for being a leader and help to end the stereotypes and marginalizations that are attached and associated with the LGBTQ-GNC community. Our support is here for you! And the revolution continues...

Now as I mentioned I'll be turning 25 this month, and for me being in prison for saving my own life is worth celebrating another year, even if it's in a fucked up environment. I feel blessed--no I am blessed to say that I've lived for a quarter of a century. That through my trials and tribulations, through my life's quarrels, that when I never thought I'd make it past the age of sixteen, I triumphed over all obstacles and that in itself is a victory. So for me, this is a major milestone, especially considering the violence against trans women and the injustices of a faulty "judicial system" and a society that's been hijacked and distorted by radical-religious ideas. I can say that through all the adversity I faced over the course of time I lived so far, I've evolved and accomplished more than I would have ever imagined. And I can only go up from here! And it's also a blessing to have such wonderful, loving, caring people in my life. I want to take this time to thank those people who have grown to know me and love me as I do for them. I love you all so much, there aren't even words to express my love and gratitude for you all. Also to all the supporters around the world I LOVE YOU ALL!

I also want to give a major shout-out to my mom, and all moms around the globe in honor of Mother's Day. I love you so much mommy, and I love both my grannies and all my beautiful aunts. These women are great examples of strong, fierce females and I'm so appreciative of them for being understanding and caring. And for my mom who is supportive and helping me through this tough time, you've been a great mom and I love you. Thank you for being a top notch mom.

Before I go I want to leave you with the quote of the month and a poem that was on a card that someone sent me:

"To love is to risk not being loved in return: To hope is to risk pain. To try is to risk failure, but risk must be taken because the greatest hazard in life is to risk nothing." (Author unknown)

This next piece is a poem titled "Her Journey's Just Begun" by E. Breneman. I fell in love with it after reading it because it related to me so well.

Her Journey's Just Begun  
Don't think of her as gone away--  
her journey's just begun,  
life holds so many facets--  
this earth is only one.  
Just think of her as resting  
from the sorrows and the tears  
in a place of warmth and comfort  
where there are no days and years.

Think of how she must be wishing  
that we could know today  
how nothing but our sadness  
can really pass away.  
And think of her as living  
in the hearts of those she touched...  
for nothing loved is ever lost—  
and she was loved so much.

Thank you Tracy in El Cerrito, CA for that beautiful card and that significant poem. I greatly appreciate it.  
Thank you all for hte love and support. T.T.Y.L.!

### **13 May - Feds Falsely Use Specter of Terrorism to Hunt Down Black Liberation Activist**

*Labeling Assata Shakur a terrorist is the latest attempt by the government to rewrite the history of radical activists.*

#### **MORE:**

Just 17 days after the Boston Marathon bombings, the largest spectacle of terrorism on US soil since 9/11, the FBI added the first woman to its list of “Most Wanted Terrorists” for a crime she is accused of committing more than 40 years ago. This is just the latest attempt by the federal government to rewrite the history of radical activists from the '60s and '70s and cover up the government's illegal actions aimed at stopping them.

Assata Shakur, known in court documents and wanted posters as Joanne Chesimard, was added to the list of Most Wanted Terrorists on May 2. Nearly eight years earlier, she was reclassified from fugitive to domestic terrorist under the Patriot Act in 2005. Shakur is only the second so-called domestic terrorist ever to be placed on the list; she joins Daniel Andreas San Diego, an animal rights activist, who was added in 2009. The state of New Jersey also announced that it would be contributing \$1 million to her bounty, bringing the total for Assata Shakur's capture to \$2 million.

Since 1984, Shakur, a fugitive and political prisoner, has been living as a refugee, exiled in Cuba. She was a member of the Black Panther Party and the Black Liberation Army in the late 1960s and early 1970s.

Today she might be just as famous for being Tupac Shakur's godmother if she wasn't being called a “top priority” by the FBI. But Assata Shakur belonged to one of the most important movements for democracy and racial justice in the 20th century, and for many people who dream of a better world, she is the apogee of hope. For the US government, though, she is the one who got away. Now, at the age of 66, Shakur may still be agitating with her words, but she cannot seriously be considered a national security threat.

It is an outrage and a shock to some, but for anyone who has been paying attention, it is par for the course. Since 9/11, the US government has operated with impunity, trampling civil rights, due process, and the legal claims of other sovereign nations. These two new escalations by the FBI and the state of New Jersey, repainting Shakur and other members of the black liberation movement as terrorists, is also nothing new. In fact, it is a logical extension of the repression these groups faced under COINTELPRO when they were active. Only now, it is being translated from the anachronistic language of containment into the present-day language of fear and securitization, in order to merge the narratives of older movements and newer ones, and to justify the repression against both.

#### **Two Narratives of a Traffic Stop**

There are two 40-year-old narratives underpinning this case: an official US government narrative that is open-and-shut, and another narrative that recognizes the history of repression faced by black radicals and the oppression of black communities.

Officially, Shakur's status as a domestic terrorist stems from a shootout with police that took place on May 2,

1973. The shootout resulted in the deaths of a New Jersey state trooper and one of Shakur's companions, Zayd Malik Shakur.

But according to the National Lawyers Guild (NLG), Assata Shakur had been pursued by state and federal authorities for several years before the incident in New Jersey because of her political affiliations and because she was a woman. "Prior to the shootout, Ms. Shakur was the subject of a nationwide hunt as part of an FBI campaign to tie her to every suspected Black Liberation Army action involving a woman. After her capture, Ms. Shakur was not charged with any of the crimes that prompted the dragnet," the NLG states.

Assata Shakur, Zayd Malik Shakur and Sundiata Acoli were driving near East Brunswick when they were stopped by two New Jersey troopers for having a broken tail light. It is at this point that accounts of the incident diverge. According to the FBI, Assata Shakur murdered trooper Werner Foerster "execution-style," in "cold-blood." In the morass of conflicting accounts about the shootout, these facts are known for certain: Zayd Malik Shakur was killed, trooper Foerster was shot twice in the head with his own gun, and Assata Shakur sustained severe wounds in both her arms and one shoulder.

"The allegation that she was a cold-blooded killer is not supported by any of the forensic evidence," said Shakur's longtime attorney Lennox Hinds in an interview with Democracy Now! "If we look at the trial, we'll find that she was victimized, she was shot. She was shot in the back. The bullet exited and broke the clavicle in her shoulder. She could not raise a gun. She could not raise her hand to shoot. And she was shot while her hands were in the air."

Following the shootout, Assata Shakur was tried for murder and more than a dozen different crimes. The NLG recalls "two bank robberies, the kidnapping of a Brooklyn heroin dealer, attempted murder of two police officers in Queens, and eight other felonies related to the turnpike shootout." These indictments resulted in the following verdicts: "three trials resulted in acquittals, one in a hung jury, one in a mistrial, and one in a conviction. Three indictments were dismissed without trial."

Despite two mistrials--one in 1973 and one in 1974--and despite the fact that Sundiata Acoli had already been convicted of the murder of Werner Foerster, Assata Shakur was found guilty of first-degree murder in 1977. The trial was full of constitutional violations, including a visit by a New Jersey state assembly member to the sequestered, all-white jury, urging them to convict her. After already serving four years in jail, she was sentenced to life in prison. In 1979, after spending two years in various prisons in New Jersey, members of the Black Liberation Army freed Shakur from the Clinton Correctional Facility for Women. She spent the next five years in hiding before fleeing to Cuba, where she was granted political asylum by 1984.

## **COINTELPRO**

According to attorney Hinds, by renewing the invective against Shakur, the US government "is continuing the unrestrained abuse of power by which it attempted to destroy Assata Shakur and other black individuals and groups by surveillance, rumor, innuendo, eavesdropping, arrest and prosecution, incarceration, and murder throughout the '60s and '70s."

The litany of tactics that Hinds lists belongs to the playbook of COINTELPRO, the counterintelligence program of the FBI. The program was masterminded by J. Edgar Hoover, the Bureau's pre eminent founder. Origins of the COINTELPRO doctrine can be found in this declassified memo which outlines the scope of the FBI's war on black activists and radicals: "The purpose of this new counterintelligence endeavor is to expose, disrupt, misdirect, discredit or otherwise neutralize the activities of black nationalists, hate-type organizations and groupings, their leadership, spokesmen, members, and supporters, and to counter their propensity for violence and civil disorder."

Hinds points to the continued persecution of Assata Shakur as the continuation of COINTELPRO. But the FBI cannot continue to use that same playbook because it has been vilified in the public sphere and found to be largely illegal. Instead, it must pivot and switch to the contemporary language of repression. Label Shakur a

terrorist. Make her one of the most wanted terrorists in the world.

This logic effectively covers up the existence of COINTELPRO and denies the murders, surveillance and false convictions of an entire generation of political dissidents. Many of those who experienced the might of this repression firsthand and could attest to it are now dead, and others, like Sundiata Acoli, are still in prison. Assata is the loose end the state desperately needs to tie up. Her existence and freedom link the FBI's troubling past to its suspicious, opaque present. "Labeling Assata a terrorist and putting a bounty on her head," says NLG executive director Heidi Bogoshian, "is a clear attempt by U.S. authorities to hide this chapter in history."

Even worse, by further criminalizing Assata Shakur, the Justice Department under Obama is lifting up those older chapters of struggle and condemning them in the fearful language of the present, equating radicalism and militancy with terrorism. This campaign of slippery diction has condemned numerous environmental and political activists to lengthy prison terms under new state and federal anti-terrorism laws, and it is the preferred terminology used to entrap and indict Muslims at home and abroad.

Are we to look back at militant and radical labor struggles that gave us the eight-hour work day and call this the work of terrorists? Undoubtedly, this is the road we are going down.

### **Timing is Everything**

"I believe that we have to look at this in the context of what has just happened in Boston," Lennox Hinds told Amy Goodman. "I think that with the massacre that occurred there, the FBI and the state police are attempting to inflame the public opinion to characterize [Shakur] as a terrorist, because the acts that she was convicted of have nothing to do with terrorism."

Hinds may be right with his suspicion. But as Trevor Aaronson points out at Mother Jones, the situation in Boston could have been prevented if the FBI had been investigating Tamerlan Tsarnaev more closely and not spending gross amounts of money to entrap and convict innocent Muslim men like Rezwana Ferdaus, who became the FBI's target after they stopped trailing Tsarnaev in 2011. Rather than devoting valuable resources to apprehending a revolutionary, now in the twilight of her years, the FBI ought to focus its attention and budget on preventing serious attacks that put us all at risk. If there is another attack in the near future, we will be forced to ask: could it have been prevented if the FBI was paying attention where it should have been instead of pursuing Assata Shakur?

### **For the Next Generation of Activists**

Unfortunately, this decision by the FBI is more than a bid to rewrite history. Angela Davis told Democracy Now! that "it seems to me that this act incorporates or reflects the very logic of terrorism," Davis says. "I can't help but think that it's designed to frighten people who are involved in struggles today. Forty years ago seems like it was a long time ago. In the beginning of the 21st century, we're still fighting around the very same issues — police violence, healthcare, education, people in prison."

What message does this announcement send to activists who are in communities fighting police violence, stop-and-frisk, police murders like the killing of Kimani Gray in the Flatbush area of Brooklyn or the killing of Manuel Diaz in Anaheim? The persecution of any political activist impacts all political activists and creates a chilling effect.

Lennox Hinds points out that the decision to put Assata Shakur on the Most Wanted Terrorists list is irreversible, and as such, carries the weight of the US government's support. "There is no way to appeal someone being put on the terrorist list," he said. The only way to be taken off, according to the FBI's website, is to be proven innocent in a court of law, or to be proven dead.

For Assata, it is too late to be proven innocent; she has already been wrongfully convicted. But if in the course of these new escalations we can clearly see the process by which language is being used to revise history and to manufacture terrorist threats, then maybe we can see our current moment for what it is: a time when actual

threats to public safety are ignored, but a 66-year-old grandmother is considered a high-level threat.

## **15 May - New Laws Would Make Environmental Protest “Terrorism”**

*Politicians are trying to create new laws that make tree-sits and other direct-action techniques illegal. The bills even single out specific campaigns by name and allow corporations to sue protesters for costing them money.*

### **MORE:**

By Will Potter for *VICE*

Most people have heard of tree-sitting—a tactic environmentalists use to prevent old-growth trees from being cut down and whole forests decimated. In its heyday, in the late 1990s and early 2000s, members of groups like Earth First! climbed 100-foot-tall Redwoods and stayed there to save them. Beginning in 1997, one woman in Humboldt, California, named her tree Luna and stayed in it for two years, until enough money could be raised to prevent it from being axed. In 1998, in a Northern California old-growth forest, another treesitter named David Gypsy Chain was “accidentally” killed when loggers felled a tree that came crashing into the protester. He died instantly of massive head trauma.

This style of protest was also hugely successful—that is, until a series of arrests in 2005 against radical environmentalists who were labeled “terrorists.” It scared the shit out of the environmental-activist community, and folks started drifting away.

Now, there's a vibrant national protest movement reviving those "direct action" tactics of civil disobedience again, and adding a new political savvy to the mix. They, too, have been incredibly effective. In Oregon, in the summer of 2011, one blockade took 50 cops, a backhoe, and a 125-foot-crane to remove treesitters. A few days later, activists locked themselves together in an Oregon Department of Forestry office. The group responsible, the Cascadia Forest Defenders, say they won't stop until the Elliott State Forest is protected from clearcutting.

As a result—surprise, surprise—politicians are trying to create new laws that make tree-sits and other direct-action techniques illegal. The bills even single out the Elliott State Forest campaign by name and allow corporations to sue protesters for costing them money.

On April 29, two bills passed the Oregon House that would hit tree sitters and non-violent protesters with felonies and mandatory minimum sentences.

"There's been a 30-year reign of terror by these people having no respect for the rights of others," says Rep. Wayne Krieger, a Republican. Krieger says "environmental terrorists" have been "chaining themselves to trees, locking themselves to equipment, and laying down in the road."

Krieger, a tree farmer and former member of the Oregon Board of Forestry, has introduced HB 2995. It would create a new crime of "interference with state forestland management." The first offense, a felony, carries a mandatory minimum sentence of 13 months; another offense kicks that up to a \$25,000 fine and five years in prison. That's five years for non-violent civil disobedience.

A companion bill, HB 2996, allows loggers to sue protesters for up to \$10,000 in lost income up to six years after a protest ended.

Who are the environmentalists responsible for this terror?

"I coach kindergarten soccer," says Jason Gonzales of Cascadia Forest Defenders. He testified against the bill and questioned lawmakers' priorities. "We have students, we are professionals, we meet with governors, we present at panels. And when it's the last resort we put our bodies on the line."

Supporters of the bills say they are needed to combat protests against increased logging on federal lands, specifically the tree-sits in the Elliott State Forest. In the absence of real protective measures from the Obama

administration or state lawmakers, protests have been escalating. Obama signed off on logging in the Alaskan rainforest (a move later blocked by a federal district court), and activists say his new national forest proposal lacks any real teeth.

"It clearly is targeting speech," says Becky Strauss, who is legislative director of the ACLU of Oregon. The bills place a heightened penalty on protest because of what is being protested. "It leaves it open to a police officer's unbridled discretion as to when and how to enforce this bill, and we expect this to be enforced disproportionately based on the content of their speech."

Sound unconstitutional? The courts thought so, too. Oregon once had a nearly identical law that criminalized "interference with agricultural operations." It was struck down in 2009 as unconstitutional because it outlawed environmental protest but made an exception for labor protest.

Lauren Regan, an attorney with the Civil Liberties Defense Center, led the fight against that bill. She says these new bills are zombified versions of the dead laws, and if they pass they'll be challenged in court. Again.

But dead legislation isn't the only thing being resurrected. The direct action wing of the environmental movement has been increasing in intensity in the last few years. In protests against the Keystone XL pipeline, activists in Texas have been locking themselves to bulldozers and climbing onto tripods. In Oklahoma, two people were just arrested for chaining themselves to heavy equipment.

If these effective tactics continue, activists fear the Pacific Northwest won't be the only states considering new laws against protesters. In many ways, these bills against environmentalists are similar to "ag-gag" laws against animal rights activists that are being considered around the country; just as the ag industry is trying to create a crime of "animal agriculture interference," the forest industry is trying to create a crime of "interference with forestland management."

Corporations should be worked about much more than "interference," Jason Gonzales says. "Creating a mandatory minimum prison sentence won't stop us from fighting these projects but it will change the way we have to fight them," he says. "My very genuine concern is that it will force large sections of our movement to take their actions further underground. Indeed, instead of stopping us, it may encourage us to accomplish more when risking so much."

### **15 May - New York activist faces jail for his silence**

*We're writing to federal grand jury resister and NYC anarchist Jerry Koch tonight and are including a roundup of articles about him below.*

#### **MORE:**

By Natasha Lennard for *Salon*

During Occupy's most resonant days in New York in late 2011 and early 2012, regular marches and protests led typically to at least a handful of arrests. Those nights, tired bodies would trickle out of lower Manhattan's central booking, slapped with minor charges, into the arms of supportive friends and activist allies holding vigil outside. Gerald "Jerry" Koch, now 24, was already an old hand at jail support for activists by that time. His suited, skinny frame haunted court buildings until the early hours following arrests, helping gather bail funds and legal support. Under Koch's vigilant, pestering watch, the holding cells filled with political protesters would be emptied as soon as possible.

Now Koch — my longtime friend, Jerry — faces up to a year and a half in jail himself. He is the latest anarchist in the U.S. to have been subpoenaed to testify before a federal grand jury. He will not cooperate and his silence could land him months in federal custody, without charge or conviction for a crime. I have written at some length in recent months about the federal grand jury system, which I describe as one of the blackest boxes in the judicial arsenal. I noted, for example, how four anarchists in the Pacific Northwest were jailed for resisting cooperation with a Seattle grand jury, believed to be investigating property damage wrought against the city on May Day

2012.

Three of the Northwest grand jury resisters were held in solitary confinement for much of their five-month detainment. Again, they were not charged with or convicted of any crimes. I noted too how prosecutors in Massachusetts pushed journalist Quinn Norton into becoming a “reluctant witness” in the grand jury investigation into now-deceased technologist Aaron Swartz. Norton, looking back on her experience in light of her friend’s suicide, called the process “the mechanics of snitching.”

Jerry’s case is a particularly strange one. In a move his legal team sees as highly unusual, the former New School student is now facing his second grand jury subpoena investigating the same incident. In 2008, Jerry refused to cooperate with a grand jury launched to investigate the use of an incendiary devise at a Times Square army recruitment center. The so-called bicycle bombing shattered a window but injured no one. Jerry is not under investigation for the incident, but prosecutors claimed in 2008 that he overheard a conversation at a bar in which the suspect was identified. Jerry rejected their claim then, as he does now, having been called to testify again. Now, as then, Jerry will not cooperate on political grounds — grand juries have for some decades been used as fishing expeditions by the government used to intimidate, deter and undermine radical and dissident communities.

“The government knows Jerry has no information for them in relation to the investigation into the Times Square incident. They also know Jerry won’t talk. But they’ve decided to attempt to coerce him to talk anyway,” said David Rankin, one of the attorneys advising Jerry. Rankin told me that — given Jerry’s record of grand jury resistance and his status as a well-known anarchist and legal activist in New York — “the possibility is certainly left open” that Jerry’s case is intended to chill others thinking of grand jury non-cooperation.

Rankin, echoing comments I’d heard earlier this year from National Lawyers Guild director Heidi Boghosian, noted that while grand juries “conjure to mind the idea of gatekeepers for government function, rather than props for prosecutors, they are ripe and susceptible for abuse.” As Boghosian told me, “abuse of grand juries includes attempts to gather intelligence or information otherwise not easily obtained by the FBI.”

Meanwhile Jerry looks tired and pale (paler even than usual) as he awaits his first grand jury hearing this coming Thursday. At this hearing, and others that may follow, he will refuse to talk and may be taken straight into federal custody. He described himself as “grimly resolute” when we spoke a few days ago. “Any time you’re subpoenaed in a matter like this and you refuse to cooperate, you have to be prepared to go to prison. The fact that I did not last time is, I’m told, incredibly atypical.”

It seems an obvious abrogation of the spirit, at least, of the writ of habeas corpus, that an individual could be jailed without being charged or convicted of any crime. But the shrouded grand jury system has coercive imprisonment inscribed into the letter of our federal justice system. “It’s actually lawful for the prosecution to hold an individual in order to coerce cooperation, but unlawful to hold the person as a form of punishment,” NLG’s Boghosian told me last year when I first wrote about grand jury resistance for Truthout. As I explained when reporting on the Northwest grand jury resisters:

The closed-door procedures are rare instances in which an individual loses the right to remain silent...The grand jury can grant a subpoenaed individual personal immunity; Fifth Amendment rights against self-incrimination are therefore protected, but silence is not. In these instances, refusal to speak can be considered civil contempt. Non-cooperators can be jailed for the 18-month length of the grand jury.

Yet if federal prosecutors in New York have hidden intention, as activists fear, of using Jerry to find out about anarchist activity in the city, their fishing will yield nothing. New York’s (often disjointed) radical milieu has seen Jerry resist a grand jury once before and knows he will do so again, even if placed in solitary confinement. As such, a strong support network has come together to spread the word about Jerry’s case, the coercive functioning of grand juries and resistance. Artist friends designed T-shirts, a call was put out to “pack the court” on Thursday, tech-aware friends were swift to put up a website to share information and raise funds for Jerry’s

prison commissary and legal costs. For Jerry, it's been a heartening and a resolve-strengthening show of solidarity. "While the feds may rely on a strategy of going after anarchists to uncover their interpersonal and political connections, people see how powerful a united front is and our communities become more resilient," he said.

A representative from the New York U.S. Attorneys Office told Salon that the office does not offer comment, confirmations or denials regarding grand jury investigations or subpoenas.

Meanwhile, all the resolve in the world can't attenuate the fear of imprisonment — for Jerry or his loved ones. His long-term partner, Amanda Clarke, whose hair I've seen dyed every hue from palest pink to raven black, carries the burden that her partner could be locked away from her for over a year. "I feel like I've aged 10 years. As the [hearing] date gets closer, it's harder to live life as normal," she told me this week, having poured her every spare hour into Jerry's support network. "When I explained the situation to my mother, who is not political, and other non-political friends, I felt I sounded like a conspiracy theorist — no one thought you could go to jail without a conviction, for no punitive purpose."

Yet grand juries provide this dark loophole, and Jerry — like the grand jury resisters in the Northwest, and numerous 1990s animal rights activists before them and black radicals before them — faces incarceration for his silence. As Andy Gittlitz, writing for Truthout on Jerry's situation, noted, "the antiquated grand jury model comes pretty close to the puritanical damned-if-you-do, damned-if-you-don't methods of pre-Constitutional trials." And for my friend Jerry — described by his partner as "the most resolute man" she knows — the silver lining is thin but bright. In the context of New York radical politics regularly centered around posturing and blustering, Jerry's resistance is potent. For him, this silence is "the best example of meaning what you say."

#### **May 16<sup>th</sup> - Man May Face Jail for Refusing to Testify in Bomb Case, Again** (*New York Times*)

A 24-year-old self-described Brooklyn anarchist may be headed to jail after refusing on Thursday for the second time to testify before a grand jury believed to be examining the explosion of a homemade bomb that damaged an armed-forces recruitment center in Times Square in 2008.

A lawyer for the man, Gerald Koch, said she believed that prosecutors would ask a Federal District Court judge in Manhattan to cite him for contempt during an appearance scheduled for next week, an action that could result in Mr. Koch's being jailed.

"I anticipate that the government will seek an order from the court holding Jerry in civil contempt," said the lawyer, Susan V. Tipograph, adding that her client had refused to testify as "a matter of principle" and because "he has no knowledge whatsoever" about the bombing or who caused it.

Ms. Tipograph said Mr. Koch was not a target of the investigation and had been granted immunity.

A spokeswoman for the United States attorney's office in Manhattan declined to comment. Generally, prosecutors are barred by law from discussing grand-jury matters.

About 60 supporters outside cheered when Mr. Koch emerged on Thursday morning from a Manhattan federal courthouse where a grand jury had been empaneled. He told reporters that he had confirmed his name, age and address but nothing else.

"I did not answer any other questions," he said.

Lawyers for Mr. Koch said the grand jury was looking into the recruitment-center explosion, which took place in the middle of the night and harmed nobody. Surveillance footage showed a figure wearing a hooded sweatshirt and departing on a bicycle just before the blast. The police said that the attack was similar to other low-grade bombings in Midtown, outside the British Consulate in 2005 and outside the Mexican Consulate in 2007.

Mr. Koch was subpoenaed to testify in front of a grand jury examining the matter in 2009, Ms. Tipograph said, and refused then with no consequences. She added that his continued refusal was motivated by a conviction that “the grand jury was being used in a manner to fish for information about the political movements he’s been involved in.”

On Thursday afternoon, Mr. Koch appeared before Judge John F. Keenan in a proceeding that was sealed. Ms. Tipograph said he had been directed to appear in front of the judge again on Tuesday.

**May 17<sup>th</sup> - Secrecy Shrouds Hearing for Grand Jury Refusenik** (*Courthouse News*)

A secret hearing for a young man refusing to participate in a grand jury investigating the 2008 bombing in Times Square convened behind closed doors Thursday, as dozens of his supporters and the press waited outside.

Gerald “Jerry” Koch, 24, was subpoenaed in connection with a March 6, 2008, bombing of a military recruitment center that damaged the property without causing any injuries or deaths.

Insisting that he had no knowledge about the incident when he was first called in 2009, Koch accused prosecutors singling him out for a “fishing expedition” because of his anarchist beliefs.

Koch invoked his First, Fourth, Fifth and Sixth Amendment rights not to testify.

He took the same position after served with another subpoena this year, and prosecutors took steps to initiate civil contempt proceedings.

Although a Thursday hearing leading to those proceedings was expected to be public, U.S. District Judge John Keenan justified sealing the court under Rule 6(e) of the Federal Rules of Criminal Procedure, codifying grand jury secrecy.

After the hearing adjourned more than an hour later, Koch’s attorney, Susan Tipograph, said the court order barred her from revealing what was discussed.

Speaking generally about her client’s case, however, Tipograph said: “This is not a question of him trying to interfere with an investigation into a federal crime.”

She framed the issue in light of the recent revelations of the government’s secret seizure of phone records of reporters for the Associated Press.

Attorney General Eric Holder later justified the snooping on an allegedly “very, very serious leak” of classified information published in a May 7, 2012, article about a foiled terror plot timed a year after the killing of Osama bin Laden.

The investigation corralled the five reporters, one editor involved with the story, and another 20 separate telephone lines. The news wire’s CEO Gary Pruitt called the dragnet a “massive and unprecedented intrusion.” Tipograph said reporters should be especially sensitive to her client’s position, in light of the AP’s experience. Emphasizing that Koch was not a target of the grand jury, Tipograph said that her client has “no knowledge that he is aware of” about the bombing, and he made his decision not to testify on principle.

“This is a long-held position,” she said. “This is not a flirtation. Jerry is a very thoughtful and serious young man.”

Civil contempt proceedings are scheduled for the afternoon of May 21.

If held in contempt, Koch could be incarcerated for the length of the grand jury, which typically convenes for 16 months, his lawyer said.

“Special grand juries” could last double that time, Tipograph added, though she could not say whether this grand jury has been designated as such.

The U.S. Attorney’s Office declined to comment.”

**May 17<sup>th</sup> - Jerry Refuses to Testify: Yesterday’s Appearance** ([jerryresists.net](http://jerryresists.net))  
**Jerry ‘like the mouse,’ NOT the rat!**

Yesterday, our friend and long time anarchist activist, Gerald “Jerry” Koch finally made his appearance before the Federal Grand Jury that subpoenaed him. Around 10:30 AM, at 40 Foley Square, Jerry entered the courthouse to cheers from some 80 gathered supporters chanting “our passion for freedom is stronger than their prisons!”

For the second time in four years, he stood before the impaneled jury and the prosecutor, without legal representation by his side or the comfort of loved ones in the courtroom pews, and refused to capitulate to state intimidation and announced his intention to remain silent.

From what we understand, Jerry answered only the three control questions which were his name, address, and date of birth. For all of the following questions he invoked his First, Fourth, Fifth and Sixth amendment rights and offered nothing further. After receiving each question he exited the courtroom to consult with his lawyer, before proceeding to return and invoke his rights. When it became clear he would not be answering any of the prepared questions he was permitted to leave the grand jury room.

At this time he emerged to hugs and cheers from the assembled supporters. The word had been spread around that he would not be taken in that day, since there wasn’t enough time for a contempt hearing (we would later find out this was not exactly true\*). A ring of media formed to hear a very brief statement from Jerry, which was simply that he had answered only the control questions and invoked for all others. Immediately following his subpoena appearance he was given a second meeting with the judge at 12:30 at the other Federal Courthouse, 500 Pearl Street. Those gathered were told that this would be a procedural and routine admonishment, advising Jerry of the potential consequences of his resistance and ostensibly ensuring that his counsel had made him aware of the legal mechanisms at work.

The tension among Jerry’s supporters subsided giving way to exhausted calm upon hearing that the second appearance was moved to 3:30 – it seemed impossible that time would be made in the busy court schedule for a contempt hearing. Media of every stripe continued to arrive and be fielded by members of the Support Committee. At 3:30, Jerry and his partner Amanda climbed up for their second time the set of Federal Courthouse steps to another round of cheers and camera flashes. In minutes the relative peace was broken by the news that this procedural admonishment could turn into a contempt hearing at any moment without delay. That is to say, the doors would simply be flung open, and the process of throwing Jerry into prison would begin without notice. Those of us outside immediately streamed into the courthouse, into a long and anxious line to present photo ID and be searched before being allowed up to his part on the 20th floor.

*\*We give this detail to underline that legal proceedings are always shrouded with a degree of ambiguity and uncertainty. Those of you who can make it on Tuesday, May 21st, should be prepared to enter the courthouse early (we are asking 3 PM) and, if possible, wait until the very conclusion of the session to make sure you don’t miss an important moment.*

After queuing, the group consisting of Jerry’s supporters and family eager to hear the news of their friend, along with a slew of reporters impatient for the dramatic resolution, had been moved into the hallway of the 20th floor for even more waiting. About an hour later Jerry emerged again and it was made clear that the proceedings were adjourned until Tuesday. His lawyer, Susan Tippograph, gave a brief press statement. When asked what she expected to happen on Tuesday she stated, “*I anticipate that the government will seek an order from the court holding Jerry in civil contempt.*” A reporter who asked if he had any plans to amend his decision before the next

hearing was rightly told, *“This is a long-held position. This is not a flirtation. Jerry is a very thoughtful and serious young man.”*

### **May 20<sup>th</sup> - Man May Be Jailed For Remaining Silent Before a Grand Jury** *(Reason)*

Courtesy of the National Police Misconduct Reporting Project comes word of Jerry Koch, a New York anarchist who may be jailed for doing what most people assume you have a right to do: remaining silent in court. Federal prosecutors want him to testify in the matter of a midnight bombing of a military recruitment center in Manhattan in which nobody was injured. Koch is not a target, but the feds still want to hear from him.

From the New York Times:

A 24-year-old self-described Brooklyn anarchist may be headed to jail after refusing on Thursday for the second time to testify before a grand jury believed to be examining the explosion of a homemade bomb that damaged an armed-forces recruitment center in Times Square in 2008.

A lawyer for the man, Gerald Koch, said she believed that prosecutors would ask a Federal District Court judge in Manhattan to cite him for contempt during an appearance scheduled for next week, an action that could result in Mr. Koch's being jailed.

“I anticipate that the government will seek an order from the court holding Jerry in civil contempt,” said the lawyer, Susan V. Tipograph, adding that her client had refused to testify as “a matter of principle” and because “he has no knowledge whatsoever” about the bombing or who caused it.

Ms. Tipograph said Mr. Koch was not a target of the investigation and had been granted immunity.

That grant of immunity is likely the key to the inquisition, since it can be interpreted to make the Fifth Amendment right against self-incrimination moot. But Koch objects that he's already made it clear in the years since the bombing that he knows nothing, and he believes the feds want to put him on the stand to extract information that's irrelevant to the case, but that piques their interest.

From Jerry Resists:

Given that I publically made clear that I had no knowledge of this alleged event in 2009, the fact that I am being subpoenaed once again suggests that the FBI does not actually believe that I possess any information about the 2008 bombing, but rather that they are engaged in a ‘fishing expedition’ to gain information concerning my personal beliefs and political associations.

Rather than answer questions when last called to court, Koch confirmed his name, age and address. On his Website, he says he thinks prosecutors really want to use the grand jury “to gain information about my friends, loved ones, and activists for whom I have done legal support.”

Originally intended to prevent prosecutors — government employees — from wielding their powers arbitrarily, grand juries have instead turned into powerful tools of the state. New York Judge Sol Wachtler famously quipped that a prosecutor could get a grand jury to indict a ham sandwich. In 2003, W. Thomas Dillard, Stephen R. Johnson, and Timothy Lynch wrote a cautionary paper (PDF) about grand juries, which were then being further empowered as part of the “war on terror,” for the Cato Institute:

While most people are generally familiar with the function of the police officer, the prosecutor, the defense lawyer, the judge, and the trial jury, few have any idea about what the grand jury is supposed to do and its day-to-day operation. That ignorance largely explains how some overreaching prosecutors have been able to pervert the grand jury, whose original purpose was to check prosecutorial power, into an inquisitorial bulldozer that enhances the power of government and now runs roughshod over the constitutional rights of citizens.

Koch is next scheduled to appear at the federal court house at 500 Pearl Street, in New York City, on May 21. He's inviting supporters to pack the venue to witness what will likely be a grand jury doing whatever it's told to do.

### **May 21<sup>st</sup> - Jail for Man Refusing to Testify in Bomb Case** *(New York Times)*

A federal judge ordered on Tuesday that a Brooklyn man be sent to jail for refusing to testify before a grand jury believed to be looking into a homemade bomb that exploded in front of an armed forces recruitment center in

Times Square in 2008.

The man, Gerald Koch, 24, is not a target of the investigation, and has been offered immunity from prosecution. Mr. Koch, who has described himself as an anarchist, has said that he knows nothing about the attack, and fears that prosecutors may seek to learn about his political affiliations through the grand jury.

One of Mr. Koch's lawyers, Susan V. Tipograph, said that he refused to testify in 2009 and was not jailed. But last week, after he again refused, he was directed to appear on Tuesday before Judge John F. Keenan of Federal District Court in Manhattan.

Ms. Tipograph told the judge that she believed her client was entitled to put forward a defense or explanation for his "principled refusal." Instead, the judge asked Mr. Koch a series of questions about whether he had refused to testify and would continue to do so. Mr. Koch did not answer any of the questions; Ms. Tipograph answered for him that she had instructed Mr. Koch not to reply.

"I find Mr. Koch in contempt," Judge Keenan ordered, after several minutes of questioning. "I am remanding him to the Metropolitan Detention Center for an indefinite period of time."

The judge added that Mr. Koch could remain in jail for 18 months, or for as long as the grand jury was empaneled. He added that Mr. Koch could be released earlier if he decided to testify.

As he was led away by federal marshals, Mr. Koch — dressed in a black suit, white shirt and black tie — lifted a hand to about 60 friends who filled the courtroom. One of them shouted: "We're with you, Jerry."

The low-grade explosive that detonated in front of the recruitment center did not injure anyone and caused relatively minor damage but was similar to two other bombings — in front of the British consulate in 2005 and the Mexican consulate in 2007. All three blasts, which investigators believe may be related, occurred in the early hours of the morning, and someone wearing a hooded sweatshirt was seen riding a bicycle in the area, the police said.

In court documents partly unsealed on Tuesday, prosecutors wrote that the grand jury "cannot be blocked because Koch suggests that he holds certain political views," adding that "the scope of the testimony will be limited to matters related to the investigation."

### **May 21<sup>st</sup> - NYC Grand Jury Resister Gerald "Jerry" Koch Statement Regarding his Imprisonment (NYC ABC)**

At 4:18pm on Tuesday, May 21st, local anarchist Gerald "Jerry" Koch was remanded into custody for his continued refusal to cooperate with a federal grand jury. It is presumed this grand jury was convened to investigate the 2008 "bicycle bombing" of a times square military recruitment center. It's just as likely that the bombing is mere pretext for what the feds are really after— finding out more about anarchists in NYC, their networks, organizing, and varying philosophies.

In taking a principled position, Jerry has written the following statement:

"By the time you read this, I will be in the custody of the United States government for continuing my refusal to cooperate with a federal grand jury. This is the right thing to do.

I continue to believe that the government is using this federal grand jury in an abusive manner to force me to divulge information about my political associations and social networks.

If we mean what we say when we talk about radical politics, then we do not participate in witch hunts, inquisitions, or the assembly of black lists. As an individual, I will not lend legitimacy to government brutality and intimidation; I will not be used. As an anarchist, I will summon the courage to be stronger than the forces of

the State's all-too-real repression; I will not break.

Your show of truly powerful support has done nothing but strengthen my resolve in refusing to cooperate. We must not let ourselves be isolated by the government's heavy-handed tactics. We must not give the state that last inch it tries to break in every one of us.

With Love, with Dignity, in Solidarity

Jerry Koch"

Please take the time to write Jerry a card or letter, letting him know that he has support. His current address, at the Metropolitan Detention Center in Brooklyn is:

**Gerald Koch #68631-054**

**MDC Brooklyn**

**Post Office Box 329002**

**Brooklyn, New York 11232**

For updates and more ways to help, visit [jerryresists.net](http://jerryresists.net)

**May 24<sup>th</sup> - Updates on Jerry** ([jerryresists.net](http://jerryresists.net))

We heard from Jerry's lawyer today. He's out of the SHU, which is great!

He said, not surprisingly, that being the SHU was an absolutely horrible experience. Being under full lock down alone is one of the State's most horrifying instances of repression and isolation, but Jerry is strong and is doing OK. Even the State's worst tactics won't break his resolve.

He's currently got access to the library, and has a book he likes that he thinks will get him through the weekend. Unfortunately, he missed commissary by a few hours, so he'll have to wait a full two weeks to have access to it. (At MDC, commissary is every two weeks instead of once a week.) In the meantime, a few other inmates have helped him out by giving him socks to try and keep warm.

He's doing as well as he can, given the situation. He's got his glasses, he feels safe, and he said that while he doesn't know if he'll be making any lifelong friends, everyone has been really decent.

He hasn't gotten any letters yet, so hopefully they'll start coming in today. If you're writing to Jerry: he's got very few stamps right now, so it may take a while for him to get back to you. Keep writing, though! He's really looking forward to hearing from everyone.

He thinks he'll be able to place a call tonight, Sunday, or Tuesday, although he can't be sure.

Please keep supporting Jerry! Keep writing and sending cards! Help Jerry stay strong!

### **16 May - Mohamman Koti Once Again Denied Parole**

*While we have not yet seen the decision, Koti went to the Board last week and unbelievably got another 2 year hit.*

#### **MORE:**

Koti's attorney saw him 2 weeks ago and will likely see him again in the next few weeks.

We have no good or reasonable explanation for their refusal to grant him parole. It would be hard to even make one up. I will pass along your greetings, but all of you should feel free to drop him a note. I am sure that he

would appreciate it. I am quite certain that they did receive letters. Thanks to all. Take care.

## **16 May - UK Defendants Sentenced to Less Prison Time than American Co-defendant Jeremy Hammond Will Spend Jailed Pre-Trial**

*Three English co-defendants who plead guilty to being members of the Lulzsec hacktivist group were today sentenced by a UK court. Ryan Acroyd, the most technically experienced of the three, received the longest sentence – he will spend 15 months in prison. By contrast, their American co-defendant Jeremy Hammond has already spent 14 months awaiting trial in a federal case.*

### **MORE:**

Hammond has been denied bail or access to family members.

“It’s a disturbing commentary on the U.S. criminal justice system that Jeremy Hammond, a young activist who is an asset to his community, will spend longer in pre-trial detention for his alleged participation in these online protests than any of his international codefendants will when they have fully served their sentences,” said National Lawyers Guild Executive Director Heidi Boghosian.

The three online activists, Ryan Ackroyd and Jake Davis will be imprisoned for 15 months, and one year, respectively – al-Bassam will not see jail time, but will have to complete 300 hours of community service.

The U.K.’s sentencing structure allows people convicted of crimes to serve out the second half of their sentences on “licence,” the equivalent of the United States’ parole, meaning that Ackroyd’s and Davis’ 30 month and two year sentences will result in the prison times mentioned above. The three have been free on bail since their arrests in March 2012. Two Irish Internet activists accused of participating in LulzSec have gone free without charge in Ireland, which does not have an extradition treaty with the U.S.

The acts the English activists plead guilty to—gaining access to and disseminating information from corporate and government websites—mirror the charges facing Hammond. Hammond is accused of publicizing internal emails of the private spying agency Stratfor through the whistle-blowing website Wikileaks. The emails contained many revelations, including Stratfor’s spying on Bhopal activists at the behest of Dow Chemical and monitoring Occupy Wall Street for the U.S. Department of Homeland Security.

United States attorneys charged Hammond with five felony counts, including three under the Computer Fraud and Abuse Act (CFAA). Each of the CFAA counts carries a ten-year maximum prison sentence. Written in 1984 and long criticized for being outdated and vague, the CFAA has seen increasing use against information activists in an effort to criminalize everything from the sharing of links to violating terms of service agreements.

The most highly publicized CFAA case involved 26 year-old information activist Aaron Swartz, who was threatened with decades in prison for downloading freely available documents from the academic database JSTOR. Swartz took his own life earlier this year.

“Jeremy is a gifted person who cares deeply about the world,” said Hammond’s twin brother, Jason Hammond. “My family is shocked at the treatment he has received by the Department of Justice. Jeremy is accused of committing a non-violent crime yet we are forbidden from seeing him or speaking to him on the phone, he has been denied bail and he’s facing what amounts to a life sentence.”

## **21 May - Undercover: Police Officer Connected to "NATO 5" Case Still Spying on Protest in Chicago**

*A cop going by the name "Danny Edwards," active in the entrapment of the NATO 3, has been trying to weasel his way into the radical street medic community in Chicago.*

### **MORE:**

By Steve Horn and Chris Geovanis (*Truthout*)

On March 27, Chicago teachers and their supporters - including parents, students and community residents - rallied against the largest mass public school closure in US history. News of the mobilization sparked huge public interest before the demonstration - including from an undercover police officer calling himself "Danny Edwards."

The day before the big rally, "Danny" reached out in individual emails to fellow volunteer street medics he had met a year earlier after he took a 20-hour training with Chicago's local street medic collective, Chicago Action Medical (CAM). CAM's volunteer emergency medical technicians (EMTs), nurses, doctors and trained street medics provide emergency medical treatment at local protests.

His aim in reaching out: to learn more about the next day's plans.

"Danny" - who admitted to us on May 6 that he is, in fact, a Chicago police officer - could have saved himself the trouble and his department the expense. After all, organizers had already coordinated directly with top CPD brass about their plans for the next day and widely promoted their intent to stage nonviolent civil disobedience.

After the CTU rally, "Danny" also tried to recruit at least one CAM volunteer street medic via email on April 30, the day before a May 1, 2013, immigrants' rights march, to pair up with him as a partner. There were no takers, so he showed up alone at the rally sporting marked medic regalia.

His latest undercover sortie as a fake volunteer street medic bookends a hectic year for him.

### **The Paper Trail**

"Danny" was a fixture at CAM events beginning in early March 2012, when he participated in a 20-hour introductory training for new street medics - a training he described in an email to CAM volunteer street medic Scott Mechanic as "great."

The email address "Danny" used in that correspondence, which he did not sign by name, was pegged to the name of a Chicago police officer cited months later in court documents involved in undercover work around the NATO protests.

Less than half an hour after sending that initial email, "Danny" sent the first in a flurry of emails to Mechanic from a different email address, writing "let me know what going on so i can get involved (sic)."

"Danny's" March 2012 foray into spying on CAM aligns with the date prosecutors say the Chicago Police Department (CPD) posted two other undercover agents who went by the street names "Mo" and "Nadia" on a 90-day temporary duty undercover assignment to Field Intelligence Team 7150. That team was tasked with infiltrating Occupy and anarchist groups in the run-up to the NATO Summit, according to court documents filed by Cook County State's Attorney Anita Alvarez in April 2013.

Those two officers, "Mo" and "Nadia," are also purported linchpins in the criminal cases against five activists known as the "NATO 5," three of whom are scheduled to go to trial on NATO-related domestic terrorism charges this September.

The NATO prosecutors' October 2012 Answer to Discovery lists this same police officer among the CPD officers, detectives and other police officials who may be called to testify in this fall's upcoming trial. He is also mentioned in the NATO defendants' February 25, 2013, Motion to Compel Discovery as "a CPD undercover officer related to this investigation."

### **Busy Year for "Danny" - and Early Red Flags**

Five days after he inadvertently emailed Scott Mechanic under his given name and scrambled to cover his tracks, "Danny" acted for the first time as a CAM street medic at a small permitted peace march on Chicago's north side. The March 18, 2012 event was organized to mark the anniversary of the launch of the Iraq War in March 2003.

"Danny" ran again as a marked CAM street medic on April 7, 2012 at Occupy Chicago's "Occupy Spring" event, also emailing Mechanic on April 26, 2012 about bringing a "friend" to an upcoming health workshop. On May 1, 2012, he volunteered as a marked CAM street medic at a May Day rally and march, where his refusal to follow CAM operational guidelines - reportedly abandoning his street medic partner to make a b-line for a group of young protesters wearing black clothes - began to raise real alarms with fellow street medics.

After "Danny's" behavior on May Day, a number of veteran CAM volunteers - including Mechanic - moved immediately to isolate him from new and less experienced street medics, to monitor his behavior closely and to broadly urge the practice of good security culture.

But without a smoking gun, they were unwilling to expose him publicly. The chill from veteran street medics didn't discourage "Danny" from continuing to reach out and show up to actions.

On May 11, a week and a half later and as local organizers were scrambling to find housing for out-of-town protesters traveling in for the demonstrations, he emailed Mechanic directly for information about housing that other groups or collectives might be offering. "I have a group of friends in need and I wanted some direction," he wrote.

On May 20, 2012, at a large protest against the NATO Summit, CAM street medics demanded that he remove his medic markings after he again ignored CAM street operations protocols by deserting his partner to sprint after a group of protesters clad in black clothes.

"Danny" sent emails to individual members of CAM's listserv - but almost never to the larger listserv - strategically for the next year, seeking information about upcoming demonstrations and meetings. The off-list queries continued to raise red flags with CAM members he contacted, some of whom had never met him and did not know who he was.

When we asked "Danny" at the 2013 May Day rally to confirm his name and identity as a CPD officer, he insisted he was "Danny Edwards" and claimed to be a friend of a local activist.

That's not how the activist described "Danny" to CAM volunteers at a street medic training before the NATO protests last spring. At that training, he told CAM members that "Danny" had recently befriended him, and he raised concerns there about "Danny's" interest in topics ranging from Molotov cocktails to property damage.

### **"NATO 5" Connection**

According to court documents released in the months after the NATO Summit protests, "Danny" is one of the undercover officers at the heart of the "NATO 5" criminal cases. He's mentioned in the pre-NATO Summit pre-emptive raid search warrant documents as "Undercover Officer C," and is also cited by his given name in court documents for one of the NATO defendants, Sebastian "Sabi" Senakiewicz, as a potential trial witness.

We tried to question "Danny" about his undercover activities on May 6 at a house that had a sheet of paper with his given name and phone number taped to the front door. While he admitted he was, in fact, the named police officer he'd denied being just five days earlier, he declined to answer our questions.

"Danny's" post-NATO activities raise a key question: Why keep an undercover officer in play as a volunteer street medic in a nonviolent health-care project almost a year after the NATO protests that ostensibly put him into motion as a police spy in the first place?

It's virtually impossible to say from the official record. That's because the CPD and Cook County State's Attorney Anita Alvarez have fought tooth and nail in court for almost a year to prevent defense attorneys in the remaining NATO cases from learning more about the scope and character of police spying on political activity leading up to last year's NATO Summit.

At a "NATO 3" status hearing on May 14, 2013, prosecutors again opposed disclosing information about the wider scope of police spying on Chicago's activist groups (as they have before in official court filings) in the months leading up to the NATO Summit. Defense attorneys rebutted in open court - as they did in writing earlier in their April 30, 2013, "Reply to the State's Response to Defendants' Motion to Compel" - that this information remains directly relevant to the NATO cases because it would broaden the context of the arrests of the NATO 3 and the CPD's pre-NATO spying efforts targeting the activist community.

### **Broader Context**

Police spying in recent years has targeted peace groups, environmentalists and the Occupy movement, a focus on protest as a potential flashpoint of "terrorism" that sometimes has disastrous consequences. By way of example, in Boston, local police focused their attention on the political activism of local residents at the same time they missed the threat posed by the Boston Marathon bombers.

And law enforcement has also demonstrated a disturbing pattern of working undercover to create crime to prosecute crime. Notable cases like the "Cleveland 4" fit into a pattern that journalist Arun Gupta has described as law enforcement's "war of entrapment against the Occupy movement."

Law enforcement infiltration in Chicago in the run-up to the 2012 NATO Summit unfolded most publicly with the use of at least two undercover cops who went by the names "Mo" and "Nadia."

Both were regular fixtures at a spring 2012 encampment to try to prevent the closure of the Woodlawn Mental Health Clinic on Chicago's south side, one of six public mental health clinics slated for closure by city officials and hardly a flashpoint of "potential terrorist activity." They also showed up at one point at an independent media center organized to cover the NATO protests and at numerous other documented locales in the two and a half months before the NATO Summit.

### **"Red Squad" 2.0 Rolling Back into Town?**

Ongoing police spying a year after the NATO meeting by "Danny" - and potentially others - raises a real alarm among activists, including CAM street medics, whose national community traces its origins to the Medical Presence Project of the Medical Committee for Human Rights (MCHR).

MCHR was first formed in 1964 to provide medical assistance to the civil rights movement. Its Chicago-based volunteers, who also provided medical aid at protests organized by peace projects and student groups opposed to the Vietnam War, were among thousands of civilians spied on by the CPD's notorious Red Squad.

"The CPD's decision to plant an undercover police spy in Chicago Action Medical is outrageous, but sadly, comes as no surprise," said CAM street medic Dick Reilly in an interview. "The CPD has a long and sordid history of surveillance and infiltration of labor, peace and social justice groups dating back to the 1886 railroading of the Haymarket defendants - efforts that led to the creation of Chicago's infamous Red Squad. Over a hundred years later, the cops are clearly still at it."

For Reilly, CAM's ongoing infiltration threatens core freedoms that range from the privacy rights of the people they treat to police officials' ongoing assault on dissent in the city.

"When the CPD targets a volunteer medical project like CAM - which seeks to provide basic first aid to people

exercising their democratic rights and whose primary principle is to 'do no harm' - it underscores the lengths to which they'll go to criminalize dissent, suppress resistance and pander to the agenda of the political and economic elites they actually serve and protect," Reilly said.

The Chicago Red Squad's abuses of basic constitutional rights were so egregious - targets included the Parent-Teachers' Association and the League of Women Voters - that a federal court slapped the city with a consent decree in 1982 that expressly barred politically motivated police spying unless police could show at least some evidence of criminal intent on the part of the targets of their spying.

The city was finally able to win relief from the consent decree in January 2001, after arguing for years constitutional protections thwarted its ability to investigate gangs and "terrorism."

The consent decree's demise hasn't kept the CPD out of hot water for spying on political projects, either, beginning as early as 2002. Were the old consent decree still in place, CAM members believe "Danny's" undercover spying on their work over the past year would have been illegal.

### **McCarthy's Spy-Ops Background at NYPD, Newark PD**

Just before he was sworn in as Chicago's new mayor in May of 2011, Rahm Emanuel - a former US Congressman and chief of staff for President Obama - announced the appointment of new police superintendent Garry McCarthy. Three months later, McCarthy created an intelligence-gathering unit tasked to perform "counter-terrorism" work in preparation for the May 2012 NATO meetings.

A career New York cop, McCarthy is no stranger to the use of systematic police spying.

The New York Police Department (NYPD) has a contentious track record in this arena, prompting the implementation of New York's own version of Chicago's Red Squad consent decree - the Handschu Decree - while McCarthy was climbing up the NYPD's ranks to a senior command position.

It wasn't long after he formally assumed the mantle of CPD superintendent in 2011 that McCarthy drew fire for allowing the latest iteration of New York's police spy ring to operate in Newark, NJ, where he had served as police chief before taking the position as CPD's top dog.

McCarthy also served as an NYPD commander when the police set up spy rings before the 2004 Republican National Convention in New York City and during "CIA on the Hudson," the joint NYPD/CIA project that was set up and run by former CIA Deputy Director for Operations David Cohen to "map the human terrain" of New York City's Islamic community.

### **Targeting Street Medics**

Volunteer street medics have historically been an attractive target for undercovers.

CAM street medic Scott Mechanic met "Anna," before she was outed as a police infiltrator, an FBI informant who used her position as a street medic to befriend and entrap environmental activists. One of those activists, Eric McDavid, is serving a 20-year sentence in a case built around Anna's testimony and her reported entrapment activities.

In the wake of Hurricane Katrina, Mechanic was also a street medic volunteer at New Orleans' Common Ground Collective, where he and dozens of other volunteer health-care providers ran into Brandon Darby, an agent provocateur and FBI informant at the heart of another entrapment case, this one against David McKay and Bradley Crowder.

"These kinds of informants and undercover police represent a real threat to activists, in no small part because

they're committed to manufacturing crime where none exists to terrorize the public and justify their abuses of our right to dissent," said Mechanic. "This Chicago cop's infiltration of our group raises real questions about police intrusion into protesters' medical histories - and it's a truly despicable example of exploiting people's caregivers as part of the national campaign to criminalize dissent."

### **Convergence of the War on Drugs, War on Terrorism**

As a Chicago cop, the CPD officer who infiltrated CAM has worked on narcotics and gang cases, including as an undercover officer.

Given the growing conflation of the "War on Drugs" with the "War on Terrorism," which is increasingly married to a War on Dissent, it's not surprising that the Chicago police officer who infiltrated CAM would segue into COINTELPRO-style undercover work. By the 1990's, the CPD was listing dissidents by alleged political affiliation in their gang database, in tandem with then-Mayor Richard M. Daley's claim that the Red Squad Consent Decree shackled cops' ability to investigate both gangs and "terrorism."

Shahid Buttar, executive director of the Bill of Rights Defense Committee, points to the delayed notice search warrants enabled by Section 213 of the USA PATRIOT Act - presented to the public as a counter-terrorism tool - as a key example of the War on Drugs' convergence with the War on Terrorism.

"Both the War on Drugs and the War on Terrorism have long represented cash cows for law enforcement and intelligence agencies, from the FBI all the way down to local police departments," Buttar said in an interview. "Beyond the serial corruption of agencies pimping public fears to inflate their budgets, many particular powers claimed as necessary for one 'war' are actually used more in the other."

The Chicago Police Department did not respond to our phone calls or emails about this story.

### **21 May - WBAI's "Where we Live" Endorses Medical Campaign for PRican PP!**

*For 25 years The Where We Live Radio Program (WBAI Radio – 99.5FM/NY – WBAI.ORG – Thursdays 8PM EST) has presented the voices and stories of U.S. Revolutionists jailed throughout the United States.*

#### **MORE:**

While the U.S Government calls them criminals we know they are in fact freedom fighters - bravely struggling for a just and sane world.

Unlike the settlers who colonized this land, killing and corralling the indigenous inhabitants in order to create a "free and equal" society for themselves who fled the tyranny of a monstrous monarchy, these jailed freedom fighters risked life and liberty to fight against racism and genocidal conditions in their communities - victimized by the legacy of slavery and colonialism fostered by those same settlers (known as our "founding fathers") - which persist to this very day.

Norberto Gonzalez-Claudio is one such freedom fighter. He was arrested May 10th, 2011, on charges related to the investigation of a robbery of a Wells Fargo truck in Harford, Connecticut in 1983. The non-violent incident was claimed by the Macheteros as part of the struggle for the Independence of Puerto Rico – currently and historically suffering under the colonial condition fostered by those same settlers.

At the time of his arrest Norberto was in an excellent state of health and was wearing an orthopedic shoe. In the course of his detention it was "discovered" that Norberto had a lesion in his leg that a biopsy established was cancerous. His orthopedic shoe was taken away and he is denied a replacement. The little medical attention to treat the cancerous lesion has been limited and deficient and it has also been revealed that he has not received any treatment for yet another lesion that is potentially cancerous.

This 69 year old Puerto Rican Independentista is potentially facing a life threatening situation while being

sentenced to only five years. Like the revolutionary attorney, Lynne Stewart, sentenced to ten years but facing a death sentence due to widely spreading cancer, Norberto is also facing possible death.

Where We Live condemns this denial of basic medical treatment and continued inhumane treatment and fully supports the campaign to correct this situation immediately. We urge all freedom-loving people to send a letter to the Bureau of Prisons demanding Norberto get the medical attention he so urgently needs.

Free All Political Prisoners! Independence for Puerto Rico!

## **21 May - Government Accepts Manning's Plea to Lesser Offense Related to Disclosure of Diplomatic Cable**

*The government had previously indicated it would present all evidence related to all charges, regardless of the fact that Pfc. Bradley Manning pled guilty to some of the offenses he faced. But, in military court on May 21<sup>st</sup>, a military prosecutor informed the judge that the government would not be making a case that Manning committed the greater offense alleged in relation to the disclosure of a diplomatic cable from the US embassy in Reykjavik, Iceland.*

### **MORE:**

This is the count or specification under one of the charges that the government alleged Manning had committed:

**SPECIFICATION 14:** In that Private First Class Bradley E. Manning, US Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 15 February 2010 and on or about 18 February 2010, having knowingly exceeded authorized access on a Secret Internet Protocol Router Network computer, and by means of such conduct having obtained information that has been determined by the United States government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense or foreign relations, to wit: a classified Department of State cable titled "Reykjavik-13", willfully communicate, deliver, transmit, or cause to be communicated, delivered, or transmitted the said information, to a person not entitled to receive it, with reason to believe that such information so obtained could be used to the injury of the United States, or to the advantage of any foreign nation, in violation of 18 US Code Section 1030(a) (1), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

According to Alexa O'Brien, he pled guilty to committing this lesser offense and not guilty to the greater offense on February 28, as follows:

...[G]uilty except the words and figures '15 February 2010 and 18 February 2010' substituting therefore the words and figures '14 February 2010 and 15 February 2010'. Further excepting the words 'knowingly exceeded authorized access' substituting therefore the words 'knowingly accessed'. Further excepting the words, 'with reason to believe that such information so obtained could be used to the injury of the United States, or to the advantage of any foreign nation, in violation of 18 US Code Section 1030(a)(1),'. To the excepted words and figures, not guilty. To the substituted words and figures, guilty.

What that all means is that he did not plead guilty to "exceeding authorized access" or that he had reason to believe the information would be used "to the injury of the united states or to the advantage of any foreign nation." He did not plead guilty to violating the Computer Fraud and Abuse Act (CFAA).

The government has decided to accept the plea and not make a case that he did commit a violation of CFAA. Essentially, the prosecutors have accepted that he violated military codes, which he took an oath to follow, and are content.

It is unclear why they made this decision, however, for the purposes of context, Manning did address why he decided to release the cable to WikiLeaks in his statement to the court in February. And, he described how he interpreted the contents of the cable (which can be read here):

...It was around this time— in early to mid-January of 2010, that I began searching the database for information on Iceland. I became interested in Iceland due to the IRC conversations I viewed in the [WikiLeaks Organization (WLO)] channel discussing an issue called Icesave. At this time I was not very familiar with the topic, but it seemed to be a big issue for those participating in the conversation. This is when I decided to investigate and conduct a few searches on Iceland and find out more.

At the time, I did not find anything discussing the Icesave issue either directly or indirectly. I then conducted an open source search for Icesave. I then learned that Iceland was involved in a dispute with the United Kingdom and the Netherlands concerning the financial collapse of one or more of Iceland's banks. According to open source reporting much of the public controversy involved the United Kingdom's use of anti-terrorism legislation against Iceland in order to freeze Icelandic assets for payment of the guarantees for UK depositors that lost money.

Shortly after returning from mid-tour leave, I returned to the Net Centric Diplomacy portal to search for information on Iceland and Icesave as the topic had not abated on the WLO IRC channel. To my surprise, on 14 February 2010, I found the cable 10 Reykjavik 13, which referenced the Icesave issue directly.

The cable published on 13 January 2010 was just over two pages in length. I read the cable and quickly concluded **that Iceland was essentially being bullied diplomatically by two larger European powers. It appeared to me that Iceland was out viable options and was coming to the US for assistance. Despite the quiet request for assistance, it did not appear that we were going to do anything...** [emphasis added]

Manning went on to add that from his perspective it looked like the US was not “getting involved due to the lack of long term geopolitical benefit to do so. He decided the cable was important and he might be able to “right a wrong” by having WikiLeaks “publish this document.”

It is impossible to know, but this very well could be a political decision on the part of the government.

In 2011, the FBI went to Iceland to investigate WikiLeaks, particularly Icelandic parliamentarian Birgitta Jonsdottir, who helped WikiLeaks release the “Collateral Murder” video Manning has confessed to disclosing.

Icelandic authorities kicked the FBI out of the country and then lodged a formal protest.

WikiLeaks also recently won a victory in Icelandic court in April when the court decided that a partner of Visa, Valitor, “illegally ended its contract with Wikileaks.” Valitor, the court declared, would be “fined 800,000 Icelandic krona (£4,400) per day if the processing of Wikileaks donations was not re-opened within 15 days.” Again, whether this has anything bearing on the decision is unknown at the moment. The prosecutor did not share why they had decided not to pursue the greater offense, and it unlikely that the public finds out anytime soon, especially since the reason behind dropping the charge is likely classified.

### **23 May - Releasing Aging Prisoners Project (R.A.P.P.) By Herman Bell**

*Herman Bell is organizing a new campaign that focuses on securing release for older prisoners. We're including his writeup of the project below.*

#### **MORE:**

Hello, everybody - my name is Herman Bell. I've been imprisoned since 1973 (for nearly 40 years). I am 65 years old. I've appeared before five parole boards and have been denied five times. Each Board recognizes my considerable accomplishments: program fulfillment, release plans, letters of support, and that I have no disciplinary concerns. But I'm still denied parole. The Board writes that after careful review, release at this time is incompatible with the welfare of society, and they say that my release would deprecate the serious nature of my charge of conviction. Thus, the Board is resentencing me, as it does others, for an offense on which the court has already pronounced judgment.

I am a former member of the Black Panther Party. I am a violent offender. I was convicted and sentenced in

1975 to 25 years to life. Fortunately, violent offenders are not precluded from parole. A 25-years-to-life sentence does not mean life without the possibility of parole. Yet, "life without parole" is precisely what I and countless other NYS prisoners similarly sentenced are subjected to by the NYS Parole Board.

A New York State study revealed that people released after serving long sentences for murder (mostly older individuals) had the lowest recidivism rate for committing a new offense, 1.3% -- lower than any other category of those released. Research show that, by age 50, most people have outlived the years they are most likely to commit crimes. At age 50, the research shows the recidivism rate drops to just over 2% and to almost 0% by age 65.

Years ago, the New York State Parole Board actually had authority to set a minimum sentence of a convicted person when the court had not. Today, though, the Board is no longer charged with that sentencing responsibility; yet, it persists in doing so with continual two-year-hits after two-year hits which, for so many elder prisoners, results in de facto resentencing to life without parole.

What does the aging prisoner issue hope to accomplish? Aside from changing the narrative in the perception of crime and punishment, the aging prisoner issue concern men and women who've served long sentences in prison, who've fulfilled all statutory and structural requirements, and yet are still being denied parole. Research and statistics show that they pose no appreciable "safety risk" to society. So the aging prisoner issue is asking: "Why are there elder men and women not being released from prison?" A fresh look at this quasi-legal, unproductive policy is called for. Release of these aging prisoners would free-up funds that can alleviate some of our pressing social service needs - such as schools, health care, housing, and job-skill training.

In these troubling times of mass incarceration, prison as a profit-making industry, and unabated racial persecution, the call for balance, fairness and accountability in the NYS parole process is all the more pressing. The injustice of unending incarceration demands that we seriously address this unproductive policy of denying elderly men and women parole.

A change in the narrative and perception of crime and punishment is long overdue, and the issue of "aging prisoners" is a social justice issue. Exchanging our views will hopefully lead to organizing to secure elders' release; elders coming home can enrich our families and communities and free up desperately needed resources for our people. I feel confident that we can achieve this goal.

### **23 May - One Year In: A Letter from John Tucker**

*Tinley Park Five prisoner John Tucker has written a letter of appreciation that he wants shared with the public.*

#### **MORE:**

Dear Supporters ~

Looking back on this crazy year since our arrest in Tinley Park, it occurs to me just how fortunate I am to have such an amazing support network. From letters to donations, your constant aid has eased the burden imposed upon us by the state. Ultimately though the greatest gift we have received has been the camaraderie from both near and far, given freely by those who are unable to remain inactive in this volatile political environment and who willingly shoulder the weight of the state alongside their comrades. Truly you have shown us the meaning of the word solidarity in both speech and action.

With (A) humbled red and black salute,

John Tucker

### **28 May - Jeremy Hammond Pleads Guilty to Being Involved in the Stratfor Leak**

*The activist accused by the United States government of hacking into the private intelligence firm, Stratfor, and releasing the firm's emails to WikiLeaks pled guilty to violating the Computer Fraud and Abuse Act (CFAA). He*

*now faces up to ten years in prison and is scheduled to be sentenced on September 6 of this year.*

**MORE:**

Hammond wrote in a statement published on the “Free Jeremy Hammond” website that he had agreed to a “non-cooperating plea agreement” so he could finally tell the world what he had done and why, “without exposing any tactics or information to the government and without jeopardizing the lives and well-being of other activists on and offline.”

“During the past 15 months I have been relatively quiet about the specifics of my case as I worked with my lawyers to review the discovery and figure out the best legal strategy. There were numerous problems with the government’s case, including the credibility of FBI informant Hector Monsegur,” he stated. “However, because prosecutors stacked the charges with inflated damages figures, I was looking at a sentencing guideline range of over 30 years if I lost at trial. I have wonderful lawyers and an amazing community of people on the outside who support me. None of that changes the fact that I was likely to lose at trial.”

The government would not have been willing to let him go free if he was found not guilty. They would have apparently continued to zealously pursue him for his involvement.

“Even if I was found not guilty at trial, the government claimed that there were eight other outstanding indictments against me from jurisdictions scattered throughout the country,” according to Hammond. “If I had won this trial I would likely have been shipped across the country to face new but similar charges in a different district. The process might have repeated indefinitely. Ultimately I decided that the most practical route was to accept this plea with a maximum of a ten year sentence and immunity from prosecution in every federal court.”

For fifteen months, Hammond has been in prison at the Manhattan Correctional Center and held without bail. Some of the time he has been in solitary confinements. His family and friends have been able to contact or visit him. He had no interest in seeing this “grinding process” repeat.

The plea freed him up to openly admit to his supporters that he had worked with Anonymous to hack into Stratfor and other websites. He called it a “relief” to be able to admit that he had hacked into not only Stratfor but also “military and police equipment suppliers, private intelligence and information security firms, and law enforcement agencies.”

“I did this because I believe people have a right to know what governments and corporations are doing behind closed doors. I did what I believe is right,” he declared.

His brother, Jason Hammond, told supporters in a press release put out by Sparrow Media that Jeremy had “taken responsibility” but “should not face such harsh sentence for an act of protest from which he did not personally benefit.”

Hammond, especially if the judge feels he has no remorse for hacking into Stratfor and is proud, is likely to receive a sentence close to the maximum of ten years. If he does go to jail for that length of time, it will stand in stark contrast to the recent sentencing of three LulzSec hackers in the United Kingdom.

Ryan Ackroyd and Jake Davis were both sentenced to 15 months and one year in prison, respectively. Mustafa al-Bassam was sentenced to 300 hours of community service. They were each involved in hacking into major institutions but received much shorter sentences than Hammond is likely to receive.

As the National Lawyers Guild points out, this is all due to the incredible power the government has to use an “outdated” and “vague” computer crimes statute to come down hard on hackers:

...[T]he CFAA has seen increasing use against information activists in an effort to criminalize everything from the sharing of links to violating terms of service agreements. The most highly

publicized CFAA case involved 26 year-old information activist Aaron Swartz, who was threatened with decades in prison for downloading freely available documents from the academic database JSTOR. Swartz took his own life earlier this year...

The disparity in punishment for hacking is made more clear by the fact that, even though Davis will serve only one year in the United Kingdom, the US government may pursue his extradition to the US to face trial for his involvement in hacking.

What happened today is indicative of how justice increasingly seems to work. One is over-charged and made to experience a level of pretrial punishment before being convicted of any crimes so that prosecutors can ensure the case is won. They intimidate those with limited resources and individuals who believe they did not convict any crime by threatening them with a future where they might be hauled into court to defend themselves again and again.

Similarly, this is what happened in the prosecutions of NSA whistleblower Thomas Drake and CIA whistleblower John Kiriakou. Both have families. Both have children. Both had their lives destroyed by the government. Both ultimately chose to plead guilty—Drake to a misdemeanor violation of improperly accessing a computer and Kiriakou to a violation of the Intelligence Identities and Protection Act. Drake had to complete so many hours of community hours while Kiriakou was sentenced to jail for thirty months.

It is all intended to force the kind of plea that Hammond entered today because the Justice Department does not want hacktivists like Jeremy Hammond or whistleblowers to actually go to trial. They want these people to submit to prosecutors and enter a plea so the Justice Department can have a guaranteed win and not have to bother with arguing the government's case in a court of law.

#### **May 28<sup>th</sup> – Jeremy Hammond's Courtroom Statement**

Today I pleaded guilty to one count of violating the Computer Fraud and Abuse Act. This was a very difficult decision. I hope this statement will explain my reasoning. I believe in the power of the truth. In keeping with that, I do not want to hide what I did or to shy away from my actions. This non-cooperating plea agreement frees me to tell the world what I did and why, without exposing any tactics or information to the government and without jeopardizing the lives and well-being of other activists on and offline.

During the past 15 months I have been relatively quiet about the specifics of my case as I worked with my lawyers to review the discovery and figure out the best legal strategy. There were numerous problems with the government's case, including the credibility of FBI informant Hector Monsegur. However, because prosecutors stacked the charges with inflated damages figures, I was looking at a sentencing guideline range of over 30 years if I lost at trial. I have wonderful lawyers and an amazing community of people on the outside who support me. None of that changes the fact that I was likely to lose at trial. But, even if I was found not guilty at trial, the government claimed that there were eight other outstanding indictments against me from jurisdictions scattered throughout the country. If I had won this trial I would likely have been shipped across the country to face new but similar charges in a different district. The process might have repeated indefinitely. Ultimately I decided that the most practical route was to accept this plea with a maximum of a ten year sentence and immunity from prosecution in every federal court.

Now that I have pleaded guilty it is a relief to be able to say that I did work with Anonymous to hack Stratfor, among other websites. Those others included military and police equipment suppliers, private intelligence and information security firms, and law enforcement agencies. I did this because I believe people have a right to know what governments and corporations are doing behind closed doors. I did what I believe is right.

I have already spent 15 months in prison. For several weeks of that time I have been held in solitary confinement. I have been denied visits and phone calls with my family and friends. This plea agreement spares me, my family, and my community a repeat of this grinding process.

I would like to thank all of my friends and supporters for their amazing and ongoing gestures of solidarity. Today I am glad to shoulder the responsibility for my actions and to move one step closer to daylight.

### **29 May – Vigil for Oscar Lopez Rivera**

**WHAT:** Community vigil

**WHEN:** 6:30-8:00pm, Wednesday, May 29<sup>th</sup>

**WHERE:** Puerto Rican Political Prisoner Mural – East 107<sup>th</sup> Street, between Lexington and Third Avenues

**COST:** FREE

**MORE:**

Bring candles, flags, instruments, flowers, or art so we can place them at the foot of the mural.

### **30 May - Call-in for Compassionate Release of Lynne Stewart**

*One month ago Lynne made a request for compassionate release which was honored by the warden at Carswell Federal Medical Center. Today the papers are still on a desk in Washington, D.C. So action must be taken.*

**MORE:**

Even though the terminal cancer that I have contracted requires expeditious action, little has been taken by the BOP.

Although I requested immediate action by the Bureau of Prisons, I find it necessary to again request immediate action from you, my friends, comrades and supporters to call the three numbers listed below on Thursday, May 30 and request action on my behalf.

This could result in my being able to access medical treatment at Sloan Kettering so that I can face the rest of my life with dignity surrounded by those I love and who love me.

Please do this.

Yours truly

Lynne Stewart FMS CARSWELL-53504-054

Ralph Poynter - Lynne Stewart Defense Organization

CALL THURSDAY MAY 30<sup>th</sup>:

**Attorney General Eric Holder: 202.514.2001**

**White House President Obama: 202.456.1414**

**B.O.P. – Director Charles Samuels: 202.307.3250**

### **1-8 Jun – Week of action for Pfc. Manning**

*June 1<sup>st</sup> will mark the beginning of Pfc. Manning's fourth year in prison and the start of their trial. The June 1<sup>st</sup> Ft. Meade protest for will be the largest action of the campaign to support them, but there are other ways to help even if you can't be there!*

**MORE:**

Can't make it to Fort Meade on Saturday, June 1<sup>st</sup>? Help sponsor travel for others — each \$20 will cover a bus ticket for someone who otherwise wouldn't be able to come Please note "Bus Sponsor" in the comments field when making your tax-deductible donation.

Join us at Fort Meade. People across the nation (and the globe) will converge on Ft. Meade to stand up for the Army whistle-blower who risked everything to give the public real facts about our government's wars in the Middle East and foreign policy worldwide.

Join Pentagon Papers whistle-blower Daniel Ellsberg, LGBT activist US Army Lt. Dan Choi, former US

diplomat US Army Col. Ann Wright (ret.), and former soldier Ethan McCord—who rescued the wounded children in the van in the Collateral Murder video—and hundreds of our supporters of heroic WikiLeaks whistleblower Bradley Manning at Ft. Meade. Together we'll make history.

For those unable to travel to Ft. Meade, Veterans for Peace, Iraq Veterans Against the War, and the Bradley Manning Support Network, are also calling for solidarity actions from June 1st-June 8th worldwide. So far events have been registered in the following cities:

If you have planned an event or action, please register it on our website so we can promote it to other supporters in your area. Interested in organizing something but want some ideas, materials, or help contacting other activists in your area? Contact [emma@bradleymanning.org](mailto:emma@bradleymanning.org) for assistance!

### **4 Jun - Mumia: Long Distance Revolutionary in Harlem**

*A passionate Mumia supporter has scheduled a TUGG showing of "MUMIA: Long Distance Revolutionary" at the Magic Johnson AMC 9 in Harlem for Tuesday June 4 at 7:30PM. The only way this screening will happen is if 62 tickets are sold in advance.*

#### **MORE:**

We want to support this grassroots effort because it's vitally important that this event happens and happens in a big way in Harlem, especially in light of what went down in Newark. We have already blasted this message to every one of our networks. Hopefully, you can do the same... and push folks to buy tickets for this TUGG event.

The link below can be shared and it directs folks to purchasing the tickets - because how TUGG works is this: a certain number of tickets MUST be sold in advance for the screening to be solidified. In our case at this theater in Harlem it's 62 tickets.

Check out the link and please share with your networks - all those people who want the world to know that Mumia is innocent and that Mumia is one of the world's great revolutionaries... a compassionate beacon for justice who has spent a lifetime fighting for others.

Link here:

[http://www.mumia-themovie.com/tugg\\_may\\_18](http://www.mumia-themovie.com/tugg_may_18)