

Updates for September 17<sup>th</sup>

### **21 Aug - First Conviction Under Florida Animal Enterprise Protection Act Cause For Concern**

*On June 25, Steven Trew pled “no contest” to burglary and “animal enterprise disruption” and was sentenced to time served (he had been held at the Lee County Jail since his arrest), probation, community service and restitution. He was released from jail on July 6.*

#### **MORE:**

On April 14, Everglades Wonder Gardens, a roadside zoo in Bonita Springs, announced that it would close and the property and animals sold. Early the next morning, a local resident, Steven Trew, broke into the zoo, cut the locks on almost every cage and opened perimeter gates. Deer, wild pigs and birds escaped from their cages. Tragically, one deer was killed in a collision with a vehicle on a nearby road. The other animals were recaptured. Trew was arrested on the property and charged with burglary and “animal enterprise disruption.” A zoo employee told the News-Press that Trew, “heard we were closing and he wanted to set the animals free.”

#### **A special class of crimes**

To our knowledge, Trew’s animal enterprise disruption conviction was the first under the Florida Animal Enterprise Protection Act.

The Florida Animal Enterprise Protection Act (828.40 – 43) was passed in 1993. Under the Act, a person who “intentionally causes physical disruption” to an animal enterprise by stealing, damaging or “causing the loss of” animals or other property, and thereby causing “loss of profits” or other economic damage, commits a felony. “Animal enterprise” includes zoos, circuses, research facilities, farms or any other “commercial or academic enterprise that uses animals.”

The Act, passed at the request of biomedical, agriculture and other industries that exploit animals, was modeled after the federal Animal Enterprise Protection Act (the federal law was passed by Congress in 1992 and expanded/replaced in 2006 by the Animal Enterprise Terrorism Act). At least 27 other states have enacted similar laws.

The laws have been criticized as unnecessary, vague, overly broad, and in violation of free speech and equal protection provisions of both the U.S. and state constitutions. Theft and vandalism were already illegal. The Florida Animal Enterprise Protection Act merely created new crimes targeted specifically at animal activists.

ARFF fears that these laws could discourage entirely lawful activities, such as protests and boycotts, that also threaten corporate profits.

\*In April, a felony charge of animal enterprise disruption under the Florida Animal Enterprise Protection Act was dropped against activist Chris Lagergren. Lagergren was arrested in September 2011 for alleged trespassing and criminal mischief at the Marine Mammal Conservancy in Key Largo. His trial on remaining charges is scheduled to begin in late August. [Click here to read more about the case.](#)

### **16 Aug - Two animal rights activists arrested in rural Illinois**

*While we are focusing on Tyler Lang and Kevin Olliff tonight, their arrest is so fresh that we're also including all relevant information we have. A lot has happened since this arrest. As a result of a call in campaign to get them food and have their ability to have books sent to them restored, they've been punished with straight up*

*illegal shit-- they have had their rights to see a doctor and to file grievances revoked. Further, they were told more punishment will be imposed if the website supporting them isn't taken down. Read more below...*

**MORE:**

Los Angeles animal rights activists Kevin Olliff and Tyler Lang have been arrested in rural Illinois, charged with felony “possession of burglary tools.”

These are the facts of the case that are known right now:

The two were pulled over late at night in Roanoke, Illinois in what appears to be a routine traffic stop. When they refused consent to a search of the vehicle, the police searched the vehicle anyway. Inside, police allege they found bolt cutters, wire cutters, muriatic acid, ski masks, and cammo clothing.

Kevin Olliff and Tyler Lang were subsequently arrested for “possession of burglary tools.” The police have not made any statement as to what they believe the intended “burglary” target was, and Kevin & Tyler were not arrested on anyone’s property. Their history as activists appears to be the sole basis for the charges.

Their new support site cautions that details on the arrest are still emerging :

“Many details are not known, and there are some we cannot post publicly yet.”

They face a maximum of 3 years in prison.

To recap

- The two were not arrested in the commission of a crime.
- The two were not arrested on anyone’s property.
- They were not arrested near the scene of any crime.

Their only “crimes” are being known animal rights activists in (alleged) possession of wire cutters.

**Exorbitant bail amounts set**

Shortly after their arrest bail was set. After the prosecutor asked for much lower bail amounts, the judge went beyond the prosecution’s request and set bail at \$100,000 for Tyler Lang, and \$200,000 for Kevin Olliff.

These amounts are far above normal. In Illinois, \$15,000 is the standard bail for Class 4 felonies.

The two remain in Woodford County Jail, pending the outcome of a bail reduction hearing in the future.

**How you can help**

A support site has been set up to post updates on Kevin and Tyler’s case. Right now, here’s what you can do:

Repost their support site link: The Support Kevin and Tyler site is up and will be updated regularly.

Send books: Mail rules at the Woodford County Jail are considerably more reasonable than most larger jails. Anyone can put any book into an envelope and send directly to Kevin or Tyler (both softcover and hardcover). Their book wish lists are posted here.

Send letters: Anyone can correspond with them via email or written letters. With email, prisoners at Woodford County jail must send the first email. To start an email correspondence, first send a written letter with your email address and they will email you a response.

**Kevin Johnson #0327873943**  
**Woodford County Jail**  
**111 East Court Street**  
**Eureka, Illinois 61530-1252**

**Tyler Lang #0821889409**  
**Woodford County Jail**  
**111 East Court Street**  
**Eureka, Illinois 61530-1252**

### **September 4<sup>th</sup> - Jail bans books after overwhelming outside support**

Hours after posting Kevin Olliff and Tyler Lang's book wish list so they can pass their time in jail productively, the jail announced a new rule: Books are no longer allowed in the entire jail.

This is a transparent attempt to target Kevin and Tyler. In a jail with less than 20 people, word is that they are the only two prisoners who have been receiving books from the outside.

Small jails such as the Woodford County Jail are not used to prisoners who have tremendous outside support, and will likely need a polite reminder that the world is watching. We are planning to deal with this unprovoked targeting of Kevin & Tyler aggressively and will be posting updates shortly.

Until this is resolved, please hold off on sending books.

### **September 6<sup>th</sup> - Lawless mayhem at Woodford County Jail**

Here is a rundown of the events so far:

From day one, the jail has refused to serve them vegan meals. They have been in jail for 3 weeks.

Just after Kevin & Tyler's book wish lists were posted, the jail declared a ban on all books in the jail.

After a flood of phone calls, a jail staffperson told both Tyler & Kevin on Tuesday that if the calls didn't stop, they would take away everything they could from both of them, including phone calls and commissary.

Also on Tuesday, a staffperson told Kevin Johnson he would be punished if this website (detailing the jail's misdeeds) wasn't taken down.

On Thursday morning, every possible thing that could be taken from them, was: Email access was cut off, phone revoked, and commissary was taken away.

In addition, they had both their ability to file grievances cut off, and their ability to see a doctor.

#### **Kevin and Tyler's health in danger**

As it stands, Kevin & Tyler are receiving insufficient food, and now are unable to supplement it with commissary food. And as they are effectively being starved, they are also unable to seek medical help.

As their situation worsens, they are unable to get word out of their condition, because all means of communication have been cut off.

It is vitally important that we escalate pressure on the Woodford County Jail now.

#### **The world is watching**

Now Woodford County Jail's misdeeds have a worldwide audience. This is not going away for them, despite their attempt to create an information blackout by cutting off outgoing communication for Kevin & Tyler.

We are compiling names of the public servants responsible and will post soon, so the world can know who is behind this.

We are moving forward with legal remedies on this end. We need everyone out there to keep up the pressure with phone calls.

Woodford County Jail: Your criminal actions now have a worldwide audience. Your feeble attempt to cut off Kevin & Tyler's communication channels and prevent the public from knowing what you're doing has failed. The spotlight is on you.

### **September 10<sup>th</sup> - Six things the Peoria "Journal Star" article got wrong**

Tuesday morning, the Peoria Journal Star newspaper published a story about Kevin, Tyler, and their treatment at the Woodford County Jail ("Website accusations spur phone calls to Woodford County Jail"). Problem was, they got almost everything wrong.

They paper also made the mistake of linking to this site, so that we are able to tell their readers what a poor

reporting job was done. We are grateful for the chance to address its readership directly.

### **Six examples of sloppy reporting in the Peoria Star article**

The reporter never contacted this site, nor any spokesperson for Kevin & Tyler. Getting both sides of the story is fundamental to any reporting done with integrity. We're sure Laura Nightengale is not proud to admit: She never contacted us.

Despite this website featuring heavily in the article, we were never contacted. Instead, she relied entirely on quotes from the police.

Starting with that blunder, it should come as no surprise the article avoided adequately and directly addressing any of Kevin & Tyler's grievances.

The ban on access to commissary and phones was not addressed (as of yesterday, these were restored, presumably due to outside pressure and media scrutiny).

The article did not address the jail-wide ban on incoming books which took place hours after their wish list was made public. The issue was skirted by the article, which stated there is a "jail library" (a cart of books with mostly bibles and fiction) – a point entirely unrelated to the ban on incoming books.

The article states they are receiving vegan meals. They are not receiving vegan meals. No one makes up lies about being starved for fun. As confirmed by Kevin & Tyler daily, they continue to not be provided vegan meals.

There was no attempt to counter the revoking of Kevin & Tyler's ability to file grievances, and there were no quotes from the police addressing this.

The reporter did not challenge the police on jail guard Dennis Wertz's overt threats to Kevin Olliff that he have this website taken down or his commissary and email would be taken away (which they subsequently were).

The only part the police were honest about is the ban on email, which they admit was instituted after the "disruptive response" (phone calls to the jail) created when Tyler & Kevin emailed information about the book ban and inadequate food.

### **Holding journalists accountable**

This is where it becomes problematic for a reporter to speak only to one side (the police): When these inaccuracies in sloppy reporting are able to be pointed out publicly, and by those who can speak to the facts. That is, those who actually speak with Kevin & Tyler daily. Again, we were never contacted to counter statements from the police with Kevin & Tyler's own words.

### **September 10<sup>th</sup> - Update from the first court date**

After a swarm of phone calls, Superintendent Mike Waterforth (fresh off his vacation) had to hold a press conference to defend the inmate mistreatment going on at his jail. The resulting news story was entirely one-sided and misrepresentative. Read the article itself and our rebuttal here.

Kevin and Tyler's preliminary hearing was yesterday, but as anticipated, not much resulted aside from more court dates. A pre-trial is set for October 9th; the actual trial is set for November 18th.

The one other development we've heard of from the prelim was that they've both been indicted on one charge only, "possession of burglary tools."

Late last week, in a dangerous punitive measure clearly targeted at Kevin and Tyler, the jail supervisors revoked email access from the entire inmate population. Abruptly taking it from everyone in order to punish a few (not for behavioral infractions, but for the support they're getting from family and friends) creates a hostile atmosphere for the targets of the measure—and the jail knows this.

While Kevin and Tyler have regained access to their commissary funds, requests for a doctor, and right to file grievances—they're STILL not receiving adequate meals and incoming books are still banned (Tyler is reportedly on his last book, which means his choices will soon be narrowed to pop fiction and bibles).

Really, SEND LETTERS. Without email now and with restricted phone access, this is their only access to the

outside world. Show them and the jail officials that Kevin and Tyler have a huge community supporters.

### **3 Sept - New Writings by Mumia Abu-Jamal**

*We're including transcripts of Mumia's latest commentaries.*

**MORE:**

#### **September 3<sup>rd</sup> - The Praise March**

They came. They saw. They praised.

It was far from exhilarating to see the recent 50th anniversary march of the 1963 March on Washington. In all honesty, it was depressing. For it reminds us of the original march, which was on the 100th anniversary of the Emancipation Proclamation, and a reminder of yet another dream unfulfilled.

Here, they praised political figures, more for their color than their performance.

“Isn’t it great that we have a black president?” they asked. “Wouldn’t Dr. King be proud that there’s a black man in the White House?” they boasted.

King would hardly be proud of the state of Black America today. He would be depressed if he saw how those now living on streets, avenues and boulevards named after him, actually lived.

He would be livid to see how politicians used his name for their blind ambitions, while spitting on the poor.

And the specter of imperial war would sicken King’s very soul, just as Vietnam did.

And King would also condemn mass incarceration and its monstrous impact on Black people, no matter the color of the prison warden.

Instead of a fairer, more just system, we have changed the color of the system’s administrators – and called it ‘change’.

The empire changed masks, and continues its vampirish existence, wreaking havoc abroad, and sowing discontent at home.

What has been accomplished is the creation of a multi-racial elite, to form the managerial class of essentially the same old unjust system. Black mayors who preside over the destruction and privatization of Black public schools. Black police chiefs who manage vast, militarized and irredeemably racist police forces. And black presidents who function as commander-in-chief of professional armies of mass destruction, at the beck and call of big business.

This is progress?

Surely, Martin Luther King wouldn’t think so.

Do you?

#### **September 4<sup>th</sup> - The ‘Compassion’ of Empire: Herman & Lynne Await**

Several years ago, the global human rights group, Amnesty International, issued an extraordinary appeal to Louisiana Gov. Bobby Jindal, to grant compassionate release to 72-year-old former Black Panther and political prisoner, Herman Wallace, who has recently been diagnosed with terminal liver cancer, after losing some 50 pounds in less than 6 months.

Wallace is one of 2 remaining imprisoned members of the Angola 3, who, with Albert Woodfox (and the

recently released Robert King), have spent over 40 years in solitary, and thus among the longest held political prisoners on earth.

The men were falsely convicted of murder, when in fact; they were actually guilty of nothing more than what prison administrators called “Black Pantherism” – or having the sheer audacity to organize a chapter of the Black Panther Party – in Angola prison!

For this, for daring to rebel on the very grounds of a former slave plantation, the Angola 3 were framed, thrown into the deepest hole in Louisiana – and hopefully, forgotten.

Thanks to their supporters, this was not to be.

In fact, tens of thousands are campaigning for Herman’s release – and the same should be done for Albert Woodfox as well.

In another southern state, peoples attorney, Lynne Stewart, too, is fighting the ravages of cancer, and her loyal, loving husband, former Panther Ralph Poynter, has staged a one-man protest in front of the White House, not only to dramatize the injustice his wife has suffered, but to push for compassionate release, lest his wife die alone in an icy jail cell in Texas.

Lynne and Ralph ran – for over 30 years – a law firm of last resort, for the poor, working-class and political people who stood up to and resisted the Empire.

Now, in connection to the Egyptian cleric, Sheikh Omar Abdel-Rahman, Lynne allegedly broke a facially unconstitutional prison rule, and this became the pretext for jailing and disbaring one of the finest lawyers ever to walk the streets of the Big Apple.

For this, 73-year-old Lynne Stewart was consigned to her own hole – in essence a death sentence.

Ralph’s fight for Lynne’s life is your fight.

Herman Wallace’s fight is your fight.

If you join in and support it with your strength, you can insure that they breathe the air of freedom again.

### **September 10<sup>th</sup> - Bombs Over Damascus?**

President Barack Obama, long seen as an anti-war foil to the lunacy of the belligerent George W. Bush administration, has now almost completed his morphing into Bush III.

With his war talk calling for the bombing of Syria, he has relied upon international law as the rationale, at the same time deprecating the role of the United Nations (UN). This, to say the least, is a contradiction.

With the old reliable Britain jumping ship, Obama has opted for a congressional cover, to share the glory or the blame of the latest imperial adventure, should it, like Iraq, result in disaster.

In any event, international law being violated isn’t something that is new to the U.S. Torture is a violation of international law, yet Guantanamo Bay’s Naval brig practices it daily, not to mention U.S. black sites operated by the CIA around the globe.

Yet this president, so exercised over international law violations, issued a clean slate to the CIA for its torture chamber, (not to mention its destruction of evidence) saying essentially, ‘let the past be the past.’

Similarly, the supreme war crime, under international law, specifically the Nuremberg Tribunal (which tried and

condemned Nazis), is aggression against a nation that did not attack the aggressor.

For this is a violation of the UN Charter, which, like Nuremberg, considered the initiation of war “the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole”. \*

Witness the Iraq War, not only a blunder, but a crime.

Yet the war criminals who waged an illegal, unjust war –are immune, for they did so in furtherance of empire (or perhaps more importantly, global businesses).

Why are they not on trial for violating international law?

That treatment, it seems is reserved for African or maybe Asian leaders – not Europeans or Americans.

International law is but a fig leaf, for it covers very little, especially if there is very little to cover.

Syria is embroiled in an ugly, vicious civil war, and fighting for its very survival as presently constituted.

The U.S., after Iraq, should have no say in the matter, having reduced Iraq into a smoking cinder, struggling to rise from an invasion that made it a charnel house of the region.

This, so-called humanitarian imperialism, is but imperialism by other means.

Meanwhile, the U.S. can’t educate its kids, it can’t provide health care to millions, its prisons are the most populated on earth, and its Wall St. elite are the biggest thieves on the block – as immune as are the invaders of Iraq and Afghanistan.

Congress, meanwhile, is about as popular as herpes; they are but the highly-paid employees of Wall Street – and the defense industries.

And the Nation embarks on a new war!?!

### **September 12<sup>th</sup> - CHUCK D –P.E.: Award Recipients**

On Saturday, Sept. 7th, Hip Hop Icon Chuck D of the monster rap group, Public Enemy, received an award that could not be better matched.

Chuck became the latest recipient of the Paul Robeson “Here I Stand” award, named for the trail-blazing, multi-talented, outspoken actor, singer, activist and anti-imperialist, Paul Robeson.

It couldn’t be granted to a better guy, or a better group. In the 90s, PE stole the stage and spotlight to pump themes of Black resistance into millions.

Their “Fight the Power!” became an anthem for a generation, and their sound was so powerful, so insistent, that it turned on millions of white kids by giving them a taste of Black life, Black thought and Black rebellion.

The award is presented by the respected Hug Tao Choy Mei Leadership Institute, run by Washington, D.C.’s Sifu Abdur Rahim Muhammad, a local Kung Fu master, businessman and community activist.

PE’s Chuck D joins a small, but legendary coterie of artists, like the great Harry Belafonte, actress Rita Moreno, filmmaker Spike Lee and rapper/actor Common, the award’s past recipients.

The award is also for being part of an immensely talented group of musicians that shook the nation: Flava Flav—

the best hype-man in the game; Minister of Education, the outspoken Professor Griff; DJ, Cut Master, Terminator X – and a host of other band mates.

PE used video and audio to introduce millions of youth to Malcolm X, Min. Louis Farrakhan, and the voices of Black youth.

From “Fight the Power!”, “Don’t Believe the Hype”, “911”, to “It Takes a Nation of Millions to Hold Us Back”, Chuck D and PE, often using a bed of furious funk driving themes of rebellion, moved music to higher, Blacker, realer ground.

Chuck once told me, “If we walked into a record company today, we couldn’t get a meeting, much less a contract.”

When I asked how it happened, he said, laughingly, “They didn’t know what they had!”

Thank goodness for their ignorance.

September 13th - Cat Back (In Court)

For Lorenzo ‘Cat’ Johnson, the last year, spent in prison, has been long, and torturous, for it came after almost 6 months in freedom, at home, with the woman and family he loves.

It came after the Supreme Court, in a dismissive per curiam unchallenged, unsigned opinion, reversed his order of freedom from the majority of a 3-judge panel of the 3rd U.S. Circuit Court of Appeals.

From the sweet bed of freedom with his wife and family, to the cold brick walls and steel bunk of prison –Umph!

Now, his lawyers have filed a new challenge in 2 courts, simultaneously. Filing in state and federal courts, his lawyers have torn the state’s chief witness to shreds, proving – with police affidavits – that the story she told naming him from Day One, was a concoction, a fabrication, a lie from the start – and every cop and prosecutor involved in his case knew it – from the day of his arrest!

Indeed, by re-investigating his case the lawyers found, not just a treasure trove of new and important witnesses, but startling evidence that strongly suggests that the state’s ‘star’ witness – a notorious crack addict known throughout the Harrisburg drug world as a fiend – may have lied because she may have played a central role in the murder of Tarajal Williams – a local, small time drug salesman.

In fact, Cat’s entire case is predicated on police intimidation and prosecutorial deals of witnesses –those who could’ve proved not only that he was innocent – but innocent beyond a shadow of a doubt.

That’s because on the night Tarajal Williams was killed, Cat wasn’t in Harrisburg. He wasn’t even in Pennsylvania.

But cops and prosecutors have the tools of intimidation in their hands – prison. And using such tools, they can twist witnesses like pretzels. They can, literally, make them say anything.

And they did.

But now, the case is fast unraveling, like wet toilet paper.

Cat is back in court –stronger than ever.

**September 13<sup>th</sup> - Kelvin’s Time in Hell**

Kelvin X. Morris has spent the bulk of his life on Death Row.

Today, he is free.

But, he assured me, it has been a long walk to freedom.

Convicted in 1983 of the 1980 killing of a Philadelphia store owner, he was arrested despite eyewitness testimony which identified his brother, Artie. When Artie's wife provided an alibi, police chose Kelvin.

Kelvin's trial before the notorious hanging judge, Albert F. Sabo, relied upon a jailhouse witness who claimed Kelvin confessed.

A simple handwriting analysis could've proved that his claim was false. His lawyer never asked for one – and when Kelvin filed a federal appeal after his death warrant was signed (in 1999), the truth came to light, and the case further unraveled.

In 2007, a federal judge granted a new trial but the DA appealed, and the appeals court reversed.

While awaiting a federal evidentiary hearing, the DA made an offer that Kelvin couldn't refuse.

Plead to a 3rd degree murder – and go home – or fight for another 30 years for a new trial, or perhaps –be executed.

He took the deal. And after 30 years in hell, walked off of death row into freedom.

Said Kelvin, "They wanted to legally lynch me."

Thanks to his perseverance, that chance is over.

#### **4 Sept - Manning Lawyer Submits Request for Presidential Pardon from Obama**

*The civilian defense attorney for Pvt. Bradley Manning, who now goes by Chelsea Manning, has filed an application for a presidential pardon or commutation of Manning's sentence.*

#### **MORE:**

by Kevin Gosztola (The Dissenter)

The filing contains a letter written by her attorney, David Coombs, and a letter by Manning, which was made public during a press conference hours after Manning was sentenced to 35 years in prison on August 21.

Manning was convicted by military judge, Army Col. Denise Lind, of committing multiple violations of the Espionage Act, embezzling government property and causing intelligence to be wantonly published on the internet. The conviction stemmed from the decision Manning made to provide copies of the "Collateral Murder" video, Afghanistan and Iraq War Logs, a cache of US State Embassy cables, the "Gitmo Files," and other government documents to WikiLeaks.

Coombs urges Obama to "take a positive step towards protecting whistleblowers who release information to the media for the public good by either reducing Private Manning's sentence to time served, or by granting him a full pardon." He suggests Manning has "already paid a heavy price for his [sic] conduct," including being held for over three years in military confinement and spending a portion in "unlawful solitary confinement at Marine Corps Base Quantico." He [sic] also faced a "three-year protracted legal process" along with a "meritless aiding the enemy offense."

"The length of Private Manning's sentence is one that we would expect for someone who disclosed information in order to harm the United States or who disclosed information in order to harm the United States or who disclosed information for monetary gain," Coombs argues. "Private Manning did neither. Instead, he [sic]

disclosed information that he [sic] believed could spark a meaningful public debate on the costs of war, and specifically on how we value human life.”

Compared to other cases where soldiers or officers were convicted of one or two counts related to sharing secrets, typically soldiers accused of acts of espionage were not overcharged or did not face the multiplication of charges from their acts like Manning did. The convicted act of espionage did carry a maximum punishment of at least twenty to thirty years, if not more, but there often was no charge of stealing the information in addition to the espionage-related charges. [For more context based off prior military cases, go here.]

“Although the government is entitled to protect sensitive information, the documents in this case did not merit protection,” Coombs declares. “Many of the documents released by Private Manning were either unclassified or contained information that the public had a right to know. None of the disclosed documents caused any real damage to the United States. Instead, these documents simply embarrassed our country by revealing misconduct by the Department of Defense and unethical practices by the Department of State.”

One of those State Department practices by exposed was spying on officials at the United Nations. As for the Defense Department, the documents showed how the US military had ordered officers to look the other way and be complicit as the Iraqi Federal Police tortured or abused detainees handed over to them for interrogation.

Coombs states, “We rely upon whistleblowers, even in those instances that might cause embarrassment, to keep our government accountable to its people,” He calls Manning a “military whistleblower” and adds that the documents were “vital for a healthy public debate about our conduct in Iraq and Afghanistan, our detention policies at Guantanamo and our diplomatic activities around the world.”

“The sentence given to him by the military judge grossly exaggerates the seriousness of his [sic] conduct,” Coombs further argues. “The sentence was disproportionate to both the offense and the offender. It will undoubtedly have a chilling effect on future whistleblowers and damage the public’s perception of military justice.”

Amnesty International submitted a letter by Anne FitzGerald, director of research and crisis response, which indicates support for having Manning’s sentence commuted.

“While Bradley Manning faces many years in prison for the public disclosure of documents to WikiLeaks, numerous high-level officials have never been held accountable for the grave human rights violations committed during the United States’ ‘War on Terror,’” FitzGerald states. “Even in cases where low-ranking soldiers have been charged or convicted, they have received very light sentences. High-ranking officials avoided investigation for the abuse of detainees at Abu Ghraib prison and elsewhere in Iraq in 2003-2004. Eleven low-ranking soldiers were sentenced to prison terms after being convicted in courts martial, but they have all been released. The Brigadier General in charge of the detention facility was reprimanded for dereliction of duty and demoted to Colonel. No criminal charges have ever been made in relation to the US secret detention program where enforced disappearance and torture were authorized at the highest level of government. Details of the program remain classified.”

Indeed, as Manning serves a thirty-five year sentence in prison, journalist Jason Leopold has filed a Freedom of Information Act lawsuit for the “Pentagon Papers of the CIA torture program.” It cost taxpayers \$40 million to produce and is 6,000 pages. Yet, up to this point, the Obama administration has refused to disclose the report so it can inform public debate.

FitzGerald notes that materials Manning leaked “pointed to potential human rights violations and breaches of international humanitarian law by US troops abroad, by Iraqi and Afghanistan forces operating alongside US forces and by military contractors.” However, the judge would not allow Manning to present a defense that “he [sic] was acting in the public interest.”

“While the US government has the inherent right to maintain the security of classified information, national security cannot be a blanket justification to withhold information about serious human rights violations,” FitzGerald states. “The government’s asserted national security interest in withholding disclosure must be weighed against the extent to which the information disclosed relates to wrongdoing or other information of public interest and the disclosure should be reasonable in the circumstances and done in good faith.”

Manning’s statement on the sentence the judge issued appears under a section asking for “reasons for seeking commutation of sentence.”

“The decisions that I made in 2010 were made out of a concern for my country and the world that we live in,” the statement begins. Manning adds, “In our zeal to kill the Enemy, we internally debated the definition of torture; we held individuals at Guantanamo for years without due process; we inexplicably turned a blind eye to torture and executions by the al-Maliki government and we stomached countless other acts in the name of our war on terror.”

Yet, as Manning has done throughout, complete responsibility for actions committed is taken.

“When I chose to disclose classified information, I did so out of a love for my country and a sense of duty to others,” Manning concludes. “If you deny my request for a pardon, I will serve my time knowing that sometimes you have to pay a heavy price to live in a free society.”

“I will gladly pay that price if it means we could have a country that is truly ‘conceived in liberty, and dedicated to the proposition that all [women and] men are created equal.’”

#### **4 Sept - Russell Maroon Shoatz Campaign Update – Action Alert - Maroon Transferred**

*Just 5 days after observing his 70th birthday, on August 28, 2013, former Black Panther and political prisoner Russell ‘Maroon’ Shoatz was transferred to the State Correctional Institution (SCI) at Frackville, a maximum security institution.*

#### **MORE:**

He has once again been immediately placed in a restricted housing unit (RHU): solitary confinement of twenty-three-hour-a-day lock down. Shoatz was not given a reason for the transfer.

The transfer came one week before Pennsylvania Department of Corrections’ (PA DOC) officials, including Secretary John Wetzel, must report to a federal judge on the progress of Shoatz’s release into the general population. DOC defendants in the case *Shoatz v. Wetzel* have represented to the court on multiple occasions that they intend to release Shoatz into the general population, but have so far failed to do so.

Coming on the heels of a weekend of events held around the country in honor of Shoatz’s birthday, the transfer highlights the refusal of the PA DOC to respond to a major international campaign, launched in May 2012, to win the release of this senior citizen into General Population. In a birthday message sent jointly to Shoatz and PA DOC Secretary Wetzel, three Nobel Peace Prize recipients – Archbishop Desmond Tutu of South Africa, Jose Ramos-Horta of East Timor and Mairead Corrigan Maguire of Ireland – demanded “in the strongest possible humanitarian terms” that “now is the time for the immediate and unconditional release” of Shoatz.

Archbishop Tutu, a founder of the Elders group which includes Nelson Mandela and former US President Jimmy Carter, and Ramos-Horta, former President of East Timor and a Special Representative of the United Nations, have vowed that they will continue to monitor the situation of Shoatz until his “unfair and unjust treatment” is alleviated. A report of Shoatz’s case has been formally filed with the office of the UN Special Rapporteur on Torture, Juan E. Mendez.

Recognizing that the transfer to SCI Frackville represents an arbitrary and unjustifiable delay of his release to population, forcing Shoatz to wait for another indeterminate processing period in this new institution, NOW IS THE TIME TO RE-ACTIVATE THE PHONE CALLS, LETTERS AND FAXES DEMANDING MAROON'S IMMEDIATE RELEASE!

It is important to remember that on March 28, shortly before a team of lawyers filed a suit against the PA DOC for violating Shoatz's constitutional rights by holding him in an 8 by 12-foot cell for over two decades, prison officials moved Shoatz from SCI Greene (where he had spent a total of 18 years on lockdown) to SCI Mahanoy for the stated purpose of ending his 22 consecutive years in solitary confinement. That transfer coincided with the first leg of a 16-city national tour of Maroon's recently published book of essays, which has since been banned by the PA DOC.

Juan E. Mendez, who reports directly to the United Nations High Commission on Human Rights, has repeatedly likened conditions in restricted housing units to torture, and called for a moratorium on isolation exceeding 15 days. Yet Maroon has endured these torturous conditions for almost half of his life, despite the fact that he has no disciplinary problems in over 20 years.

We must unite to demand that Pennsylvania's Department of Corrections end their months of empty promises. It is up to us – conscientious members of the public – to force the system to respect basic human rights standards and the strict prohibition on torture.

We are now calling on YOU to help us in this Herculean endeavor to win justice for one of Pennsylvania's nearly 52,000 prisoners. Pick up your pens and your phones and help us bring an old man closer to his family!

CALL AND WRITE TODAY!

Twenty-two consecutive years in solitary is more than long enough!

DEMAND that Maroon be placed in general population IMMEDIATELY!

Call/Write to: PA DOC Secretary John Wetzel, 1920 Technology Parkway, Mechanicsburg, PA 17050; Phone number: 717-728-4109; Fax: 717-728-4178

(Inmate number for Russell Shoatz – AF3855)

#### **4 sept - Barrett Brown news roundup**

*A lot continues to be written about the case of Barrett Brown, and a good percentage of it is interesting. We've included the lion's share below.*

**MORE:**

#### **September 5<sup>th</sup> - Barrett Brown Faces 105 Years in Jail**

But no one can figure out what law he broke. Introducing America's least likely political prisoner by Alexander Zaitchik (*Rolling Stone*)

The mid-June sun is setting on the Mansfield jail near Dallas when Barrett Brown, the former public face of Anonymous, shuffles into the visitors hall wearing a jumpsuit of blazing orange. Once the nattiest anarchist around, Brown now looks like every other inmate in the overcrowded North Texas facility, down to his state-issued faux-Crocs, the color of candy corn.

Brown sits down across from his co-counsel, a young civil-liberties lawyer named Ahmed Ghappour, and raises a triumphant fist holding several sheets of notebook paper. "Penned it out," he says. "After 10 months, I'm finally getting the hang of these archaic tools." He hands the article, titled "The Cyber-Intelligence Complex and Its Useful Idiots," to his lawyer with instructions to send it to his editor at The Guardian. Brown used to write for the British daily, but since he's been in prison, it's written about him and his strange legal ordeal that has had him

locked up for nearly a year while he awaits trial next month. Should he be found guilty of all the charges the federal government is bringing against him – 17 counts, ranging from obstruction of justice to threatening a federal officer to identity fraud – he'll face more than 100 years in prison.

Given the serious nature of his predicament, Brown, 32, seems shockingly relaxed. "I'm not worried or panicked," he says. "It's not even clear to me that I've committed a crime." He describes his time here as a break from the drug-fueled mania of his prior life, a sort of digital and chemical fast in which he's kicked opiates and indulged his pre-cyber whims – hours spent on the role-playing game GURPS and tearing through the prison's collection of what he calls "English manor-house literature."

Brown has been called many things during his brief public career – satirist, journalist, author, Anonymous spokesman, atheist, "moral fag," "fame whore," scourge of the national surveillance state. His commitment to investigating the murky networks that make up America's post-9/11 intelligence establishment set in motion the chain of events that culminated in a guns-drawn raid of his Dallas apartment last September. "For a long time, the one thing I was happy not to see in here was a computer," says Brown. "It appears as though the Internet has gotten me into some trouble."

Encountering Barrett Brown's story in passing, it is tempting to group him with other Anonymous associates who have popped up in the news for cutting pleas and changing sides. Brown's case, however, is a thing apart. Although he knew some of those involved in high-profile "hacktivism," he is no hacker. His situation is closer to the runaway prosecution that destroyed Aaron Swartz, the programmer-activist who committed suicide in the face of criminal charges similar to those now being leveled at Brown. But unlike Swartz, who illegally downloaded a large cache of academic articles, Brown never broke into a server; he never even leaked a document. His primary laptop, sought in two armed FBI raids, was a miniature Sony netbook that he used for legal communication, research and an obscene amount of video-game playing. The most serious charges against him relate not to hacking or theft, but to copying and pasting a link to data that had been hacked and released by others.

"What is most concerning about Barrett's case is the disconnect between his conduct and the charged crime," says Ghappour. "He copy-pasted a publicly available link containing publicly available data that he was researching in his capacity as a journalist. The charges require twisting the relevant statutes beyond recognition and have serious implications for journalists as well as academics. Who's allowed to look at document dumps?"

Brown's case is a bellwether for press freedoms in the new century, where hacks and leaks provide some of our only glimpses into the technologies and policies of an increasingly privatized national security-and-surveillance state. What Brown did through his organization Project PM was attempt to expand these peepholes. He did this by leading group investigations into the world of private intelligence and cybersecurity contracting, a \$56 billion industry that consumes 70 percent of the U.S. intelligence budget.

"Barrett was an investigative journalist who was merely doing his professional duty," says Christophe Deloire of Reporters Without Borders. "The sentence that he is facing is absurd and dangerous."

Brown grew up in the affluent North Dallas neighborhood of Preston Hollow, where, following his parents' divorce, he lived with his New Age mother. Karen Lancaster always believed her only son was special – he once wrote that she called him "an indigo child with an alien soul." Among her house rules was that mother and son meditate together daily. She instructed him in the predictions of Nostradamus and made sure he kept a dream journal for the purpose, as Brown described it, "of helping him divine the future by way of my external connection to the collective unconscious." (For her part, Brown's mother says she was progressive, but not "New Age", and that her son's comments were made in jest.)

A precocious pre-adolescent reader and writer, Brown produced a newspaper on his family's desktop computer while in elementary school. When he started writing for the student paper at his private high school in the mid-Nineties, he quickly clashed with the paper's censors over his right to criticize the administration. "Barrett always

challenged authority, even as a kid, and anytime you go up against authority, you're going to get in trouble," says Brown's father, Robert. "You could sort of always see this coming."

By the time he reached high school, Brown had discovered Ayn Rand and declared himself an atheist. He founded an Objectivist Society at school and distinguished himself from other Randians by placing second out of 5,000 entrants in a national Ayn Rand essay contest. (Brown now expresses regret over this.) By all accounts, Brown hated everything about organized education, preferring to follow his own curricula and chat up girls on the bulletin-board systems of a still-embryonic Internet.

After his sophomore year, Brown told his parents he wasn't going back. He signed up for online courses and spent his junior year in Tanzania with his father, a Maserati-driving conservative, safari hunter and serial entrepreneur who was trying to launch a hardwood-harvesting business. "Barrett loved living in Africa," says his father. "He preferred adventure to being in school with his peers. We weren't far from the embassy that was bombed that year."

Brown returned to the U.S. and in 2000 joined some of his childhood friends in Austin, where he spent two semesters taking writing classes at the University of Texas. After dropping out, he spent a summer doing what one friend calls a "heroic" amount of Ecstasy and acid before settling into the charmed life of a pre-crisis Austin slacker – working part-time, smoking pot and paying cheap rent in a series of group houses with enormous porches. Brown's roommates remember his rooms as being strewn with leaning towers of books and magazines – he especially liked Gore Vidal, P.J. O'Rourke and Hunter S. Thompson – but say he was not especially political. "After 9/11 and Iraq, there were a lot of protests in Austin," says Ian Holmes, a childhood friend of Brown's. "I don't remember him participating in it or being extra vocal, but he was against it all like everyone else."

As Brown built up his clip book and matured as a writer, his ambitions began to outgrow Austin. In 2007, Brown moved to Brooklyn with a group of old friends that called itself "the Texadus." Their Bushwick apartment emerged as a hub for Lone Star State refugees who liked to get high, crush beers and play video games. "People were always hanging out and coming and going," says Caleb Pritchard, a childhood friend of Brown's who lived with him in Austin and Brooklyn. Among the apartment's large cast of characters were a crew of weed-delivery guys from Puerto Rico and Honduras who used the apartment as a daytime base of business operations. "They brought over an Xbox, bought us beer and food and played strategy games with us," Pritchard says. "It was a good cultural exchange for a bunch of skinny white kids from Dallas."

As virtual-world games grew increasingly sophisticated, Brown spent more time in front of his computer. But he didn't play the games like most people. In Second Life, he linked up with a group of people known as "griefers," the term for hackers who in the mid-00s became known for generating chaos inside video-game worlds. Socializing on the bulletin board 4chan.org, they formed the first cells of what would later become Anonymous. In the documentary *We Are Legion*, about the hacktivist group, Brown waxes nostalgic over his grief period, when he'd spend entire nights "on Second Life riding around in a virtual spaceship with the words 'faggery daggery doo' written on it, wearing Afros, dropping virtual bombs on little villages while waving giant penises around. That was the most fun time I ever had in my life."

When everyone else went out to the bars, Brown stayed in. Aside from video games and the odd afternoon of pick-up basketball, he also pounded out columns, diaries and blog posts for *Vanity Fair*, *Daily Kos* and *McSweeney's*, as well as restaurant reviews and essays for weeklies like *New York Press* and *The Onion's A.V. Club*. Though he had some paying gigs, he published most heavily in unpaid, self-edited community forums like *Daily Kos* and *The Huffington Post*. "Barrett wasn't really working in New York so much as getting by with the help of friends and family," says Pritchard. Among his unpaid gigs was his work as the spokesman for the *Godless Americans PAC*, which led to Brown's first TV appearance, on the Fox News morning show *Fox & Friends*.

In Brooklyn, Brown resumed shooting heroin, which he'd dabbled in off and on since he was 19. Over the years, doctors have diagnosed him with ADHD and depression. Accurate or not, the diagnoses suggest Brown was

drawn to opiates for more than just the high. "When I joined him in Brooklyn in '08, Barrett was already basically a functional junkie," says Pritchard.

Heroin did not mellow Brown when it came to America's pundit class. Brown's critique made clear he didn't want to join the journalistic establishment so much as lash it without mercy. Then, in March 2010, he announced in a blog post the goal of replacing it, of making its institutions irrelevant and rebuilding them in the image of an overly self-confident 28-year-old junkie named Barrett Brown. It was perhaps his first public manifestation of extreme self-assurance that could come off as imperious self-importance. Brown himself did not deny it, once saying, "I don't think arrogance is something I'm in a position to attack anyone on."

The project envisioned by Brown was a new kind of crowdsourced think tank to be "established with a handful of contributors who have been selected by virtue of intellectual honesty, proven expertise in certain topics and journalistic competence in general." He named it Project PM, after a gang in William Gibson's *Neuromancer* called the Panther Moderns.

Brown conceived his new network partly as a response to what he saw as the sad state of affairs at the two main homes for his work, *Daily Kos* and *HuffPo*. After years of vibrancy, both now suffered from "the watering-down of contributor quality," he said. At Project PM, he assured that "below-average participants will have only very limited means by which to clutter the network."

With typical cigarette-waving flourish, Brown declared, "Never has there existed such opportunity for revolution in human affairs."

Had Project PM developed along the lines of Brown's original vision – as a kind of exclusive, experts-only, friends-of-Barrett blogger network – it is extremely unlikely that Brown would now be in jail. Or that the FBI would have subpoenaed the company hired to secure its server, as it did in March. But Project PM ended up taking a different route.

The event that locked Brown's path into a collision course with the federal government came on February 11th, 2010, when he posted an essay on *Huffington Post* that he grandiloquently titled "Anonymous, Australia and the Inevitable Fall of the NationState."

At the time, Anonymous was in the news after some of its hackers, in an action they called Operation Tinstorm, brought down Australian government servers in retaliation for the government's attempt to block certain kinds of niche pornography. For Brown, Tinstorm was a world-historic game-changer, a portent of an age in which citizens could successfully challenge state power on their laptops and neutralize government propaganda and censorship.

In the comically aggrandizing tone that had become his trademark, Brown concluded, "I am now certain that this phenomenon is among the most important and underreported social developments to have occurred in decades."

Among those taken by Brown's interpretation of Tinstorm was Gregg Housh, a Boston Web designer and early Anonymous associate, who had emerged as a sort of quasi-spokesman for the group. Through Housh, Brown gained entrance to the online inner sanctums of the hackers he thought were turning history on its head. Housh, who was starting to feel burned out from fielding the barrage of international media requests, saw Brown as someone who could step in and talk to reporters for Anonymous.

"Barrett 'got it' in a way few journalists did," says Housh. "Soon, he was one of us, and that pretty much set the course for everything that happened next."

Brown always denied holding any official capacity as the spokesman of Anonymous, maintaining such a thing was not even possible given the amorphous nature of the group. Yet he embraced the media role with relish, sometimes using the royal "we" during interviews. In March 2011, Brown described himself to a visiting NBC

News crew as a "senior strategist" for Anonymous. He also, along with Housh, began writing a book about the group, detailing the transformation of Anonymous from a community of amoral videogame-playing punks into an ethical crusade, assisting street protests across the globe during the Arab Spring.

From the beginning, Brown's public role was a subject of internal controversy. A minority dismissed and attacked him as a preening "name fag" – Anonymous slang for people who use their real names and speak to the press. Others were more bothered that Brown was a "moral fag," the term used by unrepentant grievers to describe the new generation of hacktivists who began flocking to the Anonymous banner in 2008. In *We Are Legion*, Brown makes his allegiance clear, hailing the hacktivists for turning a "nihilist, ridiculous group" into a "force for good."

Yet something of the old griever remained in Brown even after his and the group's politicization process had converged to take on the world of intelligence outsourcing. "He was just trolling the hell out of these corporate-surveillance guys," says Joe Fionda, a New York activist who assisted Brown in his investigations. "Not just doing the serious research work no one else was doing – getting tax files and all that – but calling them at their homes to introduce himself, sometimes straight up pranking them. He's legit funny and sees the humor and the absurd in everything."

Another former colleague, a Boston Web developer and activist named Lauren Pespisa, shared Brown's love of prank calls: "Sometimes we'd drink and prank-call lobbyists for fun. We went after this one group, Qorvis, because they were helping the kingdom of Bahrain handle its image when they were shooting people. So we'd call them up and 'dragon shout' at them," she says, referring to a sound effect in one of Brown's favorite video games, *The Elder Scrolls V: Skyrim*.

By combining the two ethos of Anonymous, Brown won over more people than he alienated. Part of his appeal was the act of his drily affected pseudo-aristocratic-asshole persona, which he exaggerated during media appearances. He preferred a corduroy sports jacket to the Guy Fawkes mask that Anonymous members favor. A typical portrait showed Brown's arm slung over a chair, a Marlboro dangling off his bottom lip and a stuffed bobcat on the wall behind him. He was oth loved and hated for being one of the more colorful characters found in the Internet Relay Chat rooms where hackers gathered. He famously once conducted a strategy session while drinking red wine in a bubble bath.

"Barrett became a bit like the court jester of Anonymous," says Gabriella Coleman, a professor at McGill University who has written about the network. "His behavior was legendary because he was the ethical foil. Anonymous isn't just for hackers. People like Barrett Brown can thrive: the organizer, the media-maker, the spectacle-maker."

When Brown met Housh, he was nearing the end of his three-year stint in Brooklyn. In the spring of 2010, Brown called his parents and told them he had a heroin problem. At their urging, he returned to Dallas and began an outpatient treatment that included the heroin replacement Suboxone. It was from a tiny Dallas apartment that Brown deepened his involvement with Anonymous. Since most of his friends lived in Austin, his new social life consisted of the IRC rooms populated by hacktivists. It was a world of nonstop, petty cyberintrigue, which to outsiders can appear like a hellish fusion of *The Hollywood Squares*, *WarGames* and *Degrassi Junior High*.

Pritchard remembers the first time Brown crashed on his couch in Austin after his return to Dallas. "I'd wake up, and he'd be online having conversations with these kids on Skype or something," he says. "Barrett would say, 'I know what you're doing!' The other guy would be stroking his chin like he's Dr. Claw, saying, 'No, I know what you're doing.' It was nonstop cyberwar, with these dorks just dorking it out with each other. It seemed like a bunch of kids trolling each other."

Still, Pritchard appreciated that beneath the dorkery, Brown was involved in serious business. This was Brown's first year as an unofficial spokesman for Anonymous, and it was eventful. The hackers were aiding the uprisings of the Arab Spring, and assaulted PayPal and credit-card companies in retaliation for their refusal to process

donations to WikiLeaks. This latter action, called Operation PayBack, earned the attention of the Justice Department. In the summer of 2011, the FBI issued 35 search warrants and arrested 14 suspected hackers.

By the time of the arrests, Brown's focus had settled squarely on the nexus between government agencies, private intelligence firms and the information-security industry – known as InfoSec – contracted to build programs and technologies of surveillance, disruption and control that Brown suspected were in many cases unconstitutional. What's more, he was as bratty as ever about it. He phoned CEOs and flacks at their homes and called them liars. He boasted about bringing the whole system down. As the first raids and arrests took place following Operation PayBack, some observers of Brown's antics began to suspect that the court jester of Anonymous was not a very safe thing to be.

"You could just tell it was going to end badly," says an Anonymous member and veteran hacker. "When he really started making noise about going after these intel-contracting companies, I was like, 'You're going to get locked up, kid.'"

After Operation Payback, Anonymous was on the radar of every private security firm looking to build a quick reputation. In the office of Aaron Barr, CEO of a struggling digital-security contractor called HBGary Federal, it was the biggest thing on the radar. Barr was convinced that taking down Anonymous before it struck again was a fast track to industry juice and massive contracts. In February 2011, he bragged to *The Financial Times* about the supersecret sleuthing techniques he had developed to get the goods on Anonymous. He claimed to know the identities of the group's leaders. Implicit in Barr's comments was the possibility of federal raids on those identified.

Partly to avoid that outcome, and partly out of curiosity, an Anonymous cell hacked HBGary's servers. They discovered that Barr's techniques involved hanging out on major social-media sites and compiling lists of mostly innocent people. It wasn't the only example of his staggering miscalculation: Within minutes, the hackers easily got around the firm's security defenses, ransacking company servers, wiping Barr's personal tablet and absconding with 70,000 internal e-mails. Stephen Colbert devoted a segment to the fiasco, based around the image of Barr sticking his penis in a hornets' nest.

Once the hackers who broke into HBGary's servers discovered that Barr was basically a clown, they abandoned pursuit. "There were tens of thousands of e-mails and no one wanted to go through them," says an Anonymous associate who observed the HBGary hack. "Everyone was like, 'We're not even going to dump these, because there's no point.'"

Brown disagreed. When the hackers posted the e-mails on a BitTorrent site, he used Project PM to organize the painstaking work of collating and connecting the dots to see what picture emerged.

"Nobody was reading more than a couple of the e-mails before getting bored," says the Anonymous associate. "But Barrett has this strangely addictive and journalistic kind of mind, so he could stare at those e-mails for 10 hours. He'd be sitting alone in the HBGary channel, yelling at everyone, 'You've got to pay attention! Look at the crap I found!'" Brown quickly drew in some 100 volunteers to help him trawl through and make sense of the e-mails.

The HBGary cache offered one of the fullest looks ever at how corporate-state partnerships were targeting groups they considered subversive or inimical to the interests of corporate America. The projects under consideration at HBGary ranged from cyberattacks and disinformation campaigns targeting civic groups and journalists to Weird Science-supermodel avatars built to infiltrate and disrupt left-wing and anarchist networks.

Project PM volunteer investigator Joe Fionda remembers the disturbing thrill of uncovering HBGary's use of a Maxim pinup to create online personas designed to spy for corporate and government clients. "I couldn't believe how much crazy shit they were up to," Fionda says. "My brain still feels like it's going to explode."

The biggest fish flopping in Brown's net was the story of a cluster of contractors known as Team Themis. The origins of Team Themis dated to Bank of America's alarm over Julian Assange's 2010 claim to possess documents that "could take down a bank or two." The Department of Justice recommended Bank of America retain the services of the white-shoe D.C. law firm Hunton & Williams and the high-powered intelligence contractor Booz Allen Hamilton. On behalf of Bank of America, Hunton & Williams turned to the large and growing world of InfoSec subcontractors to come up with a plan, settling on HBGary and two dataintelligence shops, Berico Technologies and Palantir Technologies.

The Themis three were also preparing a proposal for Hunton & Williams on behalf of another client, the U.S. Chamber of Commerce. The leaked HBGary documents revealed that Themis was exploring ways of discrediting and disrupting the activities of organized labor and its allies for the Chamber. The potential money at stake in these contracts was considerable. According to Wired, the trio proposed that the Chamber create a \$2-million-a-month sort of cyber special-forces team "of the kind developed and utilized by the Joint Special Operations Command." They also suggested targeting a range of left-of-center organizations, including the SEIU, watchdog groups like U.S. Chamber Watch, and the Center for American Progress. (The Chamber of Commerce and Bank of America have denied ever hiring Team Themis or having any knowledge of the proposals.)

In pursuit of the Chamber and Bank of America contracts, the Themis three devised multipronged campaigns amounting to a private-sector information-age COINTELPRO, the FBI's program to infiltrate and undermine "subversive" groups between 1956 and 1971. Among the Themis ideas presented to Hunton & Williams: "Feed the fuel between the feuding groups. Disinformation. Create messages around actions to sabotage or discredit the opposing organization. Submit fake documents and then call out the error."

The revelations represented a triumph for Brown and his wiki. A group of Democratic congressmen asked four Republican committee chairs to hold hearings on the "deeply troubling" question of whether "tactics developed for use against terrorists may have been unleashed illegally against American citizens." But the calls for investigation went nowhere. The lack of outrage in Washington or on influential editorial pages didn't shock Brown, who had long ago lost hope in the politicians and pundits who are "clearly intent on killing off even this belated scrutiny into the invisible empire that so thoroughly scrutinizes us – at our own expense and to unknown ends."

It was Brown's finest moment, but his relationship with Anonymous was rapidly deteriorating. By May 2011, Brown had begun turning on the network. "There's little quality control in a movement like [Anonymous]," Brown told an interviewer. "You attract a lot of people whose interest is in fucking with video-game companies."

Brown's haughty dismissal of the new crop of hacktivists was not a feeling shared by the FBI. The government continued to see Anonymous as a major and growing threat. And in the summer of 2011, it acquired a key piece in its operation to destroy the network. On the night of June 7th, four months after the HBGary hack, two federal agents visited the Jacob Riis publichousing project on Manhattan's Lower East Side and introduced themselves to a 27-year-old unemployed hacker named Hector Monsegur, known inside Anonymous as "Sabu." As a leader of an Anonymous offshoot called Lulzsec, he had hacked a number of state and corporate servers. In early 2011, he made some rookie errors that led the FBI to his door: Facing the prospect of being indicted on 12 counts of criminal conspiracy, Sabu rolled over on his old hacker associates. He signed a cooperation agreement and began feeding the FBI information on Anonymous plots. The biggest of these involved a private global intelligence contractor located in Barrett Brown's backyard, the Austin-based Stratfor.

In early December 2011, a young Chicago Anon named Jeremy Hammond cracked Stratfor's server and downloaded some 5 million internal documents. With the apparent blessing and supervision of the FBI, Sabu provided the server for Hammond to store the docs. Hammond then proceeded to release them to the public. Sifting through the data dump would require a massive coordinated effort of exactly the kind Project PM had been training for. Brown and his dedicated volunteers attacked the mountains of e-mails. "We had between 30 and 50 people involved, usually 15 at a time," says Lauren Pespisa, the Boston Project PM volunteer who now helps organize Brown's legaldefense fund.

After six months of work, Brown would discover what he considered the fattest spider amid the miles of Stratfor web: a San Diego-based cybersecurity firm called Cubic. As Brown followed the strings, he discovered links between Cubic and a data-mining contractor known as TrapWire, which had ties to CIA vets. Brown thought that he had stumbled on a major find illuminating new technologies for spying and surveillance, but the media pickup was not what Brown had hoped. Major dailies shrugged off the story, and Gawker and Slate poured cold water on his alarm, calling it "outlandish." Brown responded to the criticism with a rambling, connect-the-conspiracy-dots YouTube video.

It wasn't just gossip sites that viewed Brown's reading of the Stratfor docs with a skeptical eye. Even sympathetic students of intelligence contracting urged caution about interpreting the TrapWire materials. "I applaud anyone digging into this stuff, but you can't really draw conclusions from what these contractors say in these e-mails because they're bragging and they're trying to land business," says Tim Shorrock, whose 2008 book *Spies for Hire* first exposed the scope of the intelligence-contracting industry. "Some of the quote-unquote intelligence that Stratfor was reporting on was ludicrous. Why would an intelligence agency buy this stuff?"

Meanwhile, deeply buried in the TrapWire debate was the fact that included in the Stratfor docs were the credit-card numbers of 5,000 Stratfor clients. Brown likely did not give the numbers a second thought. But it's these numbers that form the most serious charges against Brown. The government alleges that when Brown pasted a link in a chat room to the already leaked documents, he was intentionally "transferring" data for the purpose of credit-card and identity fraud.

"If the Pentagon Papers included creditcard info, then would The New York Times have been barred from researching them?" says Brown's co-counsel Ghappour. "There is nothing to indicate Barrett wanted to profit from this information, or that he ever had the information in his possession. He was openly critical of such motives and disapproved of hacking for the sake of it. This was a big part of his rift with Anonymous – why he was considered a 'moral fag' by some."

The FBI raided Brown's Dallas apartment on the morning of March 6th, 2012, three months after the Stratfor hack, and one day after Jeremy Hammond was arrested in Chicago. More than a dozen feds led by agent Robert Smith knocked down the door with warrants for Brown's computers and seized his Xbox. Brown was staying at his mother's house nearby. Later that morning, the agents appeared at the home of Brown's mother with a second warrant. They found his laptop in a kitchen cabinet, and she was later charged with obstruction. Brown, who was in the shower preparing for a TV interview when the agents arrived, was not arrested. The agents left with his laptop.

Among hackers, theories differ on the motive behind the FBI action. As one of the few public figures associated with Anonymous, Brown made a soft target with a potentially very valuable hard drive or two. Some say it was meant as a warning; others say Brown had simply pissed off too many powerful people, or was getting too close to something big.

Then there is the theory, advanced by Gregg Housh, that Brown and Hammond were targeted out of frustration with a blown sting against WikiLeaks founder Julian Assange. After looking into the Stratfor hack, Housh believes that the FBI allowed the hack to proceed not in order to arrest Hammond but Assange. "The idea was to have Sabu sell the stolen Stratfor material to Assange," says Housh. "This would give them a concrete charge that he had knowingly bought stolen material to distribute on WikiLeaks."

Housh believes Hammond got wind of Sabu's plan to sell the documents to Assange and dumped them before the transaction could take place. While there is no proof of contact between Sabu and Assange, Sabu reportedly communicated with Sigurdur Thordarson, a teenage Icelandic WikiLeaks volunteer and an FBI informant.

"Hammond had no idea what he'd done," says Housh. "The FBI were a day away from having evidence against Assange, and Hammond screwed it up for them. That's why they went after him so hard."

Yet Hammond, who led the Stratfor hack, faced only 30 years before cutting a plea deal for 10. Why is Brown facing 105?

Following the March raid, Brown continued his investigations and planned for the future of Project PM. 2012 was going to be a big year. He had a new nucleus of friends and colleagues in Boston, where he was going to move and live in an activist group house. His investigations increasingly took place outside the Anonymous network. Brown had new allies in groups like Telecomix, a collective that operated its own crowdsourcing investigations into the cybersurveillance industry. That summer, he visited New York for the Hackers on Planet Earth conference, an annual gathering of hackers and activists, where he met a few of his Project PM colleagues offline for the first time. "I remember he was wearing a full suit in this crazy heat, sweating profusely in the lobby of the Hotel Pennsylvania," says Fionda. "He was still struggling with kicking heroin, he had tremors and looked like he was in a lot of pain. But he was full of energy. He was telling everyone, 'We're going to the center of the Earth with this story!'"

But Brown's mental state seemed to deteriorate during the summer of 2012. Having battled depression throughout his life, he had gone off his meds and was simultaneously struggling with cold-turkey breaks from Suboxone for heroin withdrawal. His YouTube channel documents the effects. In August, Brown posted a clip that showed him skeet-shooting over the words of Caligula's lament: "If only all of Rome had just one neck." In early September, as Brown planned his move to Boston, he struggled to contain his rage at the local FBI agent Robert Smith, who had raided his mother's home and taken his beloved Xbox.

In September, Brown uploaded a discombobulated three-part video series, the last one titled "Why I'm Going to Destroy FBI Agent Robert Smith." In the videos, Brown struggles to maintain focus. He demands the return of his Xbox and warns that he comes from a military family that has trained him with weapons – weapons he says he'll use to defend his home. He calls Smith a "fucking chickenshit little faggot cocksucker" before uttering the words he has since admitted were ill-considered, as well as the result of a chemically combusive mental state.

"Robert Smith's life is over," says Brown. "And when I say his life is over, I don't say I'm going to go kill him, but I'm going to ruin his life and look into his fucking kids. How do you like them apples?"

It takes a suspension of disbelief to hear a credible physical threat as defined by law. The rail-thin Brown appears a desperate, pathetic character in need of psychiatric help. A more humane FBI office might have sent a doctor rather than a car of armed agents. But the FBI didn't send a shrink. That evening a team of armed agents stormed Brown's apartment, threw him violently to the ground and arrested him for threatening a federal officer.

Over the next four months, federal grand juries issued three multicount indictments for obstruction and "access device fraud" related to the Stratfor link. It is the last of these that concern civil-liberties activists and that could have a possible chilling effect. "One can't apply the transfer provision of the statute to someone conducting research," says Ghappour. "If cutting and pasting a link is the same as the transfer of the underlying data, then anyone on the Internet is prone to violating the Computer Fraud and Abuse Act."

The FBI has shown interest in expanding that theoretical "anyone" to include Brown's circle of volunteers. In March, the bureau went hunting for the digital fingerprints of Project PM administrators with a subpoena. The action has shaken the group's inner circle, as it was surely intended. "It was a pretext to sow discord and fear in Barrett's project," says Alan Ross, a U.K. investigator for Project PM. "They were desperate to bolster their case. After the subpoena, people began to worry about being monitored. I worry about my personal safety even though I acted within the confines of the law. I worry about travel."

Travel is one thing Brown does not have to worry about at the moment. Nor, if the government gets its way, will he have to worry about handling the media, his former specialty. In August, the prosecution requested a gag be placed on Brown and his lawyers, a move that suggests they understand the dangers of public scrutiny of the legal peculiarities of United States vs. Barrett Lancaster Brown.

Meanwhile, Brown has not joined the prison tradition of mastering the law behind bars. Rather than study up on cyberfraud statutes, he has resumed his writing on intel contractors and the pundits who defend them. "Nobody talks to me here," Brown says of his year in jail, "but I was pretty unsociable on the outside too." One of the hardest things about incarceration for the atheist has been contending with his cellmates' singing of hymns. "Prison is great for reading and for thought, until they start in with their Pentecostal nonsense," says Brown. "It ruins everything."

His friends keep him supplied with articles and printouts, which lately have included material related to the Edward Snowden leak. Snowden gained access to information about secret NSA spying on private citizens while working for the intelligence subcontractor Booz Allen Hamilton, a company that had been on Brown's radar long before most Americans learned of it in the wake of Snowden's bombshells.

"This is all much bigger than me," Brown says in the visiting room. "What matters is this." He leans over to tap his handwritten manuscript. The pages of the essay are messy on the table, and sticking out from under the pile is the last sentence on the last page. "This is the world that we accept if we continue to avert our eyes," it says. "And it promises to get much worse."

**September 5<sup>th</sup> - Judge's Gag Order Cuts Off Press From Receiving Reports on Barrett Brown's Case**  
by Kevin Gosztola (*The Dissenter*)

A district court judge in Dallas, Texas, has issued an order prohibiting journalist and activist Barrett Brown and his defense team from discussing the case with the media.

Brown faces multiple charges including one count of internet threats, one count of conspiracy to make publicly available restricted personal information of an employee of the United States, one count of retaliation against a federal law enforcement officer, one count of traffic in stolen authentication features, one count of access device fraud, ten counts of aiding and abetting identity theft, one count of concealment of evidence and one count of corruptly concealing evidence. Altogether, Brown could be sentenced to up to 105 years in jail if convicted of all the above offenses.

The offenses stem conduct that Brown allegedly engaged in after the private intelligence firm, Stratfor, had its emails hacked.

As the Free Barrett Brown group highlights on its website, at stake is the right to link, because one of the offenses stems from Brown's decision to share a link to something released online from the Stratfor emails. It also implicates the First Amendment, as Brown is charged with concealing information related to journalistic sources and his own work products. It also raises issues of press freedom and selective prosecution, since it appears that in the three indictments handed down against Brown the government is targeting him for daring to expose the operations of private security and intelligence companies.

District Court Judge Sam Lindsay's order applies to Brown and all government and defense attorneys and any "employees, representatives or agents of such attorneys" and is intended to "remain in force during the pendency of these actions or until further order of this court." (Currently, Brown's trial is scheduled for the spring of next year.)

"No person covered by this order shall make any statement to member of any television, radio, newspaper, magazine, internet (including, but not limited to, bloggers), or other media organizations about this case, other than matters of public record, that could interfere with a fair trial or otherwise prejudice Defendant, the Government or the administration of justice except that counsel for the Defendant may consult with Mr. Kevin Gallagher regarding the finances needed for Mr. Barrett Brown's defense," according to the order.

Lindsay, as a token gesture to acknowledge that Brown does indeed have some First Amendment rights, added,

“This order does not prohibit Mr. Brown from making statements or otherwise publishing to the press or media topics not related to the counts on which he stands indicted in these three cases. Mr. Brown is cautioned to consult with counsel prior to making any statements to the media or publishing materials to avoid violating this order.” (For example, he could write book reviews of books by former Nixon administration officials like Chuck Colson but nothing on the status of his case.)

But, according to the court order, “The prohibition on making extrajudicial statements applies to the reposting or republication of any statements made prior to the entry of this order that would now constitute a violation of this order.”

The defense submitted a massive filing before the judge issued a gag order that argued it was “unwarranted because there is no substantial, or even reasonable, likelihood of prejudice to a fair trial based on statements made by the defendant or his counsel since May 1, 2013.” But then the defense decided to agree to the gag order.

The government went through all the press coverage Brown’s case had received and put together a chart. Anything in this chart cannot be republished or disseminated by Brown or anyone involved in the case. Doing so would violate the gag order.

Lindsay issued the order to put a halt to the “pervasive publicity” around the case that would have continued without the gag order. The judge also cited the defendant’s right to a fair trial (in the same way the government had exploited this right) to justify issuing the order.

“There is a substantial likelihood that certain forms of publicity, that is, extrajudicial statements by Counsel and Defendant to members of the press and media, could impair the rights of Defendant, the Government and the public to a fair trial by an impartial jury,” Lindsay declared. “To protect that right to a fair trial, it is necessary for the court to take limited steps to restrain Counsel and Defendant from making prejudicial statements to the press and media.”

The government had pushed for the gag order, accusing Brown and his defense team of demonstrating “a desire to encourage and manipulate media coverage to promote Brown’s beliefs and his causes and to enhance his fundraising.” They argued he had engaged in conduct discouraged by a US magistrate judge and attempted to try the case in the media.

Referencing a Rolling Stone magazine story, the government alleged the media had repeatedly “publicized potentially inadmissible and prejudicial information, such as Brown’s (1) incarceration status, (2) anarchist ideology, (3) three indictments and potential sentences, (4) admissions of conduct and involvement in Anonymous activities, (5) relationship to other Anonymous figures or hackers, (6) troubled childhood and alternative schooling, (7) declaration that he was an atheist, (8) use and abuse of ecstasy, acid, heroin, suboxine and marijuana, (9) lack of steady employment, (10) claimed diagnoses of ADHD and depression, (11) associates descriptions of Brown as a junkie, name fag, moral fag, court jester, (12) self-proclaimed and otherwise assigned titles with Anonymous (spokesperson, senior strategist), (13) receipt of data stolen through hacks conducted by other Anonymous members, (14) use of the stolen data to prank call individuals, publicize personal and confidential information, (15) associates and Brown opining that Brown would end up in jail and (16) property seized by the FBI.”

The negative descriptions could very well be prejudicial to Brown. That is the risk a defendant takes when making statements to the press ahead of trial. Those statements could be used against them.

Does anyone think the government will not use this information or evidence that is out in the public to prosecute and convict Brown now that the judge has issued a gag order? It is not as if the government will be overly decent and fair suddenly.

The gag order was not pursued to protect the interests of the accused. It was pursued to limit the flow of

information to the press because the government has known from the beginning that what they were doing looked like vindictive or selective prosecution.

Michael Ratner, who is president emeritus of the Center for Constitutional Rights and also part of the legal team representing WikiLeaks, told Firedoglake, “I do not think there was any need for a gag order. The government presented no evidence that the attorneys or Barrett Brown made any statement that would in any way prejudice a fair trial. Brown’s respected attorneys are bound by ethical rules and hardly need to be reminded of them.”

“In general, gag orders on defense counsel make a fair trial more difficult in that the press and public are denied the opinions of counsel,” Ratner added. “I hate seeing such an order in this case where there is already so much bad pre-trial publicity against Brown by mainstream media. Now defense counsel are prohibited from equalizing that equation.”

Gagging Brown and his defense team has the effect of preventing those participating in the trial from speaking to the press about the trial until after the trial has concluded. Once the trial is over, the press may have little interest in what Brown or his lawyers have to say. This means the public is deprived of the opportunity to challenge the government’s handling of the trial when it most matters, especially if the handling is abusive and in violation of Brown’s rights.

Restraining speech during the trial enables the government and the judge to cover up errors or improprieties. That may do as much damage, if not more damage, than any “extrajudicial statements” made in the pretrial phase.

Michael E. Swartz wrote in the Columbia Law Review in 1990, “As a practical and legal matter, prejudicial publicity does not usually pose a serious threat to the fair trial right and thus rarely triggers sixth amendment concerns. Even when publicity does rise to a dangerous level, several cures may be implemented apart from a gag order. Extensive voir dire examination of jurors to ensure that they have not been exposed to prejudicial information, change of venue to an area less infected with bias, judicial instructions not to read or watch press reports, and sequestration of the jury during the trial’s duration are all methods which help ensure that the jury remains neutral.”

Swartz added, “When balancing speech and trial rights it is important to keep in mind the following: the Constitution tolerates a large number of external influences upon the jury, cases demonstrate that the Court is most often satisfied that publicity has not destroyed the integrity of verdicts, and traditional methods of ensuring a fair trial have typically proven adequate.”

What cures did the judge put in place prior to granting the gag order? It appears the judge took the easy route and decided to impose restrictions on free speech under the guise of protecting Brown’s right to a fair trial (which can be typical in criminal cases).

The gag order on Brown and his defense team is a prior restraint on speech that impedes the ability of members of press to do their jobs and report on what is happening with the case. However, for the government, it restores a level of secrecy to the process that the government can rely upon to punish Brown for his alleged conduct to the maximum extent possible without having to suffer from the background noise of supporters referencing details shared by the defense to condemn the government’s legal maneuverings.

### **September 9<sup>th</sup> - A Journalist-Agitator Facing Prison Over a Link**

by David Carr (*New York Times*)

Barrett Brown makes for a pretty complicated victim. A Dallas-based journalist obsessed with the government’s ties to private security firms, Mr. Brown has been in jail for a year, facing charges that carry a combined penalty of more than 100 years in prison.

Professionally, his career embodies many of the conflicts and contradictions of journalism in the digital era. He

has written for The Guardian, Vanity Fair and The Huffington Post, but as with so many of his peers, the line between his journalism and his activism is nonexistent. He has served in the past as a spokesman of sorts for Anonymous, the hacker collective, although some members of the group did not always appreciate his work on its behalf.

In 2007, he co-wrote a well-received book, “Flock of Dodos: Behind Modern Creationism, Intelligent Design and the Easter Bunny,” and over time, he has developed an expertise in the growing alliance between large security firms and the government, arguing that the relationship came at a high cost to privacy.

From all accounts, including his own, Mr. Brown, now 32, is a real piece of work. He was known to call some of his subjects on the phone and harass them. He has been public about his struggles with heroin and tends to see conspiracies everywhere he turns. Oh, and he also threatened an F.B.I. agent and his family by name, on a video, and put it on YouTube, so there’s that.

But that’s not the primary reason Mr. Brown is facing the rest of his life in prison. In 2010, he formed an online collective named Project PM with a mission of investigating documents unearthed by Anonymous and others. If Anonymous and groups like it were the wrecking crew, Mr. Brown and his allies were the people who assembled the pieces of the rubble into meaningful insights.

Project PM first looked at the documents spilled by the hack of HBGary Federal, a security firm, in February 2011 and uncovered a remarkable campaign of coordinated disinformation against advocacy groups, which Mr. Brown wrote about in The Guardian, among other places.

Peter Ludlow, a professor of philosophy at Northwestern and a fan of Mr. Brown’s work, wrote in The Huffington Post that, “Project PM under Brown’s leadership began to slowly untangle the web of connections between the U.S. government, corporations, lobbyists and a shadowy group of private military and infosecurity consultants.”

In December 2011, approximately five million e-mails from Stratfor Global Intelligence, an intelligence contractor, were hacked by Anonymous and posted on WikiLeaks. The files contained revelations about close and perhaps inappropriate ties between government security agencies and private contractors. In a chat room for Project PM, Mr. Brown posted a link to it.

Among the millions of Stratfor files were data containing credit cards and security codes, part of the vast trove of internal company documents. The credit card data was of no interest or use to Mr. Brown, but it was of great interest to the government. In December 2012 he was charged with 12 counts related to identity theft. Over all he faces 17 charges — including three related to the purported threat of the F.B.I. officer and two obstruction of justice counts — that carry a possible sentence of 105 years, and he awaits trial in a jail in Mansfield, Tex.

According to one of the indictments, by linking to the files, Mr. Brown “provided access to data stolen from company Stratfor Global Intelligence to include in excess of 5,000 credit card account numbers, the card holders’ identification information, and the authentication features for the credit cards.”

Because Mr. Brown has been closely aligned with Anonymous and various other online groups, some of whom view sowing mayhem as very much a part of their work, his version of journalism is tougher to pin down and, sometimes, tougher to defend.

But keep in mind that no one has accused Mr. Brown of playing a role in the actual stealing of the data, only of posting a link to the trove of documents.

Journalists from other news organizations link to stolen information frequently. Just last week, The New York Times, The Guardian and ProPublica collaborated on a significant article about the National Security Agency’s effort to defeat encryption technologies. The article was based on, and linked to, documents that were stolen by

Edward J. Snowden, a private contractor working for the government who this summer leaked millions of pages of documents to the reporter Glenn Greenwald and The Guardian along with Barton Gellman of The Washington Post.

By trying to criminalize linking, the federal authorities in the Northern District of Texas — Mr. Brown lives in Dallas — are suggesting that to share information online is the same as possessing it or even stealing it. In the news release announcing the indictment, the United States attorney's office explained, "By transferring and posting the hyperlink, Brown caused the data to be made available to other persons online, without the knowledge and authorization of Stratfor and the card holders."

And the magnitude of the charges is confounding. Jeremy Hammond, a Chicago man who pleaded guilty to participating in the actual hacking of Stratfor in the first place, is facing a sentence of 10 years.

Last week, Mr. Brown and his lawyers agreed to an order that allows him to continue to work on articles, but not say anything about his case that is not in the public record.

Speaking by phone on Thursday, Charles Swift, one of his lawyers, spoke carefully.

"Mr. Brown is presumed innocent of the charges against him and in support of the presumption, the defense anticipates challenging both the legal assumptions and the facts that underlie the charges against him," he said.

Others who are not subject to the order say the aggressive set of charges suggests the government is trying to send a message beyond the specifics of the case.

"The big reason this matters is that he transferred a link, something all of us do every single day, and ended up being charged for it," said Jennifer Lynch, a staff lawyer at the Electronic Frontier Foundation, an advocacy group that presses for Internet freedom and privacy. "I think that this administration is trying to prosecute the release of information in any way it can."

There are other wrinkles in the case. When the F.B.I. tried to serve a warrant on Mr. Brown in March 2012, he was at his mother's house. The F.B.I. said that his mother tried to conceal his laptop and it charged her with obstruction of justice. (She pleaded guilty in March of this year and is awaiting sentencing.)

The action against his mother enraged Mr. Brown and in September 2012 he made a rambling series of posts to YouTube in which he said he was in withdrawal from heroin addiction. He proceeded to threaten an F.B.I. agent involved in the arrest, saying, "I don't say I'm going to kill him, but I am going to ruin his life and look into his (expletive) kids ... How do you like them apples?"

The feds did not like them apples. After he was arrested, a judge ruled he was "a danger to the safety of the community and a risk of flight." In the video, Mr. Brown looks more like a strung-out heroin addict than a threat to anyone, but threats are threats, especially when made against the F.B.I.

"The YouTube video was a mistake, a big one," said Gregg Housh, a friend of Mr. Brown's who first introduced him to the activities of Anonymous. "But it is important to remember that the majority of the 105 years he faces are the result of linking to a file. He did not and has not hacked anything, and the link he posted has been posted by many, many other news organizations."

At a time of high government secrecy with increasing amounts of information deemed classified, other routes to the truth have emerged, many of them digital. News organizations in receipt of leaked documents are increasingly confronting tough decisions about what to publish, and are defending their practices in court and in the court of public opinion, not to mention before an administration determined to aggressively prosecute leakers.

In public statements since his arrest, Mr. Brown has acknowledged that he made some bad choices. But punishment needs to fit the crime and in this instance, much of what has Mr. Brown staring at a century behind bars seems on the right side of the law, beginning with the First Amendment of the Constitution.

### **5 Sept - UPDATE: Mark (Migs) of the NATO 5 to Spend Six Months in Solitary for Anarchism Files**

*Mark “Migs” Neiweem of the NATO 5 has been in solitary confinement for nearly two months. Why? For being in possession of Anarchist symbols (including the Anarchist Black Cross logo) and Anarchist literature. Please call or write in today to demand these politically-motivated disciplinary actions be reversed.*

#### **MORE:**

Since our previous call-in campaign, Mark has been found guilty on two disciplinary violations:

- Gang or Unauthorized Organization Activity, for his possession of “unauthorized” Anarchist symbols and friendship with another Anarchist in the prison
- Dangerous Written Material, for his possession of “unauthorized” Anarchist literature

These rules exist to limit gang activity within the prison but are being used in this case to target Anarchists and label them as an imminent threat to the facility. He is still being held in the most restrictive type of cell within solitary, behind a solid steel door.

Mark’s punishment for being found guilty of Anarchism is: 6 months in solitary confinement; 2 months of yard restriction (no time outside); 6 months restricted visits; and he is losing 3 months time off for good behavior, which will see him released next February instead of mid-November.

This punishment is relatively light compared to what they were threatening, but still unacceptable. Mark should serve NO time in solitary confinement for his political beliefs. Mark should NOT be charged under a disciplinary policy intended to prevent gang recruitment for his friendship with another imprisoned Anarchist. Mark should lose NONE of his time off for good behavior simply because he was reading books that the Pontiac Correctional Center mail room did not object to passing along to him. Furthermore, Mark should NOT be punished for his own political writings – such as this communiqué – which are critical of our government, the justice system, and the prison-industrial complex, but do not pose an imminent threat to prison security.

They want us to accept these terms and cut our losses, but we do not believe this is a time for retreat. Allowing prison officials to target and punish Anarchists above and beyond state-mandated sentencing sets a dangerous precedent for others currently trapped in the system.

While the lawyers pursue legal avenues to appeal these charges and his sentencing, we once again ask you to call S. A. Godinez, Director of the Illinois Department of Corrections, at (217) 558-2200 and Pat Quinn, Governor of Illinois, at (217) 782-0244 and ask to speak with them, demanding:

- Why is Mark Neiweem being held in solitary confinement for his political views?
- Why is Mark Neiweem being punished for having literature that was approved by the Pontiac Correctional Center mail room?
- Why is Mark Neiweem being treated like a gang member for his political affiliations?
- Why is Mark Neiweem still being held behind a steel door within solitary confinement, despite no record of violence?
- Why is Mark Neiweem being denied access to resources for his upcoming release, including the GED class he enrolled in and the Narcotics Anonymous meetings he voluntarily attended?
- Remove Mark from solitary now and uphold his parole date of November 12!

Additionally, you can email your concerns to their offices at the following links.

Director Godinez: <http://www2.illinois.gov/idoc/contactus/Pages/default.aspx>

Governor Quinn: <http://www2.illinois.gov/gov/Pages/ContacttheGovernor.aspx>

By calling on Director Godinez and Governor Quinn to demand answers, we are holding them accountable for their treatment of Mark and all other prisoners in Illinois. Using the force of our network, we will show them that arbitrary punitive measures will neither be overlooked nor tolerated.

Call and write every day until Mark is released from solitary.

Share widely. Repost. Retweet.

### **September 12<sup>th</sup> - Imprisoned with a White Supremacist (Migs Update)**

The only surprise from an internal decision by officials at Pontiac Correctional Center about the imprisonment of Mark “Migs” Neiweem, a member of the NATO 5, is that it could have been worse.

In the latest form of state provocation, Migs of the NATO 5 must share a prison cell with a white supremacist.

In my last update, I detailed how Migs — one of the five activists arrested and charged with “terrorism” based on entrapment by undercover Chicago Police in the build up to NATO protests — faced new obstacles in his quest for freedom. Though originally scheduled to be released in November, prison officials brought politically-motivated “gang intelligence” charges against him. They claimed, based on letters and books received in the mail (already approved by prison censors) as well as sparse communication with another imprisoned anarchist, that he was plotting to cause unrest.

Officials charged him with two disciplinary violations – Gang or Unauthorized Organization Activity and Dangerous Written Material — then, to no one’s surprise, convicted him of both charges. The one relief is that they did not carry through on all their threats, such as adding more months or transferring Migs to a much worse prison far from his Chicago support network. But the consequences still put freedom that much farther off for this political prisoner.

From Operation Pen Pal:

"Mark’s punishment for being found guilty of Anarchism is: 6 months in solitary confinement; 2 months of yard restriction (no time outside); 6 months restricted visits; and he is losing 3 months time off for good behavior, which will see him released next February instead of mid-November."

Migs denies that he planned to cause any trouble — he only wants to keep his head down and get out. His legal team plans to appeal the decisions but, with the prison-industrial complex being what it is, it may be February already before they make any headway.

I spoke again with Rachel Unterman after her visit to Migs on Tuesday. “Our actions have made a difference,” she said of the relatively lenient punishment. “They know we’re watching and we’re unhappy and they can’t really get away with coming down on him full force.”

Imprisoned with a White Supremacist

Migs is being moved repeatedly within the segregated housing unit at Pontiac for unknown reasons, and his access to the commissary is heavily restricted. He can only visit once a month, greatly limiting his access to supplies like stamps, and he’s not allowed to buy food at all while in segregation. Unterman said he’s not getting enough to eat as a consequence, and they are working to get him access to a vegetarian diet. There’s precedent

for this, usually by prisoners claiming that vegetarianism is based on their spiritual path.

His cells are tiny — some as small as six feet by nine feet — and in one of the most restrictive parts of the prison. Even so, Migs now has a cell mate. In the latest attempt to orchestrate further disciplinary infractions, Neiweem is now forced to share this tiny space with a white supremacist. “They’ve had to call a bit of a truce, they just have to live together. They both just want to get out.” Placed together in the hopes that they’ll fight, their only hope for mutual freedom is to temporarily overlook their differences. “It’s not against just him. The whole system is vindictive,” she said.

That the best we can say is that while Migs suffers he could have been faced with even worse torture is, to this reporter, a glimpse of the entire US “justice” system in microcosm. Still, on her last visit Unterman found him in surprisingly good spirits:

He’s talking about all the books he’s reading. He’s working on doing some writing of his own. Even though he doesn’t have a lot of opportunity to write out right now, he’s getting a lot of mail and it’s making him feel connected to the outside world. Their goal was to remove easy access to his support crew and they have not accomplished that.

I can tell how well he’s handling this. He’s determined to not only get through it, but to use it to make himself even stronger intellectually. ... He’s allowed to buy a TV now, a small portable TV, and he won’t because he’s afraid it will eat into his reading and writing time. Which for someone who’s in a cell for twenty-four hours a day is saying something. ... He’s determined to take whatever they throw at him and turn it into a positive.

### **5 Sept - NATO 3: Prosecutors Photograph Defendants’ Tattoos, More Evidence Handed Over to Defense Team**

*On September 3rd, the NATO 3— Brent Betterly, Jared Chase, Brian Jacob Church—had a brief status hearing to review a few pre-trial matters. Notably, the prosecutors took photos of all the defendants’ tattoos after the hearing.*

#### **MORE:**

A while back, the prosecution had successfully argued for these photos as being potential evidence in the trial; the judge approved the order over the defense attorney’s objections. The next court date was set for Tuesday, October 1st at 2pm. The final pre-trial conference date is still set for December 10th and the trial is still set to begin on January 6th, 2014.

The defense attorneys continue to plow steadily through all the evidence given to them by the prosecution and to prepare a strong legal defense. Solidarity funds are still urgently needed to help ensure the defendants have the strongest possible defense! They also continue to need letters and books from supporters around the world, so please send them some love and solidarity this week.

Other matters covered during the hearing included the judge receiving confirmation that the defense and prosecution had completed and shared with each other the sentencing evaluations for each count facing the defendants so there could be clear agreement on the specific charges, their sentencing ranges, lesser-included offenses (if any), and other details. Specifically, the judge talked about there being agreement that Count 1 has a sentencing range of 9 to 40 years with 3 years of mandatory supervised release after parole, with 50% of the time being served typically. The prosecution also stated that they had filed their Fifth Supplemental Answer to discovery and the defense asked for an October 1st response deadline.

### **5 Sept - The Latest from Lynne Stewart**

*We’ve included the most recent letter from Lynne Stewart as well as other recent news.*

#### **MORE:**

... “As The Days Dwindle Down to a Precious Few ... September...” The words of the beautiful old September Song really resonate right now. As a matter of fact Ralph and I sang a chorus in the visiting room here yesterday. We are now once again on the wait. Carswell has my re-application. Of course it is even more urgent as the prognosis is shortened by Time itself and the progression of the evil disease –the Cancer, that is. I am engaged in a new chemo and it seems to give me aches and pains and a loss of stamina but nothing terribly debilitating. Thank goodness.

Because of past experience (all of it !) we are putting into place a plan for local demos/vigils all over the country on October 8, my birthday. SAVE THE DATE. It will highlight my ongoing fight against the unreasonable prison system and also that of all my fellow political prisoners. Basically our theme (still in progress) is to fight this illegal imposition of my “death penalty” especially as on that date I am celebrating 74 wonderful years on the planet . We hope to be able to enlist many organizations , especially the local Lawyers’ Guilds, and hope to have the flowering of many blooms. We will announce details as they become available but don’t be shy, step right up, organize something where You live ! Call Ralph 917.853.9759

Remember, the ending lyrics of the September Song are ...”These Precious Days I’ll Spend with YOU...” Make it happen.

### **September 11<sup>th</sup> - NLG Calls on Atty. General Holder to Grant Compassionate Release to Lynne Stewart**

The National Lawyers Guild, and several legal and social justice organizations, today called on Attorney General Eric Holder to direct the Bureau of Prisons to grant compassionate release to Lynne Stewart, whose medical condition continues to deteriorate. Citing reforms to the Bureau of Prison’s (BOP) compassionate release program, which Holder announced to the American Bar Association in San Francisco in August 2013, the letter urges that the process of consideration be expedited, given that compassionate release was previously approved by the warden at the Federal Medical Center at Carswell, where Ms. Stewart is serving her ten-year sentence, and given that her condition clearly falls within the newly-announced standards for compassionate release.

During an August 8 hearing, Judge John Koeltl agreed that Ms. Stewart’s medical condition had seriously deteriorated. The U.S. Attorney did not refute this assessment. Judge Koeltl noted additionally: “The petitioner has appropriately submitted a renewed petition for compassionate release to the BOP, and the court is prepared to give prompt and sympathetic consideration to any motion by the BOP that seeks compassionate release.”

### **7 Sept - More GOP Whack-a-dooos by CeCe McDonald**

*Here's the latest by CeCe McDonald. Writings like this are create entry points to starting conversations with comrades in prison.*

#### **MORE:**

I was never one to get caught in the nonsense of politics. To me it just seemed that the “bad guy” always won. But lately I’ve been intrigued by the nonsense of the GOP and their out-of-touch ideas and laws. I would always hear how Right wing conservatives felt that [we] were “forcing” our “lifestyles” on everyone, but if everyone would pay attention to the rhetoric of the GOP and RWC’s ideas of [their] “America” it would seem that it is just what they accuse [us] of implementing. They feel that their way is the right way (no pun). I just don’t understand how certain people, in this day and age, could still think that imaginary non-realistic fantasy world where their idea of the perfect family or person could compare to t.v. shows of the 50’s and 60’s. It’s comical the way those people think their ideas and choices they make are “moral” and “righteous,” but they couldn’t be more wrong–well... yeah, they can.

The Pioneers of Prejudice are taking it upon themselves to tell us what is best for us, as an if we’re not capable to make (the best) decision for ourselves. And I could see giving these people a chance if their ideas and laws were actually beneficial, I would say, “yes, these people get us. They understand and they DO know what’s best for us,” but it is the exact opposite. I can’t believe that there are people on this planet that are extremely out of touch with reality. They claim that they want to rebrand the GOP–I guess they’re going for The New Jim Crow Party, or the GOP2 (the Grand Oppressors Party Doubled). Just to let y’all know I said those last two things in

my most mocking, sarcastic voice you could imagine.

From the War on Women, Voting Rights, Workers Rights, and Stop and Frisk—I have notice that there are those working for us. And again there are those who are against us and claim they are for us by challenging the things that are beneficial for us. President Obama signed into law the Affordable Care Act (ACA) aka Obamacare, which will give millions of Americans the opportunity to have affordable healthcare with pre-existing conditions which will save countless lives, and crazy GOPs are trying to argue (only on the basis that this was created by Obama) that this will be detrimental to the American people. These people are so nuts that they feel that they can defend it, which in fact will never happen. So they imagine they can shut down the government and they will get their way. It's the spoiled GOPs who think throwing a political tantrum will get their way. That's one strike against them.

Then there is the blatant attack on minorities by the GOP. They don't want to come to some agreement on immigration reform which is separating families. They are implementing laws that affect (mostly) the minorities who vote by acting on the SCOTUS' decision to leave it to the states to decide their voting laws without the approval of federal courts. This is their tactic to suppress the minority vote and the brashness of it all is that they have went on record confirming that this is their objective. Lets look at some quotes I've heard by Republican reps who've not-quite-inconspicuously proved this to be true: "Voter ID will get Romney in office," "Obama beat McCain by 10% and Romney by 5%—I'm sure voter ID had something to do with that," and "voter ID is there to prevent voter fraud." Aaaah—voter fraud, the phantom epidemic that plagues the polls. And yet they have no proof of such accusations. I believe there is/was a .003 percentage connected to voting fraud. Yeah, I guess if they don't stop the issue now voting fraud will go to an all time high of .004%... again I'm being sarcastic. And the insults don't end with us, for extreme conservative groups have attacked the President mainly on the basis of his race. Many have picketed with signs that read "He's 47% Negro," "Bye Bye Black Sheep," and "Impeach the Kenyan." Now there has never been a more disrespectful and discriminating aim at any president, and these groups are going as far as talking about impeachment, on the grounds of ... well, nothing. Then there are the right-wing conservative pundits who make comments about issues that affect minorities that they have not the singlest clue about, and have the nerve to refer to civil and human rights groups as "the grievance industry" and "race hustlers." They claim that stop and frisk is needed and without it New York will turn into cities like Chicago and Detroit, that those cities should adopt stop and frisk laws. They criticize those who disagree and oppose stop and frisk, even the federal judge that proves stop and frisk is unconstitutional and discriminating. The Governor of New York is challenging that and appealing the judge's decision. But the facts that show that there is no proof stop and frisk is effective should end any disagreement against the end of SAF. Crime dropped 74% before SAF was implemented and it slowed to 39% after SAF was enforced. About 13% of SAF cases are successful. So why keep this act of dehumanization and discrimination if it doesn't work? That's strike two.

All across the country there have been workers going on strike because of low pay rates and not having enough income to support themselves and their families. It's a shame that big companies have grown in profit close to 500% over the last 5-10 years and seeing that the hardworking people who've helped them get there are treated like they're not worth their work. The biggest misconception about fast food workers is that they're teenagers, when in reality most of them are adults, usually women, who have families that they need to support. So why are so many Republicans, many of whom are rich, against raising minimum wage? On top of that they are also against families who get public assistance, in fact they refer to us as "parasites," and make comments like "makers not takers." It seems like those big-money-hot-shots want to keep their boot heels at our necks while they oppress however they can. Strike three and they are OUT! Honestly, when were these whack-a-doos ever in?

I can't even begin to express how frustrating it is to know that these are the people ELECTED to their positions. We need to start voting more and voicing our opinions and standing up for our rights. We deserve better, and while some want to backpedal and regress we need to push forward and keep the progress of change and equality on the front of gaining the respect and worth we ALL deserve. We need to show these people that they are not better than us and their elitist draconian ideas and attitudes are not what and who we are. That is them and we are definitely cut from different cloth. And even though there has been progress, we need to continue to fight and to

make sure that we are heard. Remember, what we leave behind is what our children inherit, so I ask you, what are WE going to leave them? ...Food for thought...

Before I go, I want to give a shout out to Laverne Cox for her role in Orange is the New Black. She makes me want to get back into theatre. I also want to give big shoutouts to Darren Yang and Raven Simone for their comings out. I also encourage people to support actor George Takei by signing the petition to move the Olympics out of Russia due to their strict laws that are extremely anti-LGBTQI and send our people to prison for something that should be their right as human beings. Other things that are interesting and people should get involved with like The Stamp Stampede and The Doers Network are making a stand for fairness and helping others.

I also want to leave you with the quote of the month:

"It doesn't matter where you come from, what you have, what you don't have. The only thing that matters is that you set a goal and you just dream, live, and fly." –Barrington Irving

### **9 Sept - Update from jailed environmentalist David Baghdadi–Prisoners in SCR Jail Denied Books**

*David Bagdadi has been in South Central Regional Jail Since August 21st, when he locked down to a barrel containing slurry on the steps of the Governor's Mansion on the WV Capitol complex.*

#### **MORE:**

Nearly three weeks later, David is still waiting in jail to make a plea deal. He was told that he will not be able to make a plea for 3-7 weeks from now. While he was scheduled two hearings for bail reduction, he was not informed of these or allowed to attend them. His request to be released on his own recognizance was denied. but his bail was reduced yesterday to \$1,500.

As usual, at David's request, we sent books in for him and his podmates to read. One day, however, David got a notice that no one in the jail would be able to receive any books sent to them after today, September 9th. The previous policy was that inmates could receive books ordered for them as long as they were shipped from the publisher, not from an individual.

We believe that this policy is disturbing and unjustified. There are few productive or edifying things to do when you're locked in jail, but reading good books is one of the best things that inmates can do to redeem that time. Inmates use them to educate themselves and build skills they'll use when they get out. While there is a jail library, it's unfortunately comprised of poorly written romance and fantasy novels. The collection is sparse, and it's hard for inmates to get their hands on something that they actually want to read.

We're looking into the details of the jail system's book policy right now and trying to see if there is anything we can do. If you think that access to good reading material should be a right for inmates, email [info@rampscampaign.org](mailto:info@rampscampaign.org) to help out.

In the mean time, David is going to wait in jail until he can settle his case.

### **9 Sept - New Writings by Connor Stevens (Cleveland 4)**

*We're including the latest from Cleveland 4 prisoner Connor Stevens below.*

#### **MORE:**

##### **"Economic Disadvantage"**

The sun sets and she sits in a small cell, a modest chamber in the stomach of a world that is eating itself. The sun rises and she slowly dresses her body in a khaki uniform, clearly announcing that she is but a mere appendage in a vast and hideous organism. Some call it god, come call it a dream, still others call it progress. As the sun sits high in the sky she stares out a barred window to a landscape of concrete and concertina wire. She

has known this place before, in her childhood, in the form of certain traumas suffered by her soul. A friend commits suicide. The numbness spreads as she discovers that her father is an abusive drunk. There are the boys who taunt her and threaten her with vicious sexual assault. How can she afford to remain sensitive to the world, she realizes, if it is but a freezing storm without relief?

As the starless night sky still manages, somehow, to conjure memories of better times, she stares out across the gray barbed nihilism of this world, objectified.

She shudders with futility, enveloped by loneliness.

### **"Partial Invitation"**

He has slept alone every night for the past three years. Not quite alone, but the only one in his bed. He curls around his pillow in a tight embrace. Sometimes, as he sleeps, one can hear a faint whimpering, as if the pillow were not enough -- as if the vast reservoir of tears refused to burst forth without a warm someone there to receive them.

In three years, he has cried three times. The world invites him to forget how to weep. A real man whimpers.

### **"Chemical Discrepancy"**

She cannot understand why, yet she has little choice but to accept what she's told.. The water is poison -- don't touch it.

That was in kindergarten.

In the third grade her mother died of cancer.

In the fifth grade her best friend stepped off a very high cliff. Later the same year her uncle stepped in front of a train.

In the seventh grade she stopped taking adderal and started taking oxycottin.

By the end of the tenth grade she had had one abortion and two miscarriages. She didn't care much if the pill was an upper, a downer, a goner. The world had long since become a gray line.

She had dreams of immense storms roiling through the oceans, as a child. Around eight years old she thought of the world as an ocean of suffering.

When she was twelve a vision came to her, of a beautiful fawn in a forest (had she ever really known a forest before?). The fawn somehow conveyed to her that she should go to a stream at the end of the metro (green line), and listen. That she should always pay attention to her dreams, to the birds, to coyote. Her children would be great warriors.

By the time she was eighteen she had forgotten this vision. She had given up on the idea of love, or children. She was adrift in a tranquil sea of misery.

She stepped off a chair.

### **"Flexibility"**

He lays on his back, staring at the ceiling. What was this overwhelming dream that had swept him up into excruciating ecstasy? He grins, throbbing, lifting his legs into the air.

### **"Vertical Fall"**

He became acutely aware that he is an animal. The crisp cold air floods his nose with purpose, with power. The bare trees are attempting to blend in with the tall grass surrounding the construction site. Train tracks and the occasional lightpost perform their duties without hesitation: prophets, harbingers. The pure air beneath the starless heavens carries its own clear message: resist, smash, burn. But a single coyote stands little chance against the god of progress.

And yet, they don't stand a chance against our prayers.

### **"Redress"**

She stares at maps of the future. What is this impression overtaking her? It has been so long: she feels good about the future. Yesterday she wept at the thought of so many millions of displaced and drowned children. But today her thoughts are of rejuvenation, of the Earth Mother healing herself.

The situation is one of inevitable defeat, as it currently exists.

Yet things can change so very quickly.

Her dress falls to the floor, exposing bare skin to the refreshing winds of mid-August.

### **10 Sept - Fighting Spirit: A Message from Herman Wallace**

*In failing health, Angola 3 prisoner Herman Wallace still manages to write words of inspiration.*

#### **MORE:**

On Saturday, August 31st, I was transferred to LSU Hospital for evaluation. I was informed that the chemo treatments had failed and were making matters worse and so all treatment came to an end. The oncologists advised that nothing can be done for me medically within the standard care that they are authorized to provide. They recommended that I be admitted to hospice care to make my remaining days as comfortable as possible. I have been given 2 months to live.

I want the world to know that I am an innocent man and that Albert Woodfox is innocent as well. We are just two of thousands of wrongfully convicted prisoners held captive in the American Gulag. We mourn for the family of Brent Miller and the many other victims of murder who will never be able to find closure for the loss of their loved ones due to the unjust criminal justice system in this country. We mourn for the loss of the families of those unjustly accused who suffer the loss of their loved ones as well.

Only a handful of prisoners globally have withstood the duration of years of harsh and solitary confinement that Albert and myself have. The State may have stolen my life, but my spirit will continue to struggle along with Albert and the many comrades that have joined us along the way here in the belly of the beast.

In 1970 I took an oath to dedicate my life as a servant of the people, and although I'm down on my back, I remain at your service. I want to thank all of you, my devoted supporters, for being with me to the end.

### **12 Sept - I 'Got Snatched': Daniel McGowan's Bizarre Trip Through America's Prison System**

*We're including a piece from the Huffington Post about former political prisoner Daniel McGowan, a friend to NYC ABC.*

#### **MORE:**

by Matt Sledge (Huffington Post)

Daniel McGowan was in the yard of the Federal Correctional Institution in Sandstone, Minn., when his name rang out over the loudspeaker. It had been eight months since he first reported to the low-security prison to start a seven-year sentence for conspiracy and arson. To pass the time, he worked as an orderly in the prison psychology department, took correspondence classes and exercised.

Sandstone, located nearly smack-dab in the middle of the country, was about as far removed as McGowan could be from his wife, Jenny Synan, in New York and from his former compatriots in the Earth Liberation Front in Oregon, with whom he had been caught in a national law enforcement sweep. But he still kept in touch with the outside world, writing passionate articles about the environment and prisons for publications like the Earth First! Journal. He was allotted 300 minutes of phone time a month. And on the rare occasions when Synan could get away from work, she would come see him. In the prison's visiting room, they would hug and kiss and play board games together.

He was looking forward to such a visit when the loudspeaker told him to report to the prison's shipping and

receiving department. It was the day before his second wedding anniversary in May 2008, and he assumed that he was being called in for some routine matter. Perhaps the package full of books he had recently mailed to his wife had been returned for insufficient postage, he thought.

Instead, a prison staffer handed McGowan two boxes and told him to fill them up with his possessions. He was the one being shipped. When he asked his case manager where he was being taken, he was thrown in a cell.

He headed south the next day, still unsure of his destination. "When I got on the bus, they told me 'Marion,'" McGowan says.

\* \* \* \* \*

The U.S. Penitentiary in Marion, Ill., is home to more than 1,100 prisoners. Originally built in 1963 to house inmates from Alcatraz, it operated on long-term lockdown as one of America's most notorious prisons for decades. Inmates were held in their cells for 23 or 24 hours a day, in what was essentially the first federal "supermax."

After the supermax in Florence, Colo., opened in 1994, Marion remained in use as a maximum-security prison. In 2006, it was renovated, expanded and downgraded to a medium-security facility. But in March 2008, it quietly regained some of its supermax identity -- and its status as an experimental prototype for the prison system -- when the Federal Bureau of Prisons established within its walls a secretive wing known as a Communication Management Unit, where prisoners are held under tight restrictions. Inmates call it "Little Guantanamo." This is where McGowan was headed.

Forty-two prisoners are currently in the CMU at Marion. Another 43 are in a similar facility in Terre Haute, Ind., that was built two years earlier. The special units were developed as part of the federal government's crackdown on terrorism following 9/11. Particularly after Lynne Stewart, the former defense attorney for the Blind Sheik, Omar Abdel-Rahman, was convicted in 2005 of covertly sending messages to her client's followers in Egypt, the Bureau of Prisons was determined to create a new form of incarceration to monitor inmates' every contact with the outside world. When the CMUs were first opened, nearly all of their inmates were Muslim men.

Unlike at Guantanamo, the prisoners in these CMUs are not being held indefinitely. But they are subjected to unusual restrictions: only two 15-minute phone calls a week, heavily monitored mail and eight hours of visitation a month. Inmates are restricted in how many times a week they can hold group prayers. Their movements and conversations are recorded at all times. Critics have described the conditions as psychologically debilitating.

Some of the inmates currently being held in CMUs are people like John Walker Lindh, who fought with the Taliban against U.S. forces in Afghanistan. Many others have only tenuous connections to terrorism, however. Some of their crimes are merely hypothetical. Yassin Aref, an Albany, N.Y., imam, for example, was convicted of witnessing a fake loan for a Stinger missile to be used against the Pakistani ambassador in New York. According to Paul Wright, the ex-con founder of Prison Legal News, most of the prisoners being housed in CMUs "aren't even the second- and third-tier prisoners in the war on terror. These are like the sixth and seventh tier."

Others have no publicly known connection to terrorism at all, beyond sharing a religion with the perpetrators of the Sept. 11 attacks. Avon Twitty, for example, was serving a 27-year sentence for killing a man during an argument before being transferred to a CMU for the final years of his sentence, but he was also a convert to Islam.

According to a lawsuit filed by the Center for Constitutional Rights on behalf of a number of prisoners, the CMUs are analogous to solitary confinement -- an "experiment in social isolation" that allows corrections

officials to retaliate against what they view as bad behavior, even if it is protected by the First Amendment. By classifying the CMUs as simply a way to monitor inmates, rather than as a punishment, the Bureau of Prisons has sidestepped the knotty issue of due process rights.

In a bit of what McGowan's lawyer at the Center for Constitutional Rights, Rachel Meeropol, calls "beautiful doublespeak," the BOP refers to the CMUs as "self-contained general population units." The inmates may be quarantined in the CMUs, the BOP asserts, but the units are still "general population" and thus don't require additional administrative procedures to determine which prisoners will be placed there.

"My suspicion from the get-go was, I'm unrepentant in terms of my political identity," McGowan says of his placement in the CMU. "I think what they're trying to do is say, 'OK, you want to be a little political prisoner type, you want to write and be all active and say stuff, and get a ton of mail and everyone thinks you're peachy keen? You're gonna get crushed.'"

The Bureau of Prisons has strenuously denied that it places inmates in CMUs because they are Muslim or because they have exercised other First Amendment rights. "Inmates are designated to the unit for management of their communications based on the potential security threat they present," Chris Burke, a BOP spokesman, wrote in a statement to The Huffington Post. At least some inmates, he added, may be placed in the units for other communications threats, like trying to harass victims or witnesses of their crimes.

McGowan, at first blush, does not fit the image of a terrorist. Born the son of a police officer in New York's working-class Rockaway neighborhood, he attended the State University of New York in Buffalo and then drifted into the world of environmental activism. In the hothouse atmosphere of Eugene, Ore., in the late 1990s, he became more and more radicalized -- an evolution detailed in the Oscar-nominated documentary "If a Tree Falls" -- and eventually joined a small cell of the Earth Liberation Front.

McGowan and his group conducted a campaign of vandalism and arson across the Pacific Northwest for several years. No one was killed or injured. Eventually, McGowan says, while his hands were still covered in gasoline during one of their actions, he decided to split from the group. In 2002, the year in which he turned 28, he moved back home to New York and took a job at a Brooklyn nonprofit for victims of domestic violence.

McGowan met Synan at his sister's birthday party just before he moved back, and he was instantly taken with her. They began dating. She was sitting at work at an arts organization in December 2005 when she received a call from one of McGowan's office mates that he had just been taken away by FBI agents. "And that was the first that I knew" that McGowan might have been under investigation, she says.

McGowan's autonomous cell within the decentralized Earth Liberation Front was known as "The Family." Its members had promised never to turn on each other if the feds came calling. But one of them did, leading to indictments for McGowan and six of his companions.

After bail, house arrest and legal proceedings -- protracted because he refused to testify against his fellow defendants -- McGowan eventually agreed to enter a non-cooperation plea. He would admit to taking part in arsons at a lumber company and a tree farm, but he would not be forced to testify against his fellow defendants.

"I hope that you will see that my actions were not those of [a] terrorist but of a concerned young person," McGowan said in his plea statement in November 2006. "After taking part in these two actions, I realized that burning things down did not fit with my visions or belief about how to create a better world. So I stopped committing these crimes."

McGowan did not see himself as a terrorist, but the federal government did. In the midst of a nationwide panic over environmentalist-linked crimes that critics call "the green scare," prosecutors obtained a terrorism enhancement for McGowan's crimes. The designation did not result in a longer prison term, but McGowan's

supporters warned that it could lead to his placement in one of the CMUs, which were just being set up at the time.

Civil liberties groups like the National Lawyers Guild and criminal defense attorneys were infuriated by the "terrorist" label, which McGowan rejects to this day. Although they may not have approved of his criminal tactics, they argued that labeling him a terrorist was an absurd overreaction to crimes that resulted in nothing more than property damage.

"Is this what a terrorist is?" Heidi Boghosian, executive director of the National Lawyers Guild, asked at the time. "Americans know the difference between Daniel McGowan and Osama bin Laden, and this effort to subvert the fairness of the judicial system is an affront to the values they hold dear."

Still, as McGowan was serving his sentence at Sandstone, Leslie Smith, the chief of the prison system's Counter-Terrorism Unit, made the case to have him transferred to a more restrictive facility and to have his communications cut off. In a memo dated March 27, 2008, Smith argued that McGowan was an "organizer."

"While incarcerated and through social correspondence and articles written for radical publications, inmate McGowan has attempted to unite the radical environmental and animal liberation movements," Smith wrote. McGowan, according to Smith, had spoken bitterly of the government's cooperating witnesses as "snitches" for their "betrayal."

There were inconsistencies in Smith's dark portrait. He singled out McGowan's prison letters and interviews, but in them McGowan cautioned against the kinds of destructive actions for which he had been convicted, as he had in his plea statement.

"We need to have serious conversations about whether militancy is truly effective in all situations," McGowan told the Earth First! Journal. "Certainly, direct action is a wonderful tool, but from my experience, it may not be the most effective one at all times or in all situations."

"Direct action" is a deliberately vague term that covers a wide range of protest tactics, from non-violent sit-ins to sabotage and property destruction. But for those versed in the movement's lingo, it was clear what McGowan was saying: Think twice before you try actions as aggressive as mine.

Nevertheless, to Smith, those articles and interviews about "direct action" were proof positive that McGowan was trying to act as a "spokesman" for the radical environmental movement.

According to Burke, the BOP spokesman, inmates can be placed in CMUs when they "have been convicted of, or associated with, international or domestic terrorism," when they "attempt to coordinate illegal activities via approved communication methods while incarcerated," or when they "have extensive disciplinary histories for the continued misuse/abuse of approved communication methods."

In his memo, Smith noted McGowan's sterling disciplinary history but emphasized his speech since entering prison. Two months later, he was on the bus out of Sandstone.

In McGowan's words, he "got snatched."

\* \* \* \* \*

At Marion, McGowan says, he found a totally different world from the one he had known at Sandstone. With severely limited contact with the outside, and little access to the classes and activities available at regular prisons, inmates would stare at the TV all day or wander the halls aimlessly, like zombies.

When his wife visited him, they could no longer kiss and hug and play board games. Instead, they would walk down a hallway together, with two sets of bars between them, unable to touch. In a small room, they would sit across from each other, separated by glass, and speak through phones, so that agents in the BOP's Counter-Terrorism Unit could listen in.

"The worst part would be in the hallway together, and it'd be like two sets of bars, and she'd be coming in and I'd be going in the same room, and I'd see her in the flesh and I'd go I can't even believe how insane this is," McGowan remembers thinking. "Because then we go into our little box, and there's two cameras, and you're on a crappy little phone."

"And then you go there and you're behind glass," Synan says. "You can't touch the other person, feel their hands, touch their skin. But also you're sitting there in a very tiny booth, holding a phone, knowing that there's somebody recording the call."

Other families broke apart under the strain, McGowan says. His relationship with Synan, whom he married shortly before his prison term began, was tested.

At the time, only 15 minutes were allotted for phone time each week, making conversations frustrating. "Say you're just bickering about something, but after 15 minutes that phone hangs up, but you get nothing for the next week," Synan says. "You have to just sit there and, say somehow, we're in the middle of this argument, but you can't do anything about it."

Most difficult for McGowan, Synan says, was when his mother died in 2009. On their one phone call a week, she told him that his mother was in the hospital. "Your mom's very sick," she said. "It's just a matter of time."

But McGowan needed to have the hospital's phone number approved before he could call it -- a process that couldn't be completed late on a Friday. All through the weekend, he lived in a suspended state, waiting for Monday to find out whether his mother was dead.

"It's horrible. This is life and death, and they had to approve a hospital room phone number, which is ridiculous," Synan says.

McGowan's mother made it through the weekend -- a small solace. He called the hospital room, and with his sisters holding up the phone on the other end to his barely speaking mother, he talked to her. "He's got 15 minutes and that's it," Synan recalls. "And so the phone hangs up and he's talked to his mom, and he won't know anything for a while."

When McGowan's mother died days later, Synan told him in a message sent through a special, heavily monitored prison email system.

"That was the only way to do it," Synan says. McGowan had made her promise she would let him know as soon as possible.

With a few interruptions, McGowan was held in the CMU at Marion for two years. In October 2010, he was released into the prison's general population.

But McGowan's time in Little Guantanamo was far from over. After several months in general population, in February 2011 he was sent off to the other CMU, housed on the old death row at the Federal Correctional Complex in Terre Haute. McGowan says that move also smacked of retaliation and further highlighted the absurdity of treating prisoners like dangerous terrorists one day and common criminals the next.

The reason for his second transfer seems Kafkaesque. In January 2011, the leaks website Public Intelligence

released two BOP Counter-Terrorism intelligence reports, which included details on letters to many of the inmates held at the CMUs. The documents provided a rare look into just what sort of communications monitoring the BOP was conducting on its "terrorist" inmates, including McGowan.

In one week, the report detailed, McGowan received two items of interest to the BOP: a series of postcards from a woman at a G-8 summit in Italy, describing the demonstrations there as "boring and depressing" because of their "total lack of antagonism," and a letter from a lawyer describing an animal rights conference at which the "green scare" and McGowan's incarceration were discussed.

Another report said that McGowan had been mailed a copy of a radical environmentalist magazine, which prison officials rejected, and an email from a member of a social justice public relations collective. "Much respect to you for hanging in there and staying strong," Ryan Fletcher wrote to McGowan on Aug. 7, 2009. "One day all of this will come out and expose this thing for what it is."

The BOP delivered some of these messages to McGowan and rejected others as too inflammatory for prison. But with the reports about his communications now live on the Internet for anyone to see, McGowan asked his wife to have his lawyer mail him copies.

To the BOP, that was "circumventing monitoring through the use of legal mail." McGowan was sent to the Terre Haute CMU, where he spent the next 22 months.

\* \* \* \* \*

In December 2012, in the final months of his seven-year sentence, McGowan was released to a halfway house in Brooklyn and obtained a job manning the front desk of a law firm.

But even then, he and his lawyers say, he was not free from the prison system's efforts to retaliate against him.

On April 1, 2013, McGowan wrote a blog post for The Huffington Post about his incarceration in the CMUs. Three days later, U.S. marshals showed up at his halfway house. He was taken to the Metropolitan Detention Center in Brooklyn and placed in solitary confinement.

For McGowan, his wife and his lawyers, what followed were 20 hours of terror. They had no idea whether he was about to be shipped back to one of the CMUs. They had no idea, other than perhaps the blog post, why the BOP was so upset with him.

McGowan's jailing provoked protests from his lawyers and was reported across the Internet, including HuffPost and Politico. Three different BOP officials gave HuffPost three different explanations as to what was happening and why. Barely a day later, perhaps realizing the public relations mess it was causing, the Bureau of Prisons released McGowan back to his halfway house. Federal officials later admitted that McGowan's re-entry manager had jailed him on the basis of a regulation barring prisoners from speaking to the media -- a regulation that had been ruled unconstitutional in 2007.

To McGowan, the episode was a reminder of just how arbitrary and over-the-top the BOP's reaction to political speech can be.

"The irony is just so thick," McGowan says. "You're writing an article about retaliation for freedom of speech and writing, and they retaliate by throwing you in prison."

BOP spokesman Burke would only say, "We don't comment on an inmate's disciplinary history."

If the prison system was hoping to break McGowan's will to express himself by sending him to the CMUs, or by

jailing him for his blog posts, it failed. McGowan vows that his experience will only make him fight harder for the environment. It has also given him a new cause to fight for: prison reform.

In July, a federal judge ruled that McGowan could no longer participate in the Center for Constitutional Rights' lawsuit against the federal prison system, in large part because he is no longer a prisoner. But he is not the only one to have faced retaliation, the suit alleges.

Kifah Jayyousi is a Detroit native and Navy veteran who became a supporter of the Blind Sheik. Convicted in 2007 of conspiracy to murder, kidnap and maim in a foreign country and to provide material support to al-Qaeda, he was sentenced to 12 years in prison.

Jayyousi has never been accused of trying to communicate with al-Qaeda or any other terrorist group while in prison. But in June 2008, Smith had him transferred from a Florida prison to the Terre Haute CMU based on his conviction for a terrorism-related crime.

Inside the unit, Jayyousi became a leader among his fellow Muslims. Two months after his arrival, in the middle of the heated presidential election, Jayyousi delivered a sermon to the other prisoners.

"You were brought here because you are Muslim and ... our response to that has to be to stand firm, stand strong, to stand steadfast," Jayyousi said, according to the BOP's transcript of his monitored speech. "John McCain is a presidential candidate, and in two months he could be our president. Where was he 20 years ago? He was being tortured in a Vietnamese prison for many years with no hope. ... He stood fast, he stayed firm, he came through."

"You are going to return to your Lord to meet him with your hard work and the hardships that you have faced and done in this life; this is why we martyr," Jayyousi said.

In October 2010, when one of his original co-defendants was sent to Terre Haute, Jayyousi was shipped off to Marion. The CMU unit manager there recommended him for release into the general population in February 2011, citing "clear conduct and a good rapport with staff and other inmates" and "no continuation of actions which precipitated his placement in the CMU." But Smith again interceded.

"Jayyousi made statements which were aimed at inciting and radicalizing the Muslim inmate population in [the] CMU," Smith wrote. In Smith's characterization, Jayyousi's long statement about prison conditions -- which cited McCain; the late Vice Adm. James Stockdale, another Vietnam POW; and Nelson Mandela -- was transformed into a call for inmates to "martyr themselves to serve Allah."

Jayyousi claims, according to the Center for Constitutional Rights lawsuit, that he was simply standing up for himself and other Muslim inmates who had been put in prison and the CMU because of "fabricated" terrorism convictions. But Smith said the speech was a "highly inflammatory" action from a "charismatic leader" that "encouraged activities which would lead to a group demonstration."

The debate is important, because courts have long held that prison officials may take actions limiting the free speech of inmates if those actions also advance "legitimate penological objectives," such as disrupting potential prison riots.

"The Constitution applies to prisoners too," says Meeropol of the Center for Constitutional Rights. "When you're put in prison, there are a lot of limits on your rights ... but there are limits on what can be done to them."

In July, a federal judge found that Jayyousi had a "plausible claim" that he had suffered retaliation because of his speech. "There is arguably a disparity between the actual content of the sermon and Smith's description of it," the judge wrote.

Jayyousi remained in the Marion CMU until May 2013, when he was released into the general population at Marion. He "was not provided with any explanation," Meeropol says.

Although Meeropol is glad that the BOP has instituted procedures for moving inmates out of the CMUs -- in fact, the first time a prisoner was released from a CMU was when the BOP let one of her group's named plaintiffs out a week before the group launched its lawsuit -- she still calls the situation of alleged hardened terrorists being moved in and out of the general population "ridiculous."

"There's no clear criteria for how a prisoner can earn their way out of the CMU," Meeropol says.

"When you don't have procedural protections in place, it's not surprising that abuse would result," she adds. "The retaliation comes in with a case like Daniel."

On June 6, McGowan was released from the halfway house after seven years in the Bureau of Prisons' custody. At 6:01 a.m., he left the house. He got on the subway and finally headed home to crawl into bed with his wife. That weekend they stayed in at a fancy hotel. Since then, he says, he's enjoyed simple pleasures like rock concerts -- the Postal Service and Black Flag, two bands that have been re-formed since he was incarcerated -- and his niece's birthday party on Long Island.

Other than that, McGowan says, "it's very early, and I'm trying to get my head straight about just being out and living my life. Trying to get through each day."

## **14 Sept - The 13th Amendment—Prison Slavery and Mass Incarceration by Jalil Muntaqim**

*Here's the latest writing by Jalil Muntaqim. Please reflect on it and write to him about your thoughts on what he has written.*

### **MORE:**

The Thirteenth Amendment of the U.S. Constitution reads as follows:  
Section 1. Slavery prohibited.

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.”

The primary objective of the Thirteenth Amendment was to end a barbaric and vicious period in American history of chattel slavery, peonage, and involuntary servitude. The Thirteenth Amendment was the last Government effort to institute legislative and congressional policy to dispute with the slave trade and mode of slavery being practiced by Southern states. Prior to its enactment, the ordinance of 1787 embraced the concept for the abolition of chattel slavery, as the Supreme Court stated in *Bailey v. Alabama*, 219 U.S. 219 (1911): “The language of the Thirteenth Amendment was not new. It reproduced the historic words of the ordinance of 1787 for the government of the Northwest Territory and gave them unrestricted application within the United States and all places subject to their jurisdiction. The plain intent was to abolish slavery of whatever name or form, and all badges and incidents; to render impossible any state of bondage; to make labor free, by prohibiting that control by which the personal service of man is disposed of or coerced for another's benefit which is the essence of involuntary servitude.”

Here, emphasis is directed to the exception clause presently in the Thirteenth Amendment that virtually informs slavery in America was never abolished. Slavery and involuntary servitude were institutionalized in the prison system. As aptly stated by the U.S. Supreme Court in its long standing precedent in *Ruffin v. Commonwealth*, 62, Va (21 Gratt.) 790, 796 (1871):

“A convicted felon, whom the law in its humanity punishes by confinement in penitentiary(s) instead of death, is subject while undergoing punishment, to all the laws which the legislature in its wisdom may enact for the

government of that institution and control of its inmates. For the time being, during his term of service in the penitentiary, he is in a state of penal servitude to the state. He has, as a consequence of his crime, not only forfeited his liberty, but all of his personal rights except those which the law in its humanity accords him. He is for the time being a slave of the State. ... They are slaves of the State undergoing punishment for heinous crimes committed against the laws of the land. ...”

Therefore, there is no adequate or substantial debate on mass incarceration that fails to begin with this understanding of the law. In essence, the U.S. Constitution sanctifies the very vestige and foundation of the inhumane treatment of U.S. prisoners. A conference, debate or meeting that does not begin with a clear understanding of the historic, legal determinant leading to the present reality of mass incarceration, misses the basis in which any discussion of abolition must begin.

In 1994, I wrote in response to a May 12, 1994, Wall Street Journal featured article entitled, “Making Crime Pay—Triangle of Interests Created Infrastructure to Fight Lawlessness—Cities See Jobs; Politicians Sense a Popular Issue and Businesses Cash In—The Cold War of the 90’s”:

“If contemporary history is any indication, it is evident that government and business “Cold War of the 90s” is targeted at the New Afrikan (Black) and Latino community. In searching for people to pillage and conquer for profits, the collusion of government, military, and business interests has turned inward, and now the enemy is us, it is the poor, it is the new immigrants of color, and it is the disenfranchised. ... To gain support for this new conquest of manifest destiny, this opening of the new domestic frontier, the general public, i.e., Euro-Americans, must be persuaded to support what ultimately is the resurrection of involuntary servitude and slavery in America. To ensure that this happens, the government’s nefarious alliance with the mass media has created an air of hysteria about crime. It has done so even though the Federal Bureau of Investigation recently reported that crime in America is decreasing—not increasing. The power of the media and government is extremely awesome. It is the power to shape our collective consciousness and attitudes. The politicians are then able to pass into law draconian sanctions—sanctions that appease the will of the people demanding a safe society, but ultimately serve the interest of restructuring the industrial-military-complex, by forging an infrastructure for the proliferation of prison building.”

The unholy “Triangle of Interest” of government, media and business, throughout the 90’s, shaped the public dialogue to grow the prison industrial complex, creating a profit-motive foundation for mass incarceration. Being cognizant of the method in which the U.S. has grown to the distinction of holding more citizens imprisoned than any other industrialized nation, serves to formulate a strategy to deconstruct the prison industrial complex. As such, it is easily discovered the present reality of mass incarceration was planned, it is a result of government public policy, as stated by W.E.B. Dubois, in *Black Reconstruction in America*: “It was the policy of the State to keep Negro laborer poor, to confine him as far as possible to menial occupations, to make him a surplus labor reservoir and to force him into peonage and unpaid toil.” (1935) (See, also, Report, Asst. Att. Gen. (Charles W. Russell) to Att. Gen. 1908, in Dubois, *Occasional Papers*, American Negro Academy, No. 15p). Hence, it was the States determination to maintain oppressive living conditions, such conditions that breed crime and eventual imprisonment and slave labor. How else can anyone come to terms with the fact that it costs more to house a prisoner per year than to send a student to college for four years?

Since the growing national debate on mass incarceration has raised the moral bankruptcy of America’s prison policy, the religious community has sought to enjoin a challenge to the prison industrial complex. In “Religion and Revolution,” an essay I wrote in 1999 on the Progressive National Baptist Convention call for the end to jailing and killing of Black youth, I stated: “... For the Progressive National Baptist Convention to require its 2.5 million members and 2,000 churches to take a forward political position on this issue, should serve notice on all religious denominations of the need to aggressively challenge and politically counter state governments and private business prison-building.” However, since 1994, it is believed and alleged the Progressive National Baptist Convention of 1999 dropped the ball, failing to forge a national determination prohibiting the mass incarceration of millions of young people of color.

Ergo, the principle lesson that needs to be confronted to deconstruct the prison industrial complex by the

religious community in alliance with legal and progressive organizations is to borne an approach consistent with “liberation theology.” In the above mentioned essay, I expounded that: “With this understanding, we note that liberation theology is to create a fresh theological approach to reflection and praxis, or committed involvement in struggle. Yet, as here argued, the genesis of liberation theology has evolved from the efforts of people wanting to be free of oppression and appealing to God or the divine for intervention of their oppression. Thus Prophet Moses applied liberation theology when he freed the Hebrews from Egyptian domination. The same can be said of Prophet Mohammad (PBUH) when he liberated Mecca from the idolatry of the Arabian clans. Therefore, it is not farfetched to rediscover and qualify theology as a potential liberation force. This is particularly significant, given that Prophet Jesus sought to restore moral and religious principles at a time when Roman oppression prevailed in his land, castigating the money lenders, prostitutes, fraudulent rabbis and avaricious land owners.

Hence, worship in this context is based on the premise there is a need for liberation—to be liberated from conditions that hinder spiritual growth and evolvment, conditions that deny basic human quality of life that allows for the spirit of God to reign. Thus, God becomes the liberator, the spirit of God as the liberator is evoked and religion develops the means and method by which the spirit of a liberating God is manifested. There is no one set pattern in which to evoke or manifest the spirit of a liberating God. Rather, peoples struggling to be liberated must call upon their God in accord to given conditions of their exploitation, and oppression and the form of worship they practice. ... The hearing the word of God anew must turn revelation into revolution; in a sense, liberation theology is the spiritual revelation of revolution.” This is what Dr. Martin L. King, Jr., understood when he wrote his “Letter from a Birmingham Jail” challenging the religious community to evoke a liberating God in enjoining the civil rights movement to bring an end to Jim Crow segregation.

Given the task of challenging the multi-layered reality of the New Jim Crow, the prison industrial complex, it behooves the religious community to come to terms with liberation theology praxis. “Liberation theology,” Paulo Freire explains in *The Politics of Education*, “demands of its followers a knowledge of socio-political science ... (and) since science cannot be neutral this demands an ideological choice.” He further explains that the church must be prophetic in its approach, applying the Exodus story to incarnate the spirit of liberation or the God of liberation. Ideological choice in respects to socio-political science definitely puts theopraxis to task, causing its practitioners to consider how best to manifest materially their spiritual faith and inclinations. As stated in the Holy Qur’an, “oppression and tumult is worse than slaughter ... fight oppression where you may find it.”

Hence, any theopraxis must, according to the New Afrikan theologian James H. Cones, have the following components: “(1) be a transformation of the self-identity of the communities that have been crushed by oppression and an affirmation of those communities; (2) be a vision of solidarity among the particular communities; (3) and the empowerment coming from an enhanced self-image and commitment to solidarity must be translated into goals for political, socio-economic, and united actions.”

Thereby, it is established that to build a national determination to end mass incarceration and deconstruct the prison industrial complex demands a broad-based uniform and united campaign. The bankrupt moral posture of the U.S. criminal justice system requires a bottom-up restructuring of public policy pertaining to crime and punishment, beginning with a public discussion and policy of redistribution of wealth to end poverty, homelessness, and forge a right to work with living wages program. To ensure money appropriated for prison building or maintenance is not greater than the cost to send a student to 4 years of college. To further raise the moral determinant to abolish prison slavery, by demanding that the exception clause of the 13th Amendment of the U.S. Constitution be excised, removing the profit-motive base from the prison industrial complex. It is this kind of socio-political science that Paulo Freire, Dr. James H. Cones, and Dr. Martin L. King, Jr. forward as the means and method of evolving revelation into revolution.