



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for November 26<sup>th</sup>

### **12 Nov - New Writings by Mumia Abu-Jamal**

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

#### **MORE:**

#### **November 12<sup>th</sup> - JESSICA HUNTLEY: Woman of the Word**

When news arrived of the passing of Black book publisher and bookstore, owner, Jessica Huntley of London, England, I found that sadness wasn't my primary response. Happiness was.

Why? Because by merely reading her name, the image of her brilliant smile filled my mind, and I felt the rush of her deep and abiding love for Black people, the world over.

Jessica Huntley reached the ripe age of 86, after a lifetime of struggle for West Indian, Guyanese and African Independence. When she emigrated from Guyana to join her husband, Eric, in England, in 1958, the Huntley's opened a publishing house that became a legend in the literary world.

They opened Bogle'L'Overture Publishing, named after the Black freedom fighters, Paul Bogle of Jamaica and Toussaint L'Overture, the great Haitian general and leader of the Haitian Revolution.

Bogle-L'Overture began its stellar career with a blockbuster, *Groundings with My Brothers*, by the brilliant Guyanese scholar-revolutionary, Walter Rodney, who recounts his discussions with Rastafarians in Jamaica.

Jessica Huntley, called Mama Jessica by many in Black Britain, came from a life in radical and revolutionary activism in Guyana, as one of the leading members of the PPP –People's Progressive Party.

She was also a founding member of the WPO – the Women's Progressive Organization. In 1953 which gave voice and presence to women in the Guyanese Independence movement. Jessica was named its provisional secretary.

Sis. Mama Jessica Huntley was a lifelong radical activist, writer, publisher, wife, mother and lover of African people the world over.

I rejoice in her life, and feel blessed to have been able to have seen her smile, and to have heard her remarkable Guyanese account.

She returns to her ancestors.

#### **November 13<sup>th</sup> - Children of Forever**

It was long-awaited, but when it came, it left many men in disbelief.

'It' was a decision by Pennsylvania's Supreme Court in the *Com. V. Cunningham* case.

The question posed was, is the *Miller v. Alabama* opinion by the U.S. Supreme Court, limiting the application of life sentences to juveniles, to be applied retroactively?

The PA Supreme Court decided recently that it does not.

Pennsylvania has more juvenile lifers than any other state, indeed, any other jurisdiction in the world.

Over 500 people were convicted as juveniles in stated courts, and sentenced to life terms.

Now, the PA Supreme Court has shut those gates – perhaps forever.

The Cunningham ruling was a 4-3 vote – meaning four in the majority and three in the minority.

And even the Chief Justice, Ron Castille, was critical of the US Supreme Court’s Miller majority opinion (while he made Cunningham’s majority by voting with them), for not squarely addressing retroactivity.

It is clear from reading the Miller case, that they were thinking of retroactivity, for the majority, concurring and dissenting opinions all address the 2,500 juvenile lifer cases across the country. If it didn’t apply to them, why address it?

But courts are ultimately political institutions, all the more so, when it’s elected courts.

Cunningham came just a few days before a statewide judicial retention election, in which two state Supreme Court justices are running for extended terms.

Remember the saying: “Law is simply politics by other means.”

Meanwhile, hundreds of people, some who were 13, 14, 15 or 16 when their crimes were committed, are sent back to eternity in a cage.

### **November 18<sup>th</sup> - Republic of Surveillance**

The news that American intelligence agencies were listening to the personal cell phone calls of leaders like German Chancellor, Angela Merkel, broke like a thunderclap.

It seemed surreal, for surely, a German head of government (not to mention an American ally), was not suspected of terrorism –right?

But upon reflection, the question is woefully misleading, for it presupposes that surveillance is really tied to terrorism. For unlawful government surveillance has a long history in America – most recently the COINTEL scandal of the 1970s – exposed by the famous Church Committee hearings, chaired by Idaho Senator Frank Church.

The hearings showed how governments violated criminal law, and the Constitution, to harass, intimidate, and destroy critics, dissidents and opponents of American government policies.

What this history teaches is that surveillance is its own reward, and governments will break any law to achieve its objectives.

The surveillance of Chancellor Merkel was designed to do precisely what it did; to snoop into her personal life to learn all there is to be found about her. Period.

And, once learned, The U.S. government could manipulate her, or even blackmail her to do their bidding.

They’ve done this for generations to Americans, why not to foreigners?

James Madison, a signer of the Constitution, wrote, in a 1789 letter to Thomas Jefferson, “It is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad.”

(Think 9/11)

That date has become the justification for the biggest expansion of surveillance to American history. And under this manic regime, everyone and everything is suspect.

World leaders have U.S spies sniffing through their underwear, to make America safe.

On 9/11, something mad was unleashed; and I don't mean 19 jihadis.

In the name of patriotism, privacy has been criminalized – and the entire world is under surveillance.

### **November 25<sup>th</sup> - New Rules For MOVE**

It happened a long time ago.

August 8th, 1978, to be exact. Over 35 years ago.

That's when Philadelphia police raided the MOVE house and headquarters in Powelton Village, West Philadelphia, firing hundreds of rounds of gunfire into the home.

Remarkably, when MOVE people were forced to exit the building, they were mostly unharmed, with several suffering severe beatings upon exiting the premises.

After months of trial, 9 MOVE men and women (5 men and 4 women), were convicted of 3rd degree murder and sentenced to 30 to 100 years imprisonment.

Never before in Pennsylvania's long history has such a sentence been rendered, but as the late trial judge, Edwin Malmed stated, "They were tried as a family; so I sentenced them as a family."

That was 35 years ago, and today, MOVE men and women remain in jail – 5 years past their minimums. It doesn't matter what their prison behavior or record is. They have been exemplary prisoners.

But, because they remain MOVE, parole, essentially, doesn't apply.

Oh, they have hearings. But nothing comes of it, besides more denials.

They were attacked for political reasons; prosecuted for political reasons, and sentenced the way they were for political reasons.

Their innocence? Irrelevant.

And now, 5 years past parole. Politics, again.

Who can deny that they are political prisoners, persecuted because of their religious belief in the Teachings of John Africa?

In truth, they are spiritual prisoners: imprisoned because of their faith.

It is past time for their freedom.

### **12 Nov - Albert Woodfox is being stripped of justice by prison officials**

*Since March, the Louisiana corrections department has compounded Albert Woodfox's nightmare by subjecting him to invasive strip and cavity searches every time he leaves his cell - when he goes to see the doctor, gets a haircut or uses the phone to call his lawyers. On Wednesday, November 13th, he took the stand in a Baton*

*Rouge courthouse in an attempt to end the practice.*

**MORE:**

by Jasmine Heiss (*The Times-Picayune*)

These searches are not only degrading, they're illegal - and in a strange twist of irony, it was Mr. Woodfox's previous lawsuit against the state that set this precedent.

In 1978, he sued the state and successfully put an end to the humiliating strip searches that he was forced to endure in the mid-1970s. Judge Daniel W. LeBlanc's ruling established a precedent that holds these searches to be illegal, unconstitutional and against internal prison policy. According to Judge LeBlanc's ruling, the prison "must curtail, and in certain instances cease, the routine requirement of anal examinations."

The court's order clearly delineated the nuances of the ruling: Searches may be required before an inmate enters a segregation area or following unescorted contact with general population inmates, but those searches must cease if a segregated inmate is moved within the segregation area or while in the prison and under escort or observation.

That precedent, which lasted more than 30 years, came to an abrupt end when Judge LeBlanc died in March, and the strip and cavity searches quickly resumed both for Mr. Woodfox and others housed on his tier at David Wade Correctional Center. Mr. Woodfox endures strip searches as often as six times a day. He and his attorneys tried to resolve this without litigation for months to no avail. Now they have turned to the court to step in.

In most states, the law lives longer than the judge, but in this case, his lawyers are requesting a restraining order against the Louisiana Department of Public Safety and Corrections.

Every day, corrections officers strip and search Mr. Woodfox and the other prisoners held in solitary confinement. He is searched despite the fact that he is shackled in wrist, ankle and waist chains when outside of his cell, is under constant observation or escort and typically has no contact with individuals other than correctional personnel.

Even when he is left to exercise alone in a fenced-in yard - essentially a closed cage - Mr. Woodfox is invasively searched before returning to his cell. The prison continues this practice despite knowing these strip searches are unlawful. Unable to explain the safety or security threats they are addressing when they search Mr. Woodfox, they arbitrarily force him to strip until he is naked, bend at the waist, lift his genitals and spread his buttocks so that officers may inspect him.

To say that such practices are an affront to one's dignity seems almost too mild.

When I called for Mr. Woodfox's release on the Capitol steps in Baton Rouge three weeks ago, I did so knowing more than 50,000 people had signed a petition also calling on the state of Louisiana to pursue justice.

Albert Woodfox was convicted of the murder of a prison guard at Louisiana State Penitentiary, despite the fact that no physical evidence tied him to the crime and the key eyewitness was bribed by the state. After a legal process that has spanned four decades, the serious flaws in Mr. Woodfox's case stand without remedy. In December, Amnesty International will feature Mr. Woodfox's case in the Write For Rights Campaign - the world's largest letter-writing event. Tens of thousands of activists will write letters to Gov. Bobby Jindal and Attorney General James "Buddy" Caldwell, calling on the authorities to see that Mr. Woodfox is immediately released.

When Mr. Woodfox takes the stand today his testimony will prove that you can strip a human being of his clothes but that discarding a man's dignity is a much heavier burden. As the state corrections department recklessly pursues vengeance for a murder there is little evidence Albert Woodfox committed, they do so with indifference to his dignity and with little regard for human rights or state laws.

However, the world continues to watch Louisiana and affirm Albert Woodfox's basic rights and dignity. Justice may be delayed, but it will never be silenced.

### **13 Nov - Let's Help The Animals! by Walter Bond**

*We've included the latest by Animal Liberation Front prisoner Walter Bond.*

#### **MORE:**

As we entered the 'Animal shelter' I could hear the thunderous roar of cats and dogs echoing off the walls. It disgusted me to know that behind the staff's friendly facade an entire prison existed behind that desk that many of its Animal inmates would never leave alive. But we were not there to save a dog or cat's life that day, we were there to save a rooster. A rooster that had spent over a month in a tiny cage in the pound, frightened by the artificial environment and constant panic noise of the other stressed out Animals.

He went right from that despicable environment to my lap in the passenger seat of Jewel's car. As she drove I gently petted this amazing rooster that later came to be named 'Lerr'. I did not know until that day that chickens can do something akin to purring and that you can feel it resonate within their bodies through your hand similar to a cat.

This is the true face of Animal Liberation, one Animal's life saved, then ten, then one hundred and then one thousand! Everything else, all the gatherings, conventions, speakers and health food faddists are (or should be) secondary to actually saving Animals' lives and educating others about the ethics of the Vegan way of life.

This is the hard work that my friend Jewel has been doing for several years. This is the work she still does at Rooster Sanctuary at Danzig's Roost! And this is where years later Lerr still lives. I used to work for more than one Animal Sanctuary before my incarceration because it was one of the best ways I could find to actually help Animals in the real world and without pretext.

While there are many sanctuaries that care for critters few of them have the Vegan Abolitionist integrity of Danzig's roost. No one there draws a salary from their work or any popularity from the cookie cutter Vegan community, locally or abroad. At the roost all the funds go where they should, to the many beautiful Birds ( and other wonderful critters) that reside there.

Furthermore, Danzig's Roost speaks out against so called 'free-range' and 'happy meat' as they educate people about the effectiveness and ethical imperatives of Veganism. Rooster Sanctuary at Danzig's Roost has almost 50 roosters and nearly 100 hens and growing! But what they don't have is your support, and they need it.

I learned everything I know about chickens' social structures and habits, as well as the industries that murder them for meat and eggs from my time and work with Jewel from rooster Sanctuary at Danzig's Roost. Check them out on the web at [www.danzigtherooster.com](http://www.danzigtherooster.com). Educate yourself and then donate as generously as you can so that they can continue the grassroots work of true Animal Liberation and Vegan Abolitionist education, I beg you, do it for the Animals!

### **13 Nov - Message from Lynne Stewart to Rutgers Students**

*Below is a recent address by Lynne Stewart to students at her law school alma mater.*

#### **MORE:**

It seems a long time ago in an other universe that I showed up in September, 1971 at Rutgers Law School, Newark to embark on my legal career. Many of you have heard the story of how, after being a school librarian in Harlem and the Lower East Side and after we had been defeated in our righteous fight for community control of the New York City schools in the sixties—I realized that I had to concentrate on breaking free of the stranglehold of educational bureaucracy and go in a different direction. I could not have done it without the man who is delivering this message for me—my partner, comrade in arms, my heartbeat—Ralph Poynter. Thinking

about my realization and what it meant for our future, I went to his motorcycle shop (small and virtually not for profit), mightily pregnant with our third child and said that I needed to get out of the school system—I loved the kids but could no longer be a part of what was being done to them. He asked, What did I want to do? I said, I always wanted to go to Law School. Without missing a beat, without saying how can we afford that now, he said, Well I guess you better go.

And go, I did. We were all but broke but Rutgers gave me what my grandchildren now call a “free ride”. Admissions liked my militant background, I think. And so, in September 1971, I showed up on Newark Avenue for orientation –some boring speechifying I thought . Was I ever wrong ???! First we were informed that Rutgers had achieved an admission of over 50% women, and as I looked around I saw sisters of all colors and ages and economic strata. After prolonged applause, a small dynamo of a man with a long tie was introduced. His voice was not memorable but Oh! his words as he spoke to us that afternoon so long ago !! It was, of course, Arthur Kinoy, Civil, Human Rights warrior and Innovator and Creative Force of the Law. I came home that day with my heart and mind full of dreams—all Inspired by Arthur.

And in all the years that have followed, that flame that was lit that day has continued to flourish for me. Shortly after my arrest in 2002, at a rally at Cardozo Law School, Arthur spoke and reminded us all that cases like mine are won not only in the Courts but on the Streets. Still true today and especially now, for me. He also did me the greatest honor when he dubbed me a “People’s Lawyer”— my hero, Arthur Kinoy denoting Me with his highest praise.

Never in my legal career was I ever a great student or scholar. As a matter of fact at Rutgers I may be more remembered for the motorcycle I rode to school than for brilliant analysis in class. (As an aside I was so delighted to see that Al Slocum was also an awardee tonight. He was my professor in Criminal Law (Procedure?) also that first semester. He was my kind of down to earth, critical thinking, kick their asses Black Man that I have always loved and respected — and he could teach, too !)

To pick up the thread again, I came to Rutgers. I made mediocre grades except with the classes I loved, Kinoy, Slocum, Smith. I graduated, passed the bar (flunked in NY and had to take it again !) and the rest is history. My career as a trial lawyer fulfilled my great desire for joinder against the State on behalf of the downtrodden, oppressed—and I loved it. I still can’t pass those courthouses in which I worked for 30 years, with a dry eye.

Now I am ready to dedicate myself to the next phase of my life. First to come home myself and then I see myself fighting to bring home all of the political prisoners, who have sacrificed their lives for causes and community. I see myself taking up the cause of women in prison and the inequities they and their children face. Mostly, I hope I will be able to speak to new would-be lawyers who have just embarked on the yellow brick road toward justice and rouse their hearts and souls as Arthur Kinoy once did mine.

### **13 Nov - NATO 3 Court Date Change**

*We recently got word that the next court date for the NATO 3 was changed from Tuesday, November 19th to Monday, December 2<sup>nd</sup>.*

#### **MORE:**

Please join us in Courtroom 303 at the courthouse on 26th and California on Dec. 2nd to help us show the NATO 3 that we stand in solidarity with them and all targets of state repression!

Since we won't be seeing them in court for a while longer yet, please take a moment to send them a postcard, letter, or package of books (3 softcover books per package are allowed). As their trial date looms, Brent, Brian, and Jared are all in more need than ever of support from folks on the outside. Letters and books help them stay mentally and emotionally healthy because these things help them remember that they're not alone.

Cook County Jail is a terrible place and they've been stuck in there for too long! As the temperature dips down, the jail becomes an increasingly uncomfortable environment (last year, the defendants could see their breath in

their cells for a while). Please send them some love and solidarity today!

Also, Mark "Migs" Neiweem is in need of letters and zines (he has plenty of books at the moment), so please send him some love and solidarity too!

### **13 Nov - Kevin Olliff is now receiving books**

*After a tug-a-war between jail superintendent Michael Waterworth and the (much more reasonable) people above him, fairness prevailed and Kevin is now receiving books.*

#### **MORE:**

Thanks to everyone who spoke up on Kevin and Tyler's behalf (and everyone imprisoned in Woodford County).

Kevin's book wish list is at <http://supportkevinandtyler.com/send-books> so if you have the means, please send him a book (or just a letter).

Thanks again for everyone's support.

### **13 Nov - Sundiata's Review of Number 13**

*Sundiata Acoli recently reviewed the comic book "Number 13."*

#### **MORE:**

i don't know much about comic books tho naturally i read them as a kid in the '40s/'50s. Back then there were no or few people of color in comics, and certainly no Black people.

Superman, the first comic, came along in '36. He was a White Superhero, and as i remember, one man with super powers fighting enemies in the Metropolis – and worldwide. His enemies just happened to be America's enemies too: petty criminals at home and foreign terrorist from abroad. His friends were the Metropolis police commissioner, the mayor; reporter: Lois Lane, and everyday working stiffs: construction workers, shop keepers, etc., encountered in passing.

The monthly comic was colorful, 10 cents a copy, 10 pages or so and entertained a circulation life of about 6 months. It was also a boon to those with poor reading skills. They could almost teach themselves to read or greatly enhance their reading ability thru careful study of the pictures, actions and word balloons of the characters.

Superman and similar comics of the era taught basic purported American values: fair play, don't lie, cheat, steal or kill; work hard and one can make it in America – and any boy can grow up to be President.

Number 13 is obviously a new and different comic. It's about all people: those of color, non-color and hybrids too. 13 is a Science Fiction comic that begins after the world ended. The earth has been devastated and is now populated by humans, mutants, ogres, cybernetics: part human-part machine and similar survivors of the plague. The planet is divided into those who are immune or those who are infected, now at war with each other and forming alliances with others of like mind or predicament.

The protagonist is a lone cybernetic boy with hidden superpowers, a broken memory system and the number "13" stamped into his head. He stalks a desolate and hostile landscape searching for his daddy.

The artwork for the graphic novel is astounding, the action scenes fierce, some festive while others are outright bloodcurdling and cruel. The passive scenes are more subdued but just as arresting. The color scheme is primarily soft luxurious earth tones contrasted with splashes of brilliant pastels. The results allow one to simply brose thru and enjoy the pictures, the colors and actions without reading the words, if one chooses, but still "get" the story... which is as old as the universe: good vs. evil, tolerance vs. intolerance, freedom vs. tyranny and a

principled peace vs. unjust wars; all done in a way that holds the fascination of those from 8 to 80 (plus, spoiler alert, the good guys win!)

Number 13 is 58 pages of action, color, fun and suspense. The cover and each page is highly polished, glossy finished, thick, durable and made to last for decades; more like a collector's item than transitory reading. It makes for an excellent treat to oneself or gift to a family member or friend.

### **13 Nov - Meet the Punk Rocker Who Can Liberate Your FBI File**

*Ryan Shapiro's technique is so effective at unburying sensitive documents, the feds are asking the courts to stop him.*

#### **MORE:**

by Will Potter (*Mother Jones*)

Ryan Shapiro has just wrapped up a talk at Boston's Suffolk University Law School, and as usual he's surrounded by a gaggle of admirers. The crowd, consisting of law students, academics, and activist types, is here for a panel discussion on the Animal Enterprise Terrorism Act, a 2006 law targeting activists whose protest actions lead to a "loss of profits" for industry. Shapiro, a 37-year-old Ph.D. student at the Massachusetts Institute of Technology, contributed a slideshow of newspaper headlines, posters, and government documents from as far back as the 1800s depicting animal advocates as a threat to national security. Now audience members want to know more about his dissertation and the archives he's using. But many have a personal request: Would Shapiro help them discover what's in their FBI files?

He is happy to oblige. According to the Justice Department, this tattooed activist-turned-academic is the FBI's "most prolific" Freedom of Information Act requester—filing, during one period in 2011, upward of two documents requests a day. In the course of his doctoral work, which examines how the FBI monitors and investigates protesters, Shapiro has developed a novel, legal, and highly effective approach to mining the agency's records. Which is why the government is petitioning the United States District Court in Washington, DC, to prevent the release of 350,000 pages of documents he's after.

Invoking a legal strategy that had its heyday during the Bush administration, the FBI claims that Shapiro's multitudinous requests, taken together, constitute a "mosaic" of information whose release could "significantly and irreparably damage national security" and would have "significant deleterious effects" on the bureau's "ongoing efforts to investigate and combat domestic terrorism."

So-called mosaic theory has been used in the past to stop the release of specific documents, but it has never been applied so broadly. "It's designed to be retrospective," explains Kel McClanahan, a DC-based lawyer who specializes in national security and FOIA law. "You can't say, 'What information, if combined with future information, could paint a mosaic?' because that would include all information!"

Fearing that a ruling in the FBI's favor could make it harder for journalists and academics to keep tabs on government agencies, open-government groups including the Center for Constitutional Rights, the National Security Archive, and the National Lawyers Guild (as well as the nonprofit news outlet Truthout and the crusading DC attorney Mark Zaid) have filed friend-of-the-court briefs on Shapiro's behalf. "Under the FBI's theory, the greater the public demand for documents, the greater need for secrecy and delay," says Baher Azmy, CCR's legal director.

Shapiro takes pride in his "most prolific" status, but it's not an honorific he had in mind when he set out to learn how the FBI came to view animal rights activists as the nation's "number one domestic terrorism threat." He ran into a wall when he first began requesting significant numbers of documents from the bureau in 2010. He needed case numbers, file names, and names of field offices where investigations originated, and even when he had them, the FBI often claimed it didn't have any relevant documents. So he began reading everything he could find on FOIA law, including the FBI's internal regulations and court filings describing how it conducts its searches.

When he started using privacy waivers, Shapiro realized he was on to something. Suppose you and I volunteered for the animal rights group PETA. If Shapiro requested all PETA-related FBI documents, he might get something back, but any references to us would be blacked out. If he requested documents related to us, he'd probably get nothing at all. But if he filed his PETA request along with privacy waivers signed by us, the FBI would be compelled to return all PETA documents that mention us—with the relevant details uncensored.

Shapiro began calling up old friends and asking for waivers. Coming of age amid the 1990s punk scene, he'd been drawn to animal rights causes and took part in their actions. He walked into foie gras facilities to film sick and injured ducks, several of which he rescued, and locked himself to the doors of fur salons. And while he no longer does such things, he has kept in touch with people who do.

Armed with signed privacy waivers, he sent out a few experimental requests—he calls them "submarine pings"—and when the FBI returned more than 100 pages on a close friend, he knew he'd struck gold. The response included pages of information that Shapiro had requested previously, but that the FBI had claimed didn't exist. Using case details from those documents and a handful of additional waivers, he filed a new set of requests.

Bit by bit, the black boxes began to go away. "Each response is a teeny little window opened into the backrooms of these deliberately byzantine FBI filing systems," Shapiro told me. "You get enough windows, and then you have the light you need to see what's back there." Soon Shapiro was submitting hundreds of requests, yielding tens of thousands of pages.

One of his privacy waivers had my name on it. As an independent journalist whose website and recent book focus on agribusiness, animal rights, and ecoterrorism, I've known Shapiro for years. I've quoted him in stories and written about documents he's procured showing that the FBI considered terrorism charges against activists who engaged in undercover investigations of factory farm conditions. I knew from filing my own FOIA requests that the FBI's Counter Terrorism Unit has monitored my website and speaking events, and so I agreed to sign a waiver. I wanted to see whether Shapiro's technique would reveal anything new. I never found out, though, since the FBI has stopped complying with his requests.

In 2012, after Shapiro sued the FBI to release the blocked documents, the Justice Department responded by asking the court for what's known as an Open America stay—a delay tactic dating back to a Watergate-era court decision. FOIA experts consider it a nuclear option, and the courts say it is meant for "exceptional circumstances," when an agency is deluged with requests. Under normal circumstances, government agencies are allowed 20 days to say whether (if not when) they will comply with a given query. For example, in a recent case in which the Electronic Privacy Information Center sued the FBI for documents about cellphone tracking, the bureau asked for 14 extra months, claiming—as it has in Shapiro's case—an unexpectedly high FOIA workload. A federal judge denied the stay, pointing out that the annual volume of documents requests received by the FBI has decreased "significantly" since 2008.

In Shapiro's case, the feds want seven years to determine whether the docs can be released. "That would be a world-record setter," says Dan Metcalfe, who, after more than a quarter century running the Justice Department's Office of Information and Privacy, now heads the Collaboration on Government Secrecy at American University Law School. "The FBI never did anything like this even back in the darkest days of George W. Bush or Ronald Reagan."

The FBI claims that it cannot discuss the case in open court "without damaging the very national security law enforcement interests it is seeking to protect." Instead, it has filed a secret declaration outlining its case. "This is an especially circular and Kafkaesque line of argument," Shapiro counters. "The FBI considers it a national security threat to make public its reasoning for considering it a national security threat to use federal law to request information about the FBI's deeply problematic understanding of national security threats."

Shapiro's attorney, Jeffrey Light, was able to obtain a heavily redacted version of the FBI's declaration. Among

other things, it cites the Animal Enterprise Terrorism Act and says that 81 of Shapiro's FOIA requests covering 64 individuals, groups, and publications, relate to "animal rights extremism."

The FBI, oddly enough, is processing his requests involving arsons by the fringe Animal Liberation Front but blocking documents concerning movement mainstays like Mercy for Animals. Some of the disputed requests pertain to anti-animal-rights groups such as the Center for Consumer Freedom. The FBI's so-called extremists span a wide spectrum—from former ALF operative Rod Coronado to Jon Camp, who has no criminal record and whose job consists of handing out leaflets for a group called Vegan Outreach. I was surprised to learn that I, too, am among them—and that the bureau asserts that releasing information about me and my book would interfere with law enforcement proceedings.

A ruling is expected in the case within the next few months. In the meantime, Shapiro continues writing his dissertation, collecting waivers, and drafting FOIA requests late at night while watching television with his wife. Lately he's been interested in getting the FBI files of famous punk and hip-hop artists. He acknowledges that his work has become a borderline obsession. When Daniel Ellsberg visited MIT for a lecture, Shapiro had lunch with him and some other grad students. He walked away with a privacy waiver from the man who leaked the Pentagon Papers.

### **13 Nov - No Bail for Marissa Alexander, Case Held Over Until January**

*Marissa Alexander's motion for bail was recently left undecided, when the Judge responsible for the decision decided to delay further action on the matter until January 15, 2014.*

#### **MORE:**

by Andrew Branca (*Legal Insurrection*)

Alexander's attorney had made a request for bail in anticipation of her re-trial on charges of aggravated assault, using a firearm, against her estranged husband.

Alexander was granted a new trial early this year after her conviction for aggravated assault (with a firearm enhancement) was overturned on the grounds that the self-defense jury instructions were defective.

Alexander's conviction was based on evidence that in the course of a heated argument with her estranged husband she retrieved a handgun from the garage, returned to the interior of the home, and fired a shot past his head and into the wall behind him (while his two minor children stood by his side).

The bullet penetrated through the wall and sped across the next room until embedding itself in the ceiling. Some have sought to characterize the shooting as a mere "warning shot" or the "shooting of a ceiling," a characterization we've previously debunked here: [The Myth of Marissa Alexander's "Warning Shot"](http://legalinsurrection.com/2013/09/the-myth-of-marissa-alexanders-warning-shot).  
<<http://legalinsurrection.com/2013/09/the-myth-of-marissa-alexanders-warning-shot>>

Alexander always seemed a poor candidate for bail given the prior disrespect she has shown the criminal courts.

In addition to the core aggravated assault for which she was charged and convicted, Alexander also allegedly induced her estranged husband to submit false exculpatory testimony on her behalf (testimony he later retracted), repeatedly meeting with him in violation of an order of protection intended to keep her away from him and his children. She later assaulted him a second time, albeit this time without a weapon.

The next hearing in this case is scheduled for January 15, 2014, so Alexander is unlikely to have any prospect for bail prior to that date.

A major issue in the Alexander case is widespread anger over the application of Florida's "10-20-Life" mandatory minimum sentencing law (775.087. Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.), both in the Alexander case as well as in other similar cases where a user of force was arguably acting defensively.

Under “10-20-Life” a person committing a crime while possessing a firearm receives a minimum 10-year sentence; while firing a firearm receives a minimum 20-year sentence; while injuring or killing someone with a firearm a minimum life sentence. The Florida legislature just advanced from committee on a 12-1 vote a bill, HB-89, that would remove a defensive use of force from the scope of the “10-20-Life” sentencing framework.

### **15 Nov - Government: Jeremy Hammond is ‘Computer Hacking Recidivist,’ Sentence Him to 10 Years in Prison**

*Jeremy Hammond was sentenced to the maximum allowed under the sentencing guidelines-- 10 years. We've included his statement to the court and a couple of articles about his sentencing below.*

#### **MORE:**

### **November 14<sup>th</sup> - Government: Jeremy Hammond is ‘Computer Hacking Recidivist,’ Sentence Him to 10 Years in Prison**

by Kevin Gosztola (*The Dissenter*)

An activist, who pled guilty to violating the Computer Fraud and Abuse Act (CFAA) while hacking into the private intelligence firm, Stratfor, in May, will be sentenced in a federal court in New York tomorrow.

Jeremy Hammond worked with Anonymous to hack into Stratfor and release information from the firm. The material was eventually published by WikiLeaks.

While uncharged, he also admitted in a statement after he pled guilty to one count of violating the CFAA, that he had hacked into other websites including “military and police equipment suppliers, private intelligence and information security firms, and law enforcement agencies.” He said he did this because he believed “people have a right to know what governments and corporations are doing behind closed doors.”

The government has submitted its sentencing memo to the judge and requested that Hammond be given the maximum punishment possible in the case, 10 years in prison.

“Hammond is a hacking recidivist who, over the course of almost a year, launched cyber attacks that harmed businesses, individuals, and governments; caused losses of between \$1 million and \$2.5 million; affected thousands of people; and threatened the safety of the public and law enforcement officers and their families,” according to the memo.

Prosecutors cite a prior conviction in 2006, when he was sentenced to 24 months in prison for “federal computer hacking,” as evidence he was undaunted by his punishment because he later began a “sustained campaign during which he executed cyber attacks against the websites and computer networks of scores of victims.”

The memo goes on to accuse Hammond of having “malicious and callous contempt for those with whom he disagreed, particularly anyone remotely related to law enforcement not ‘concern[ed] with both transparency and privacy.’”

It highlights how the “names, physical addresses, credit card data and email addresses of thousands of clients of Stratfor were released and disseminated worldwide, resulting in approximately \$700,000 of unauthorized charges on those accounts and cost more than \$1 million to Stratfor to repair.”

The damage to Stratfor was insurmountable for the firm, but it should not go unmentioned that the FBI had an informant, Hector Xavier Monsegur (“Sabu”), involved in the operation to go into Stratfor’s network and obtain files for release. FBI officials claim they did not sit idly by and let this operation unfold as Stratfor was infiltrated, but they did apparently instruct or authorize Monsegur to have all the data obtained from the hack placed on one of the FBI’s own computers.

Many have believed that the FBI thought it might be able to get to WikiLeaks through this operation if they did

not disrupt it, which the FBI denies. The agency did not stop the transfer of material to WikiLeaks because it did not plan for the fact that those involved, like Hammond, would keep files on “their own servers” for transmitting to the media organization later.

The sentencing memo submitted actually accuses Hammond of “deflecting” blame or trying to “obfuscate his criminal activity” by claiming in his sentencing submission that “Sabu” participated in the hack, instead of gathering information for law enforcement, by “providing servers for the storage of information and creating chatrooms to facilitate discussions.”

This claim mischaracterizes the CW’s role. As explained in the Complaint, the CW [informant], at the direction of the FBI, provided to Hammond and his co-conspirators a server, which Hammond and his co-conspirators used to store the data they stole from Stratfor. As a result of the FBI’s control of this server, the FBI was able to mitigate the harm by, for example, notifying credit card companies about the compromised cards. The FBI’s control of access to this server also would, and did, provide substantial evidence as to Hammond’s identity and role in the attack. Similarly, the CW created chat rooms for Hammond and his co-conspirators at the direction of the FBI, which monitored the chats, gaining valuable intelligence about the hack which it used to notify Stratfor and credit card companies as the hack developed, as well as powerful evidence of Hammond’s criminal activity.

Ahead of Hammond’s sentencing, Hammond’s lawyers collected 265 letters of support that call for a “sentence of time-served.” They were written by friends, family, academics, journalists, individuals from the tech community and notable whistleblowers.

Pentagon Papers whistleblower Daniel Ellsberg said in a letter, “I believe the actions taken by Jeremy Hammond need to be viewed in a context that considers the profound consequences of private surveillance of political activists in the United States.” Jesselyn Radack, a Justice Department whistleblower, said Hammon “performed an act of civil disobedience out of a deeply held belief that the people have a right to know what the government and unregulated corporations are doing behind closed doors against them.” Professor Gabriella Coleman, who focuses on computer hacking, electronic dissent and Anonymous, said there as no doubt in her mind that Hammond’s actions had been “politically principled and constitute civil disobedience.” The Yes Men said, “It is distressing to us that he faces such repercussions for taking actions that were only meant to bring positive change.”

Brad Thomson, a paralegal with the People’s Law Office in Chicago, knows Hammond and said he had been active in the movements in the city to “end hunger, to end sexism and to end environmental degradation and the negative health impacts from it.” He had volunteered to help “community computer clinics that assist young people and underprivileged individuals from the community in learning basic computer skills necessary to do their homework, write a resume or design a website.”

“Jeremy’s worldview is a communal one, where people take care of each other and support one another” Debra Michaud, a Chicago business owner and founder of the Chicago Chapter of the Rainforest Action Network, wrote. “His home had an open door—if someone needed a place to stay, a warm meal, or an ear, they found a haven there.”

Hammond was arrested in March 2012. He has been denied bail and been in prison since that arrest. He has been in jail for over a year and a half.

Prosecutors have put great emphasis on the leniency shown by the judge when he was convicted of hacking and sentenced to 24 months. He was 19 and was given a break by the judge because his offenses were not “done out of unguided malice, a desire to wreak havoc, which motivates many hacking offenses.”

Important to prosecutors is the fact that Hammond’s sentence should send a message to others not to do what Hammond did.

“More leniency now would hardly serve as just punishment for a repeat offender nor would it serve as deterrence either to Hammond or to others who may be inclined to undertake similar activities,” prosecutors argue.

“Hammond was already given a second chance to demonstrate that he could lead a law-abiding life. Instead, having been given leniency, he chose to dramatically escalate his prior offense in scope and consequences. As a result, he caused financial harm and emotional distress, violated privacy and jeopardized public safety, to various entities and numerous individuals he had never met—in other words, he wreaked havoc, just as he hoped to. His conduct now deserves the strongest possible condemnation.”

The request to have Hammond sentenced to 10 years in prison stands in sharp contrast to the sentences of LulzSec hackers in the United Kingdom. Ryan Ackroyd and Jake Davis were both sentenced to 30 months and two years in prison, respectively. Mustafa al-Bassam, who also was involved in hacking, was given a two-year suspended sentence and 300 hours of community service. And another hacker, Ryan Cleary, was sentenced to 32 months in prison. (Both Ackroyd and Davis are likely to serve only half of their sentences in prison.)

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

...[T]he CFAA has seen increasing use against information activists in an effort to criminalize everything from the sharing of links to violating terms of service agreements. The most highly publicized CFAA case involved 26 year-old information activist Aaron Swartz, who was threatened with decades in prison for downloading freely available documents from the academic database JSTOR. Swartz took his own life earlier this year...

The Electronic Frontier Foundation pointed out in a letter submitted to the court in support of Hammond that his potential sentence of 10 years is closer to sentences “handed down in the Southern District of New York” for individuals involved in “traditional fraud schemes, which have larger losses and were motivated by the defendant’s desire for personal financial gain.” For example, one defendant was convicted of Medicare fraud that involved a “\$100 million loss” and was sentenced to 125 months in prison. The loss from Hammond’s act was much smaller and did not provide him with any personal financial gain.

Hammond is being punished, to some extent, for the fact that the FBI was unable to control its informant and contain an operation before it destroyed a private intelligence firm. It also is true that there should be a differentiation between hacking operations that are a part of “civil disobedience” and hacking operations that are for otherwise malicious purposes. Yet, as with leaks prosecutions where it is impossible to mount a whistleblower defense, the government would prefer there be no distinction so it can protect corporations and government agencies from acts of resistance.

### **November 15<sup>th</sup> - Jeremy Hammond’s Sentencing Statement**

Good morning. Thank you for this opportunity. My name is Jeremy Hammond and I’m here to be sentenced for hacking activities carried out during my involvement with Anonymous. I have been locked up at MCC for the past 20 months and have had a lot of time to think about how I would explain my actions.

Before I begin, I want to take a moment to recognize the work of the people who have supported me. I want to thank all the lawyers and others who worked on my case: Elizabeth Fink, Susan Kellman, Sarah Kunstler, Emily Kunstler, Margaret Kunstler, and Grainne O’Neill. I also want to thank the National Lawyers Guild, the Jeremy Hammond Defense Committee and Support Network, Free Anons, the Anonymous Solidarity Network, Anarchist Black Cross, and all others who have helped me by writing a letter of support, sending me letters, attending my court dates, and spreading the word about my case.

I also want to shout out my brothers and sisters behind bars and those who are still out there fighting the power.

The acts of civil disobedience and direct action that I am being sentenced for today are in line with the principles

of community and equality that have guided my life.

I hacked into dozens of high profile corporations and government institutions, understanding very clearly that what I was doing was against the law, and that my actions could land me back in federal prison. But I felt that I had an obligation to use my skills to expose and confront injustice—and to bring the truth to light.

Could I have achieved the same goals through legal means? I have tried everything from voting petitions to peaceful protest and have found that those in power do not want the truth to be exposed.

When we speak truth to power we are ignored at best and brutally suppressed at worst.

We are confronting a power structure that does not respect its own system of checks and balances, never mind the rights of it's own citizens or the international community.

My introduction to politics was when George W. Bush stole the Presidential election in 2000, then took advantage of the waves of racism and patriotism after 9/11 to launch unprovoked imperialist wars against Iraq and Afghanistan.

I took to the streets in protest naively believing our voices would be heard in Washington and we could stop the war. Instead, we were labeled as traitors, beaten, and arrested.

I have been arrested for numerous acts of civil disobedience on the streets of Chicago, but it wasn't until 2005 that I used my computer skills to break the law in political protest. I was arrested by the FBI for hacking into the computer systems of a right-wing, pro-war group called Protest Warrior, an organization that sold racist t-shirts on their website and harassed anti-war groups.

I was charged under the Computer Fraud and Abuse Act, and the "intended loss" in my case was arbitrarily calculated by multiplying the 5000 credit cards in Protest Warrior's database by \$500, resulting in a total of \$2.5 million.

My sentencing guidelines were calculated on the basis of this "loss," even though not a single credit card was used or distributed – by me or anyone else. I was sentenced to two years in prison. While in prison I have seen for myself the ugly reality of how the criminal justice system destroys the lives of the millions of people held captive behind bars.

The experience solidified my opposition to repressive forms of power and the importance of standing up for what you believe. When I was released, I was eager to continue my involvement in struggles for social change. I didn't want to go back to prison, so I focused on above-ground community organizing. But over time, I became frustrated with the limitations, of peaceful protest, seeing it as reformist and ineffective.

The Obama administration continued the wars in Iraq and Afghanistan, escalated the use of drones, and failed to close Guantanamo Bay. Around this time, I was following the work of groups like Wikileaks and Anonymous.

It was very inspiring to see the ideas of hactivism coming to fruition. I was particularly moved by the heroic actions of Chelsea Manning, who had exposed the atrocities committed by U.S. forces in Iraq and Afghanistan. She took an enormous personal risk to leak this information – believing that the public had a right to know and hoping that her disclosures would be a positive step to end these abuses. It is heart-wrenching to hear about her cruel treatment in military lockup. I thought long and hard about choosing this path again.

I had to ask myself, if Chelsea Manning fell into the abysmal nightmare of prison fighting for the truth, could I in good conscience do any less, if I was able? I thought the best way to demonstrate solidarity was to continue the work of exposing and confronting corruption. I was drawn to Anonymous because I believe in autonomous, decentralized direct action.

At the time Anonymous was involved in operations in support of the Arab Spring uprisings, against censorship, and in defense of Wikileaks. I had a lot to contribute, including technical skills, and how to better articulate ideas and goals. It was an exciting time – the birth of a digital dissent movement, where the definitions and capabilities of hacktivism were being shaped. I was especially interested in the work of the hackers of LulzSec who were breaking into some significant targets and becoming increasingly political.

Around this time, I first started talking to Sabu, who was very open about the hacks he supposedly committed, and was encouraging hackers to unite and attack major government and corporate systems under the banner of Anti Security. But very early in my involvement, the other Lulzsec hackers were arrested, leaving me to break into systems and write press releases.

Later, I would learn that Sabu had been the first one arrested, and that the entire time I was talking to him he was an FBI informant. Anonymous was also involved in the early stages of Occupy Wall Street. I was regularly participating on the streets as part of Occupy Chicago and was very excited to see a worldwide mass movement against the injustices of capitalism and racism.

In several short months, the “Occupations” came to an end, closed by police crackdowns and mass arrests of protestors who were kicked out of their own public parks. The repression of Anonymous and the Occupy Movement set the tone for Antisec in the following months – the majority of our hacks against police targets were in retaliation for the arrests of our comrades.

I targeted law enforcement systems because of the racism and inequality with which the criminal law is enforced. I targeted the manufacturers and distributors of military and police equipment who profit from weaponry used to advance U.S. political and economic interests abroad and to repress people at home.

I targeted information security firms because they work in secret to protect government and corporate interests at the expense of individual rights, undermining and discrediting activists, journalists and other truth seekers, and spreading disinformation. I had never even heard of Stratfor until Sabu brought it to my attention.

Sabu was encouraging people to invade systems, and helping to strategize and facilitate attacks. He even provided me with vulnerabilities of targets passed on by other hackers, so it came as a great surprise when I learned that Sabu had been working with the FBI the entire time.

On December 4, 2011, Sabu was approached by another hacker who had already broken into Stratfor’s credit card database. Sabu, under the watchful eye of his government handlers, then brought the hack to Antisec by inviting this hacker to our private chatroom, where he supplied download links to the full credit card database as well as the initial vulnerability access point to Stratfor’s systems.

I spent some time researching Stratfor and reviewing the information we were given, and decided that their activities and client base made them a deserving target. I did find it ironic that Stratfor’s wealthy and powerful customer base had their credit cards used to donate to humanitarian organizations, but my main role in the attack was to retrieve Stratfor’s private email spools which is where all the dirty secrets are typically found.

It took me more than a week to gain further access into Stratfor’s internal systems, but I eventually broke into their mail server. There was so much information, we needed several servers of our own in order to transfer the emails. Sabu, who was involved with the operation at every step, offered a server, which was provided and monitored by the FBI. Over the next weeks, the emails were transferred, the credit cards were used for donations, and Stratfor’s systems were defaced and destroyed.

Why the FBI would introduce us to the hacker who found the initial vulnerability and allow this hack to continue remains a mystery. As a result of the Stratfor hack, some of the dangers of the unregulated private intelligence industry are now known.

It has been revealed through Wikileaks and other journalists around the world that Stratfor maintained a worldwide network of informants that they used to engage in intrusive and possibly illegal surveillance activities on behalf of large multinational corporations.

After Stratfor, I continued to break into other targets, using a powerful “zero day exploit” allowing me administrator access to systems running the popular Plesk webhosting platform. Sabu asked me many times for access to this exploit, which I refused to give him. Without his own independent access, Sabu continued to supply me with lists of vulnerable targets.

I broke into numerous websites he supplied, uploaded the stolen email accounts and databases onto Sabu’s FBI server, and handed over passwords and backdoors that enabled Sabu (and, by extension, his FBI handlers) to control these targets. These intrusions, all of which were suggested by Sabu while cooperating with the FBI, affected thousands of domain names and consisted largely of foreign government websites, including those of [REDACTED BY UNITED STATES GOVERNMENT].

In one instance, Sabu and I provided access information to hackers who went on to deface and destroy many government websites in [REDACTED]. I don’t know how other information I provided to him may have been used, but I think the government’s collection and use of this data needs to be investigated.

The government celebrates my conviction and imprisonment, hoping that it will close the door on the full story. I took responsibility for my actions, by pleading guilty, but when will the government be made to answer for its crimes?

The U.S. hypes the threat of hackers in order to justify the multi billion dollar cyber security industrial complex, but it is also responsible for the same conduct it aggressively prosecutes and claims to work to prevent. The hypocrisy of “law and order” and the injustices caused by capitalism cannot be cured by institutional reform but through civil disobedience and direct action.

Yes I broke the law, but I believe that sometimes laws must be broken in order to make room for change. In the immortal word of Frederick Douglas, “Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or both. The limits of tyrants are prescribed by the endurance of those whom they oppress.”

This is not to say that I do not have any regrets. I realize that I released the personal information of innocent people who had nothing to do with the operations of the institutions I targeted. I apologize for the release of data that was harmful to individuals and irrelevant to my goals. I believe in the individual right to privacy – from government surveillance, and from actors like myself, and I appreciate the irony of my own involvement in the trampling of these rights. I am committed to working to make this world a better place for all of us.

I still believe in the importance of hactivism as a form of civil disobedience, but it is time for me to move on to other ways of seeking change. My time in prison has taken a toll on my family, friends, and community. I know I am needed at home. I recognize that 7 years ago I stood before a different federal judge, facing similar charges, but this does not lessen the sincerity of what I say to you today. It has taken a lot for me to write this, to explain my actions, knowing that doing so — honestly — could cost me more years of my life in prison. I am aware that I could get as many as 10 years, but I hope that I do not, as I believe there is so much work to be done.

STAY STRONG AND KEEP STRUGGLING!

**November 19<sup>th</sup> - A Conversation With Jeremy Hammond, American Political Prisoner Sentenced to 10 Years**

by Vivien Lesnik Weisman (*The Huffington Post*)

Jeremy Hammond, the Chicago activist and hacktivist (an activist who uses computer networks for political protests and other actions), was sentenced last week to 10 years in prison and three years of supervised release for hacking into the intelligence contractor Strategic Forcasting (or Stratfor) and other government, law enforcement and military suppliers' websites.

The Stratfor hack resulted in a cache of 5.2 million leaked emails and account information for approximately 860,000 Stratfor subscribers and clients, including information from 60,000 credit cards. To list a few of the many revelations, the emails revealed domestic spying on activists, including Occupy Wall Street; surveillance through persona management programs or fake online personas ("sock puppets"); and attempts to link American activist and journalist Alexa O'Brien to al-Qaeda. The Stratfor hack pulled back the curtain on the oftentimes illegal goings-on in the shadowy world of intelligence contractors.

Mr. Hammond's supervised release includes limited computer access and prohibits him using encryption and from associating with civil disobedience groups. The ban on encryption shows a fundamental misunderstanding of how the Internet works. Encryption is used in nearly every online transaction, such as email, social networking and online banking. The broad ban on freedom of association raises potential Constitutional issues. At the time of his arrest, Mr. Hammond was working under the banner of AntiSec, an offshoot of the hacktivist collective Anonymous.

The packed courtroom looked more like a church wedding than a sentencing, with dozens of Westpoint cadets on a field trip sitting on the left and Mr. Hammond's parents, friends and supporters -- who caravanned from all over the U.S. to show solidarity for their fallen comrade -- sitting on the right. Mr. Hammond, his attorneys, Sarah, Emily and Margaret Kunstler and Susan Kellman faced the stoic Judge Loretta Preska presiding over the solemn ceremony.

On September 10th I visited Jeremy Hammond at Manhattan Correctional Center where he had been incarcerated for 18 months. Mr. Hammond, who was denied bail, was also disallowed all visitors, including family members. I am the first journalist with whom Mr. Hammond met after his arrest in March 2012. This interview was held months before sentencing. At the request of Mr. Hammond's attorneys, who feared his words would be used at sentencing against him, I delayed publishing.

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**Vivien Lesnik Weisman:** You are both a boots on the ground activist and a hacktivist. Can you explain hacktivism, hacking for political purposes and off line activism?

**Jeremy Hammond:** Hackers are by nature critical of systems, hacking is activism. The very act of hacking is inherently activist and political.

**VLW:** How effective is activism without the added thread of technology, or hacktivism, in the modern world? Which is more effective?

**JH:** Hacking is never going to take the place of grassroots community organizing. They complement each other.

There is more to it of course than hacking. Hacktivism involves online social networking, sharing ideas. Protest is predictable; they know how to contain it. The government knows how to ignore it. Both direct action and civil disobedience are unpredictable. I'm all for it.

I see hacktivism as a direct action tool. Offensive hacking with political intent is really nothing more than one more direct action tool. What you do when you get the information is what determines its efficacy as a direct action tool.

And now because of the state of the world -- foreclosures, the wars -- hackers are becoming politicized. We break into systems and then movements like Occupy deliver the message. It all works together. There is street protest. There is direct action, and hacking is one more tool.

**VLW:** How did the decision to target the intelligence contractor, Stratfor, come about and what was your involvement?

**JH:** Another hacker, who has not been indicted and therefore I will not name, brought the vulnerability. He had the credit cards already, before I ever got involved, on the Dec 5th. He chose Stratfor and brought it to us. There were 12 of us in the IRC (chat room) at that time.

Stratfor was chosen by that hacker because Stratfor had targeted Anonymous and specifically #OpCartel (Anonymous action against Mexican drug cartels).

Then the 12 of us in a private IRC channel approved it on the merits, as a meritocracy, the Anon way.

None of the 12 in that chat room that included me and Sabu [hacker leader turned FBI informant] have ever been caught.

Amongst the 12 were not only hackers. Some were social media types who brought attention to the actions.

I did the Stratfor hack all by myself except for the original vulnerability. I was the main hacker in Anti-Sec.

Sabu refers to Hector Xavier Monsegur, hacker and leader of LulzSec, an offshoot of Anonymous. LulzSec was an elite hacker collective that obtained notoriety as much for their high profile targets as for their clever self-promotion. Sabu was arrested by the FBI and began working for them that day. The following day he announced the formation of AntiSec, "the biggest unified collective of hackers in history." Both in private IRC and through his various public Twitter accounts he encouraged hackers to join AntiSec and commit hacking crimes. Many hacktivists and rights organizations see these -- including the Statfor hack -- as government created crimes given that Sabu was working for his FBI handlers at the time he was inciting hackers to join AntiSec. After Sabu was turned, all of his actions can be seen as government actions. In essence, the name Sabu and the government can be used interchangeably in this context.

He is responsible for the arrests of many Anons including Jeremy Hammond.

**VLW:** Did you ever suspect that Sabu was a Fed (FBI informant) before that became public?

**JH:** I was in a chat room with 12 hackers. Chances are someone in there was a Fed. I don't work with anyone who has not taken risks alongside me. Sabu had taken risks and hacked himself. Still, I could have done this all on my own. I was the main hacker in Anti-Sec.

**VLW:** And that hacker who provided the exploits also came with the credit cards? And were the credit cards live?

**JH:** Yes. The credit cards were live. We all spoke on Dec 6th and planned a coordinated day of action when we would choose charities and use the credit cards to make donations for Christmas to these charities, Christmas donations.

**VLW:** LulzXmas?

**JH:** Yes.

Jeremy Hammond is often referred to as a digital Robin Hood for his participation in LulzXmas. Margaret Ratner Kunstler, Hammond's attorney, clarified that her client did not himself make any donations or use the credit cards. He also did not personally profit from the hacked credit cards.

**JH:** But our main focus was the emails, to reveal the spying. Stratfor was spying on the world. We revealed the anti-WikiLeaks actions by Stratfor. Stratfor was spying on Occupy Wall Street, WikiLeaks, and Anonymous.

We didn't even know about the Venezuelan coup discussions proving U.S. involvement in the attempted coup

until we saw that in the Stratfor emails later.

It was all revealed on Wikileaks but I had moved on. I'd rather be hacking.

[He smiles.]

**VLW:** There is speculation that the Stratfor hack was designed by the government and carried out by their informant Sabu as an attempt to entrap Julian Assange by getting him to solicit information or even sell him information. Were you aware of such a plan and if so did you make a conscious decision to foil that plan by dumping on the Pirate Bay before the transaction could be completed?

**JH:** No, that did not happen. Julian Assange and WikiLeaks was not a factor.

In fact, many hacktivists make the claim that the Stratfor hack was designed to entrap Julian Assange. Hammond is not necessarily in a position to know whether that was the case or not.

**VLW:** Stratfor was notified by the government that they had been penetrated and told to do nothing. Why did they allow Stratfor to be sacrificed?

**JH:** We do not know to what degree they notified Stratfor. Interesting question, but we don't know.

**VLW:** Why did the Stratfor hack take so long to complete? And why destroy the servers?

**JH:** I had to get to the mail servers. It takes time. We always destroy the servers.

First you deface, then you take the information, then you destroy the server, for the Lulz [for fun], and so they can't rebuild the system. We don't want them to rebuild. And to destroy forensic information that could be used to find out who did it and how it was done.

**VLW:** What are your preferred targets?

**JH:** My preferred targets are military contractors, military suppliers and law enforcement.

**VLW:** Intelligence contractors like Stratfor?

**JH:** Tech intelligence firms are a preferred target. Tech firms -- where white hat hackers are paid to target the 99% for their corporate overlord clients.

Those firms also contain the keys to their corporate clients so there is a big payoff -- Endgame Systems and Palantir, for example.

Endgame Systems is the subject of much discussion. Engame Systems is self-described as providing offensive and defensive vulnerability research, mitigation of cyber-threats and cyber operations platforms. It is in the business of selling "zero day exploits." That is, the vulnerabilities that have not yet been detected. According to a Business Week article, these zero day exploits are militarized and include entire blueprints of the computer systems of airports and other critical infrastructure including that of our western allies for example Paris's Charles De Gaulle Airport. It is difficult to see how the sale of these exploits makes us more secure.

A package of these zero day exploits can be purchased for 2.5 million dollars a year. The price list was revealed in a cache of emails in the HBGary hack, an earlier Anonymous operation. Endgame weaponry is sold by region -- China, the Middle East, Russia, Latin America, and Europe. There are even target packs for European and other allies. That raises the question of whether these exploits are being sold to foreign actors. Even if not sold directly to enemies of the U.S., cyber munitions like conventional arms have a way of showing up in unintended places. Once these exploits are out there they are vulnerable to rouge hackers and rogue states.

**JH:** White hat hackers are being paid to do supposedly defensive actions but they are offensive. White hat hackers are supposed to identify a vulnerability and then announce. But instead they sell the vulnerability, the exploits. So if you hack for the thrill it's not ok. But for money, like Endgames, then somehow it is. And instead

of going to jail for hacking you get awarded a government contract.

At least, the NSA is supposed to -- and that is a big "supposed to" -- have some kind of government oversight and again that's overstated; these government contractors, intel firms and tech firms like Stratfor have no oversight whatsoever. They are not bound by any laws. They are above the law. No FOIA (request for classified or other non-public information from the government under the Freedom Of Information Act) can compel them to reveal what they do. Rogue hackers have better access to vulnerabilities than government hackers.

**VLW:** That reminds me of The Conscience of a Hacker by the Mentor. Did you read that?

Known as the Hacker Manifesto, it could just be Jeremy Hammond's ethos.

It reads:

You build atomic bombs, you wage wars, you murder, cheat, and lie to us and try to make us believe it's for our own good, yet we're the criminals.

Yes, I am a criminal. My crime is that of curiosity. My crime is that of judging people by what they say and think, not what they look like.

My crime is that of outsmarting you, something that you will never forgive me for. I am a hacker, and this is my manifesto. You may stop this individual, but you can't stop us all... after all, we're all alike.

**JH:** From the 90's? You hate me because I'm better than you are. Yeah, yeah.

[He smiles.]

**VLW:** What do you think about the new battlefield, or cyberwarfare?

**JH:** The government calls it cybersecurity, but it's really offensive hacking not just defensive.

The Department of Defense deals in war and aggression but it is not called Department of War is it? The government calls what they do mitigation of the threat of a cyber offensive. But these are offensive acts. They are acts of war. This is the new terrain. The new battlefield.

The war is on and it's for the Internet. They spy on us, they spy on others, intellectual property rights wars, censorship....

For example, when encryption first came out PGP (Pretty Good Privacy, the first publicly available encryption software) it was called a munition and they immediately tried to ban it.

Encryption is part of our arsenal. It trumps the surveillance state.

As Mr. Hammond was waiting to be handcuffed in order for me to be escorted out of the small room at Manhattan Correctional Center where Mr. Hammond and I had conversed for over 4 hours, I asked him one last question.

**VLW:** You want to challenge the political system in the US and the world with technology. Is technology your weapon in the same way rifles were weapons in the past? Are you willing to die for your cause?

Handcuffed and standing before me with the guard awaiting my exit he pondered the question. As the guard ushered me out he responded.

**JH:** Die for my cause? Yes.

Go to prison, die for my cause... or choose to live a life of submission.

## **November 21<sup>st</sup> - Hacker with a Cause**

by Joshua Kopstein (*The New Yorker*)

In 2004, a few years before the rise of Anonymous, the notorious online collective of hackers and activists, a seventeen-year-old named Jeremy Hammond gave a talk on “electronic civil disobedience” at the annual Def Con hacking conference. “We believe that hacking is a tool. It is a means to an end,” he said, shaking his head of bleached-blond hair as he spoke. He rejected those who hack for personal gain or to improve corporate security. He advocated hacktivism, which he defined as “a practical application of network insecurity skills ... as a means of fighting for social justice by putting direct pressure on politicians and institutions.”

This past Friday morning, Hammond, now twenty-eight, stood before a federal judge wearing a smirk and a black prison jumpsuit. He was about to be sentenced for a string of computer crimes, making him the latest hacktivist to be punished for disrupting computer systems. Hacktivists, unlike the standard criminal hackers, claim to seek political change rather than financial gain—a distinction that rarely earns them much sympathy before the law. But, like his talk at Def Con, Hammond’s final speech in court was unrepentant. “I also want to shout out my brothers and sisters behind bars, and those who are still out there fighting the power,” he began.

Hammond isn’t as widely known as Edward Snowden or Chelsea Manning, but his reputation precedes him: in 2011, he worked with members of Anonymous to break into the systems of the U.S.-government-intelligence contractor Strategic Forecasting, Inc., better known as Stratfor, and to leak millions of its internal e-mails to WikiLeaks. The trove revealed, among other things, surveillance of political groups in the U.S. and abroad, from Occupy Wall Street to activists who campaigned in Bhopal, India, following a deadly gas leak in 1984 that killed thousands of people.

Hammond also aided in the theft of sixty thousand credit-card numbers from Stratfor, which were leaked online after they were used by Anonymous to make more than seven hundred thousand dollars’ worth of fraudulent charges, which included large donations to charities and nonprofits—although, as the security researcher Mikko Hypponen explained shortly after the leak, none of the intended recipients could make use of the money. The group then defaced Stratfor’s Web site, wiped its client database clean, and destroyed its e-mail server. Hammond, using the alias “sup\_g,” told one of his comrades at the time that he was “hoping for bankruptcy, collapse.”

Hammond was caught after he teamed up with Hector Xavier Monsegur, known as Sabu, the leader of the Anonymous splinter group LulzSec and, unbeknownst to Hammond at the time, an F.B.I. informant. Sabu, at the F.B.I.’s request, provided Hammond with a server on which to store stolen data—including what he had obtained from Stratfor—and fed Hammond a list of Web sites to attack.

Hammond had not only been caught in the sting; he had also become an unwitting pawn in the government’s electronic spy games. Hammond claimed that his intrusions, made during January and February of last year, “affected over 2000 domains” and included the government Web sites of Brazil, Turkey, and Syria, among other countries, as well the “official website of the Governor of Puerto Rico, the Internal Affairs Division of the Military Police of Brazil, the Official Website of the Crown Prince of Kuwait, the Tax Department of Turkey, the Iranian Academic Center for Education and Cultural Research, the Polish Embassy in the UK, and the Ministry of Electricity of Iraq.” At Hammond’s sentencing, when he began reading the names of the countries that Sabu had told him to attack, which the government had redacted from court documents, he was silenced by the judge.

The defense did its best to portray Hammond’s crimes as acts of electronic civil disobedience—the same kind of acts that he’d described years ago at Def Con. They read selections from the hundreds of letters of support that Hammond had received, including one from Daniel Ellsberg, the Pentagon Papers whistle-blower. They blasted the government’s “one-dimensional view” of Hammond’s actions, saying that his motivations for exposing powerful institutions like Stratfor were the same as those that had inspired his community service in his native Chicago, where he frequently volunteered at soup kitchens and taught disadvantaged kids how to use computers.

The U.S. district judge Loretta Preska was unmoved, focussing on statements made by Hammond in online chat logs, where he encouraged his fellow Anonymous members to cause “maximum mayhem” with Stratfor’s credit cards. Besides, Preska reasoned, Hammond was a repeat offender who had already served a two-year sentence for hacking the Web site of Protest Warrior, a right-wing group known for crashing anti-war rallies. “These are not the actions of Martin Luther King, of Nelson Mandela ... or even Daniel Ellsberg,” she said.

Even if Preska had been sympathetic to Hammond or to his cause, it would have been difficult for her to hand down a particularly lenient sentence. The Supreme Court has instructed judges to ignore sentencing guidelines at their own peril, and the Computer Fraud and Abuse Act, an anti-hacking law that was enacted in 1986 and was modelled on a wire-fraud statute from 1952, which was itself based on a 1948 mail-fraud statute, engenders restrictive sentencing guidelines.

General federal sentencing guidelines establish forty-three levels of “offense seriousness.” The higher the level, the more severe the punishment. In a hacking crime, prosecutors can do a number of things to increase the level of offense, including deconstructing a single act of hacking into multiple charges: unauthorized computer use, wire fraud, damaging “a protected computer,” stealing protected information, and sometimes even aiding and abetting other crimes. They can calculate the damages caused by the hack—“the loss”—at a high rate, and they can present evidence that the defendant is not taking responsibility for what he has done. In Hammond’s case, his plea agreement notes that the “base offense level” for his crime was six, which would typically carry a sentence of six to twelve months. But the prosecutors calculated that he had caused more than a million dollars in damage and harmed more than two hundred and fifty people. Taking into account his prior convictions, his “adjusted offense level” was thirty-one, for which the minimum penalty is twelve years. To avoid such a long sentence, Hammond pleaded guilty to one count of a conspiracy to violate the C.F.A.A., which carries a maximum of ten years, and he asked the court for lenience because he had used “his abilities to potentially unmask unlawful surveillance and intelligence-gathering efforts and seek out hidden truths.”

Declaring a need to “promote respect for the rule of law,” Preska gave Hammond the maximum sentence of ten years. His jail time will be followed by three years of supervised release, during which all of his devices will be monitored by police software, his property will be subject to warrantless searches, and he’ll be forbidden from using encryption or anonymity tools.

In a letter to the court on Hammond’s case, Hanni Fakhoury, a lawyer with the Electronic Frontier Foundation, points to a defendant who was recently convicted in a hundred-million-dollar welfare-fraud scheme and received a hundred and twenty-five months in prison—only five months longer than Hammond’s sentence, despite inflicting far greater damages. Hammond’s collaborators in the U.K. received dramatically lighter sentences than he did, ranging from two hundred hours of community service to thirty-two months in prison.

The disparity is even more apparent in the case of the Paypal Fourteen, the group charged for participating in the distributed-denial-of-service attack (D.D.O.S.) that disrupted the online-payment Web site in retaliation for its refusal to process WikiLeaks donations. D.D.O.S. attacks don’t involve breaking security or stealing information; instead, they flood Web sites with hundreds of thousands of requests, overwhelming the servers and making them temporarily unavailable. Stanley Cohen, an attorney for one of the Paypal defendants, described the tactic as an “electronic sit-in”—a twenty-first-century salute to the legacy of Birmingham, Alabama. Others argue that D.D.O.S. attacks are a form of censorship—noting that it has been appropriated by corporations and governments as a weapon of cyberwarfare.

But the C.F.A.A.’s broad guidelines for calculating “loss” mean that digital protests often result in much harsher penalties than their real-world analogues in the U.S. For example, most of the seven hundred Occupy Wall Street protesters who were arrested for blocking off the Brooklyn Bridge in October, 2011, received a night in jail plus a small fine. But for their D.D.O.S. disturbance, the Paypal Fourteen are each facing up to fifteen years in prison, with a plea deal possible only if thirteen members of the group comply.

Not long ago, a young activist named Aaron Swartz sat before a different judge in the same court as Hammond.

His transgressions were far more innocuous: Swartz, whom Larissa MacFarquhar wrote about in March, was indicted for downloading millions of academic articles from JSTOR, a pay-walled service he had free access to on M.I.T.'s campus. JSTOR dropped its charges, but because Swartz openly advocated "liberating" taxpayer-funded research from pay walls, the government chose to pursue the case aggressively, in a move that was widely condemned as prosecutorial overreach by lawyers, friends, and fellow-activists.

As with Hammond's hearing, the broad language of the C.F.A.A. statute allowed prosecutors to pile on charge after charge, threatening Swartz with up to thirty-five years in prison and pressuring him to accept a guilty plea rather than undergo an expensive trial. In January, Swartz committed suicide.

Another similar case is that of Barrett Brown, a journalist and online activist. Sometimes known as a former "unofficial spokesperson" for Anonymous, he is currently facing fifteen years in prison for copying and pasting a public link to the Stratfor documents that Hammond stole into an online chat room; he faces an additional thirty years for aiding and abetting those crimes. The government argues that sharing the link is a crime simply because he knew that the link contained credit-card information and it "caused the data to be made available ... without the knowledge and authorization" of Stratfor.

Judge Preska refused to recuse herself from the case after Hammond's attorneys filed a motion last year requesting that she do so, noting that her husband, Thomas Kavalier, was a partner at a law firm whose information was compromised in the Stratfor leak. At a rally of Hammond supporters in Foley Square after the sentencing, the former New York Times reporter Chris Hedges told the crowd, "She never, ever should have been allowed to sit this case .... The danger of what happened today is that the assault on figures like Hammond, like Barrett Brown, like Edward Snowden ... is essentially attempting to crush any possibility that the public can be informed about what the centers of power are doing."

Other examples of this form of activism abound: in 2011, the artist and activist Ian Paul organized an action called Border Haunt, in which hundreds of participants spammed a police database with the names of immigrants who have died crossing the U.S.-Mexico border. That same year, hacktivist groups provided Arab Spring protesters who had been cut off from the Internet with dial-up connections, mesh networks, and guides on how to properly treat tear gas. They also shut down government Web sites in Egypt and Tunisia in retaliation.

Hammond is perhaps another example of how hacktivism and leaking have created a new type of political dissenter. His tactics, of course, are the same as those used by criminals seeking personal gain, which is why they're sometimes described as "cyberterrorism." But as Hammond explained it in 2004, hacking can be a tool and hacktivism just one component in a comprehensive program of political engagement. Whether and to what extent the U.S. government will recognize it as such remains an open question.

### **18 Nov - Sign the petition to free Jalil Muntaqim**

*Jericho Amnesty Movement has a new online petition that will be benefitted by your signature. Details are below.*

#### **MORE:**

<https://www.change.org/petitions/tina-m-stanford-free-jalil#>

Anthony Bottom, aka Jalil Muntaqim, has been incarcerated since 1971 for his involvement with the Black Panther Party and Black Liberation Army. A victim of the FBI's illegal COINTELPRO program, he has been behind bars for 42 years and is currently over 60 years old. Jalil maintains an exemplary prison record, and is the co-founder of the Jericho Amnesty Movement working to free all political prisoners and prisoners of war. Jalil--a great grandfather, brother, son, and friend--is nearing his 8th parole hearing in the summer of 2014.

He has been widely supported in Buffalo, NY, and the community there welcomes his release on parole in 2014.

## **19 Nov - Two CCNY Students Charged With Rioting, Criminal Mischief, Harassment for Protests Over Closure of Morales-Shakur Center**

*Two City College of New York students have been criminally charged for their role in the protests against the closure of the Morales-Shakur Center, the school's hub of campus political activity.*

### **MORE:**

by Anna Merlan (*Village Voice*)

Tafadar Sourov, 19, and Khalil Vasquez, 22, have been suspended from CCNY since October 28, barred from campus, and prevented from registering for spring classes; late last week, they learned that they would also be facing charges in Manhattan criminal court.

The men surrendered themselves yesterday and spent last night in jail. This morning, they were arraigned and charged with two counts of criminal mischief in the fourth degree, one count of obstructing governmental administration in the second degree, one count of rioting, one count of inciting to riot, and harassment in the second degree, all misdemeanors. Sourov is also being charged with attempted assault in the third degree, another misdemeanor, for allegedly shoving a CCNY police officer to the ground. Both men face up to a year in prison.

The criminal complaint is dated October 24; that was the date of the second protest, when a group of CCNY students clashed with campus police after trying to force their way inside the North Academic Center (NAC), where the Morales-Shakur Center used to be. One man, CCNY alumnus and activist David Suker, was pepper-sprayed and arrested during that protest, while another student was detained and cited for disorderly conduct.

In the complaint, Corporal Jacqueline Meekins of the CCNY police says that she and other officers were trying to hold the doors of the NAC shut as at least 100 students tried to get inside. Meekins says that Vasquez and Sourov pulled the doors open and urged the other students to go inside.

"I observed that as a result of the defendant's conduct the top hinges to the door broke and the door bent," she adds. "I am a custodian of the door and the defendant did not have permission or authority to damage the door." The damage to the door is estimated at \$250. (Another CCNY alumnus not affiliated with the protest emailed us that day to dispute that the door had been damaged.)

Meekins also says that Sourov "place[d] his hands on my shoulders and forcefully push[ed] me to the floor causing substantial pain to my shoulder and knee." She says the two men and the rest of the crowd then managed to run into the building "while pushing uniformed members of the CUNY [sic] Police Department in order to get by."

The district attorney's office hasn't yet recommended a possible sentence for the two men; Assistant District Attorney Ryan Hayward said today in court that the investigation was still ongoing. Elsewhere in the CUNY system, six other students are also still facing charges for protesting former CIA director David Petraeus' teaching appointment at Macaulay Honors College; all eight of the defendants have their next court date on January 9.

After they were charged, both men were released on their own recognizance. As they stepped into the crowded hallway outside the courtroom, a crowd of at least 60 supporters broke into cheers and applause. Sourov wore a purple CCNY sweatshirt and a neon-striped t-shirt, while Vasquez had on a tan jacket; both looked exhausted and a little dazed by all the attention.

The two men and their attorneys, Ron McGuire and Mark Yu, held a brief press conference outside the courthouse, as crowds of baffled court-goers craned their necks to try to figure out what was going on.

"We were held as political prisoners because we tried to liberate CUNY for the people," Sourov told the crowd.

The entire CUNY system, he added, "was made for working-class and immigrant people in this city. We're going to have to continue this struggle."

Vasquez added that there are "two paths for CUNY -- the path of privatization and militarization... or the path that we wish to pursue, to get ride of the board of trustees and have the students, faculty, and the community run CUNY."

On Friday morning, Vasquez and Sourov will also face on an on-campus disciplinary hearing. McGuire, their attorney, said they may not be able to testify in their own defense because of the criminal charges now lodged against them. Attorney Yu called it "unprecedented" that the criminal charges were proceeding before the campus investigation has been completed.

Vasquez and Sourov also urged their supporters to attend a planned CUNY board meeting at Baruch College on November 25; the board of trustees is expected to vote in a new "Policy on Expressive Conduct," which the student protesters say would make on-campus political activity much more difficult.

Deidra Hill, a spokesperson for CCNY, told us that the school would not comment on the charges, writing, "We do not comment on these matters as they are outside of City College."

The full criminal complaint against the two men is on the following page. We've also included a draft of the new "expressive conduct" policy, dated October 11 and released by the Professional Staff Congress, the union that represents CUNY faculty and staff.

### **19 Nov - Leonard Peltier 2013 Holiday Gift Drive**

*Through his support committee, Leonard Peltier has organized holiday gift drives for the children of two of the poorest reservations in the country. Please help make this year's drive a success.*

#### **MORE:**

#### **NORTH DAKOTA**

Turtle Island Band of Chippewa Indians, Belcourt, North Dakota (Leonard's Nation)  
TMBCI Holiday Gift Drive  
Attn: Cindy Malaterre  
Post Office Box 900  
Belcourt, North Dakota 58316

#### **SOUTH DAKOTA**

Oglala Nation, Pine Ridge, South Dakota  
Paul Waha (Shields) Peltier  
Post Office Box 646  
Pine Ridge < South Dakota 57764

Peltier Network: Year-Long Support  
Peltier College Scholarship (Cash Donation)  
Oglala Commemoration  
1939 Wentzville Parkway, #191  
Wentzville, Missouri 63385

Please send only NEW items for children of ALL ages. Blankets, sweaters, coats, hats, gloves, jeans, warm socks, et cetera. Donors tend to send small sizes, but our teens also need some holiday cheer. Please send all sizes.

#### **November 27<sup>th</sup> - Free Leonard Peltier event at Yippie Cafe**

Wednesday, November 27, 2013 8 p.m.

Yippie Museum, 9 Bleecker Street, New York, New York (a few doors WEST of the Bowery)

Unjustly imprisoned Native American activist Leonard Peltier should be pardoned by President Obama.

Come and enjoy Yippie Museum Thanksgiving eve open mic while paying respects to the Native people who have little to be thankful for.

### **20 Nov - End Mi'kmaq Warriors' Solitary Confinement**

*Southeastern Regional Correctional Centre in New Brunswick has just placed Germain "Junior" Breau, 22, into solitary confinement. Germain was arrested on the violent raid by RCMP on October 17th, has been held in detention without trial ever since.*

#### **MORE:**

This is part of the ongoing mistreatment of Indigenous peoples inside of the Prison Injustice System, and a slap in the face to Land Defenders and Warriors standing up for the peoples against fracking.

The RCMP continues to enforce the violation of treaties and the colonial courts continue to abuse the Indigenous peoples of these territories who defend the water and the land. Contact the Superintendent Jonah Brian to demand Germain's release from solitary.

CALL SUPERINTENDENT JONAH BRIAN – Demand Germaine Jr Breau is released from solitary confinement! (506) 532-7885

Also contact:

New Brunswick Premier, David Alward: 506 453 2144

#### **Demand:**

1. Mi'kmaq Warrior Germain Jr Breau released from solitary confinement
2. Mi'kmaq inherent and treaty rights and title be respected by the Province
3. A complete moratorium on shale gas exploration

Federal Minister of Justice, Peter McKay: 613 992 6022

#### **Demand:**

1. Germain "Junior" Breau, Mi'kmaq Warrior be released from solitary confinement
2. End the use of solitary confinement in Correctional facilities
3. End systemic discrimination against Indigenous peoples in the Prison Injustice System

### **22 nov - The Ecoterrorist and Me**

*The following piece was written by folk singer David Rovics after a recent visit with anarchist political prisoner Marie Mason.*

#### **MORE:**

"Pinocchio asked Jiminy Cricket, 'how do you become fully human?' Jiminy Cricket said, 'you develop a conscience, and then follow it.'"

That's probably not exactly how the dialog went. That of course is from the story of Pinocchio, and I could look it up. The rest I can't.

Sitting on plastic chairs, around a plastic table, inside a room with thick cement walls and massive, steel doors, was Marie Mason, Peter Werbe, and me. On top of the table was a little bag of peanuts and a bag of very

mediocre trail mix. These are the only vegan options available from the vending machines in the room Peter and I were taken to before we were escorted into the visitation room in Marie's cell block. Nearby sat a sleepy-looking prison guard.

Peter and I were spending the weekend in prison. Marie is in her fifth year of a 22-year sentence at the Carswell federal women's prison in Fort Worth, Texas. She is being held in a highly repressive, so-called Administration Unit of the facility. She's not allowed to give interviews, or write anything for publication anywhere. The few people approved to visit her, somewhat bizarrely, include me and Peter, one of the most notorious anarchists of Detroit, sitting at the table with us.

Peter is a journalist – host of a popular Detroit radio talk show, and a long time staff member of the almost half-century old Fifth Estate magazine. I have also dabbled in that profession to some small extent. But no one visiting this prison is allowed to bring a notepad, a writing utensil, a recording device, or anything else other than car keys and a few dollars, which you can spend on the vending machines in the general visitation area. So anything I write here that attempts to represent Marie's words are my efforts to remember our conversations of several days ago.

Peter and I are both old friends of Marie's. Our visit includes fond reminiscences shared by these two Michiganders of the Detroit newspaper strike way back when, and of the many concerts of mine that Marie, a talented musician herself, organized over the decades. Such as the one she organized at the Trumbullplex alt-space back in the 90's, when I first met her, Peter, David Watson and other members of the Detroit anarchist community.

Peter is a member of Marie's support committee, and he's been working with other good people on a campaign to get her moved from this prison-within-a-prison back into a somewhat less draconian “general population,” preferably closer to where most of her friends and relatives reside.

“Why do you think they moved you here?”

It was a question we all already knew the answer to, but Peter was searching for ways to explain this to the general public for the purposes of the next Move Marie campaign brochure.

“They're scared of me.”

Marie is a humble person, not one to brag, but what she says is clearly a statement of the obvious. There is no other explanation. She was and is a model prisoner, in terms of her work ethic, respect for the guards and other prison authorities, kindness towards fellow inmates, etc. Back in Waseca, the Minnesota prison she was in before being transferred to this gulag in Ft. Worth, she was able to give classes in music and was able to interact with a broad range of other people within the prison. But this seemed to be exactly what troubled the BOP.

That, and the fact that as time went on, her infamy was growing. It's one thing to get several years in prison for politically-motivated destruction of property – that's bad enough. But to get the post-PATRIOT Act “terrorism enhancement” and a sentence of over two decades when you're a 52-year-old loving mother of two who has never hurt a fly, let alone a human, well, word gets around, apparently.

I continued the discussion, trying hard as I could to remember every word of her response, knowing I'd fail to do so. I was thinking of some of the Plowshares activists I had met recently in Australia, who had taken sledgehammers onto a military base in Queensland and badly damaged an American helicopter gunship – one of so many gunships. I mentioned an encounter I had with a Dutch hippie on a foot path in rural France who had heard the song I wrote about this Plowshares action, that I sang the night before.

“You know,” he said, “ten million people with sledgehammers could change everything.”

“Yes,” was Marie's emphatic, one-word response to that little anecdote.

I followed up. “Do you see the actions you engaged in as symbolic actions?”

“No, they were exemplary.” She explained further. “The organization that I was part of believed that sometimes the best way to illuminate a dark space is to light a match.”

In the name of the Earth Liberation Front and the Animal Liberation Front – the organization(s) in question – Marie had carried out many operations, which arguably inspired many other similar acts around the country and the world. She pleaded guilty to over a dozen of them.

Million-dollar mansions under construction were burned to the ground, logging equipment was destroyed, and Monsanto's efforts to enslave the world were set back to some extent when a research facility at Michigan State University went up in flames on one New Year's Eve some 13 years ago.

As with the Plowshares actions around the world, no human or animal has ever been harmed in any ELF or ALF action.

Peter told Marie about a news item he had recently run across. “This guy burned down an apartment building in Detroit, hoping to collect on the insurance, and four firefighters were badly injured trying to put out the fire. Because of this, the judge gave the guy a 15-year sentence. But that was overturned later and drastically reduced, because it was found to be too harsh a sentence.”

Peter recounted this story because he was thinking of the contrast between it and Marie's case, which didn't involve anyone being hurt at any point. But Marie's immediate reaction was one of genuine human empathy for the injured firefighters.

“I would have been horrified if anything like that had happened.”

She continued. “People ask me why I didn't try to change things through legal means. I did! I organized campaigns, I went door to door with petitions, I organized educational events, concerts, all sorts of things.”

Of course, most people who knew Marie could easily vouch for the truth of these statements – this is the sort of thing she was most known for, except among a select few members of her ELF and ALF colleagues, who knew that she was also involved with other sorts of campaigns.

“But we felt like more had to be done.” She went on. “What we did at MSU, we did for the forty thousand farmers who committed suicide in India. Have you read Naomi Klein's book about Disaster Capitalism? That's exactly what's happening with Monsanto. Monsanto is trying to take advantage of the economic crisis around the world by forcing farmers to buy their Terminator seeds, and thus enslave the farmers of the world in the process. Dr. Vandana Shiva has written about this eloquently. We wanted to highlight this situation, to show that more could be done.” (She said it all so much better than that, though – at greater length, with bigger words, and more poetry. But that was the idea, anyway.)

“I just regret that we didn't get those research papers from the filing cabinets at MSU out to the public. If we had gotten them out there,

then everybody would understand why we did what we did. These papers really demonstrated how nefarious Monsanto's research on genetically modified seeds was. Frank thought we shouldn't do anything with the papers because it could make it easier for them to track us.”

She referred to Frank Ambrose, her ex-husband, and someone Peter and I both knew, who, faced with spending most of his life in prison, decided to cooperate with the authorities in return for a lighter sentence, and implicate

his ex-wife, and others, in the crimes of conscience they committed together. Frank's cooperation with the authorities is ongoing.

“Do you have any other regrets?”, I asked.

She thought for a few seconds. “Once, I came across some foxes in a cage in the forest. I was so close to them. We were looking at each other. I tried to get them out, but I couldn't. I didn't have the right tools. There was nothing I could do. I had to leave them there.”

The painful emotions this memory brought up were obvious on her face. Marie is a vegan for reasons of conscience, and she loves living things. It's been years since she has so much as touched a blade of grass. She's held in a cell block of twenty women, about half of whom have severe emotional problems and are there because of disciplinary, violence, or escape issues. Several, such as Marie, are clearly political prisoners – Affia Saddiqui, a Pakistani scientist accused of shooting at American soldiers who had detained her in Afghanistan; Ana Belen Montes, who spied for Cuba for a quarter of a century from within the ranks of the Department of Defense; a well-known Plowshares activist who robbed a bank and publicly burned the money. (Marie is not allowed to talk about the women she shares the block with, but their names are on the prison's Wikipedia page, among other places.) Because the Carswell Admin Unit conditions exacerbate the problems so many of her block-mates have, they all spend much of their time on lockdown, basically in solitary.

One hour each day, she is let “outside” -- basically a small concrete area surrounded by 20' fences topped with triple-coiled razor wire, with the blazing Texas sun shining down from above. This is the closest she can come to communing with the natural world she has spent most of her adult life trying to save, in so many ways. Judging from the anecdotes she shares, that mostly involves insects now. She demonstrates a vast knowledge of the insect world, and an almost comical affection for these creatures. She tells Peter and I all about the differences between wasps, hornets, and different varieties of bees, and how you can tell they're being affected by the pesticides the BOP sprays on the grass all the time. I'm reminded of stories of the Bird Man of Alcatraz, but it would be very unlikely for such a story to be repeated there at FMC Carswell, because the windows in their cells are made of thick plastic, no bars, no contact with the outside.

A question occurs to me that I never thought to ask Marie before. Her mother is German.

“Do you think your German heritage had any impact on your activism?”

“Yes,” she said immediately. Peter seemed a bit surprised.

“My grandfather was an architect. During the war he took a lot of risks to help people. Near the end of the war, when the Allies were advancing, the Nazis wanted my grandfather to blow up certain bridges, and fix other bridges, depending on who controlled different areas or looked like they were about to control different areas. So he blew up the ones he was supposed to fix, and didn't blow up the ones he was supposed to blow up. He always said that when faced with a situation where those in power are doing terrible things, you can't just stand idly by. You have to do something, even if there aren't enough other people doing something, too.”

The conversation moves from one subject to another, and eventually returns to how we might phrase things on the Move Marie campaign brochure.

“As the brochure says,” she explains, “it's bad in here. But it could be worse. There are worse prisons in the US. Conditions could be worse. I don't want the emphasis to be just on me – no one should be held in these conditions.”

There are differences of opinion among members of the committee about what to emphasize. Some think the emphasis should be on the fact that Marie is a loving mother.

“Of course, I love my kids so much. And I'm so grateful that I didn't get arrested until after they were more or less grown up. And I'm so grateful for all the support I have, which most of my fellow prisoners do not have. But I'm not just a loving mother who ended up in here by accident. I'm a revolutionary anarchist. I'm in here for following my conscience.”

It's time to take Peter to the airport. It's Sunday – his weekly radio show is that evening. We all hug good-bye. I'm sure I'll be back within a few months – I'm one of the few friends of Marie's who is able to make it to Texas on a somewhat regular basis, since I can line up gigs there and pay for the travel expenses that way. This was Peter's first visit to Marie there, and his first visit to Texas, period. She recounts a long list of mutual friends Peter should say hello to on her behalf.

“Have a good trip to Austin,” she says to me. “Wish I could come to your gig.”

## **22 nov - Federal judge says Supreme Court got it wrong on Black Panther Mondo we Langa**

*United States District Judge Warren Urbom, whose ruling ordering a new trial for Mondo we Langa (then David Rice) was overturned on procedural grounds in 1976 by the Supreme Court, says the high court was wrong. His out date is now January 12th.*

### **MORE:**

by Michael Richardson (*The Examiner*)

The Supreme Court retroactively applied a new restriction on access to federal courts on Mondo we Langa which Judge Urbom says is not fair.

In *Called to Justice*, Judge Urbom's recent memoir published by the University of Nebraska Press, there are several pages about Mondo we Langa's trial with Edward Poindexter for the murder of Omaha police officer Larry Minard, Sr, on August 17, 1970. Mondo and Poindexter were officers in an affiliate chapter of the Black Panthers and were prosecuted for Minard's death. Mondo's house was searched and dynamite was allegedly found in the basement,

Mondo we Langa objected to the dynamite evidence because it was the result of an illegal search and Judge Urbom agreed with him that the Fourth Amendment had been violated by the police search. In the memoir, Urbom explained the exclusionary rule that guided the case.

“That rule was controversial from its beginning, and walked on wobbly legs until this Rice case went to the Supreme Court. Simply put, many state court judges and prosecutors were offended over the fact that after two tiers of state courts—the state trial court and at least one appellate court in Rice's case, that meant the trial judge and the state's supreme court, a total of eight judges)—had held that the dynamite could be considered by the jury in deciding guilt or innocence of Rice, that the holding could be overturned by a single federal judge, including me,” wrote Urbom.

However, a three-judge panel of the Eighth Circuit U.S. Court of Appeals upheld Judge Urbom and complimented him on his decision to require a new trial for Mondo we Langa.

“Judge Urbom exercised painstaking care in resolving the factual and constitutional issues in this case. Having done so, Judge Urbom conscientiously and courageously concluded and demonstrated in two soundly reasoned opinions that the petitioner had been deprived of a basic constitutional right.,” said the federal appellate court decision.

The Supreme Court refused to consider the merits of Mondo we Langa's case and whether or not Urbom was correct in ordering a new trial. Instead, the Supreme Court returned Mondo to Nebraska courts on procedural grounds limiting habeas corpus appeals of state prisoners.

“I think it unfair to apply the new rule to David Rice’s case...and I stoutly think that the law in effect when Rice was convicted should have been applied to his case, which would allow him a new trial without the use against him of the dynamite and other evidence found by an illegal search,” wrote Urbom.

“The decision of the Supreme Court did not find that the dynamite and accoutrements were legally found or that the Nebraska state courts had been right in allowing use of that evidence at trial.” Judge Urbom continued, “It found only that the federal court should not have taken the case—not because that had been the law when Rice had his trial, but because the Supreme Court was now changing the law as to when a federal court should take such a case.”

Chief Justice Warren Burger was successful in his effort to reverse the so-called liberal trend of his predecessor Earl Warren. Mondo we Langa’s case was consolidated with another convicted murderer and the Supreme Court restricted access to federal courts by state prisoners sending both men back to the state courts, where their outcomes were predictable.

Mondo we Langa and Ed Poindexter were targets of a clandestine operation of the Federal Bureau of Investigation code-named COINTELPRO. Secret FBI documents released long after the conviction of the Omaha Two, as the men are now called, reveal the FBI manipulated evidence in the case under orders of FBI Director J. Edgar Hoover.

The jury that convicted the Omaha Two was never told about evidence tampering and the Supreme Court did not address COINTELPRO or the illegal search at Mondo we Langa’s house.

Mondo we Langa is a twice-made political prisoner, first by the Director of the FBI and second by the Chief Justice of the Supreme Court. The COINTELPRO-tainted trial in 1971 ordered by J. Edgar Hoover was the first time. The underlying agenda of Warren Burger to roll back Earl Warren’s jurisprudence and Burger’s retroactive application of new restrictions in 1976 on Mondo we Langa was the second time.

Warren Urbom was an appointee of President Richard Nixon and in August announced his retirement next year. Judge Urbom’s career on the bench has spanned over four decades. Urbom is perhaps best known for presiding over many of the Wounded Knee trials in the late 1970’s.

Mondo we Langa and Ed Poindexter remain in prison serving life sentences at the maximum-security Nebraska State Penitentiary where they continue to maintain their innocence.

## **22 Nov - Undercover Investigator Charged With Animal Cruelty for Videotaping Farm Abuse**

*An undercover investigator for the animal protection nonprofit Compassion Over Killing is being charged with animal cruelty for filming animal abuse of newborn calves in Colorado.*

### **MORE:**

by Will Potter (*Green is the New Red*)

Taylor Radig worked at Quannah Cattle Co. in Kersey, Colorado, and covertly filmed calves, some so young they still had umbilical cords attached, being kicked, thrown, and slammed onto trucks. Video footage was released by the group on November 13th, and on November 15th criminal charges were filed against three men shown abusing the animals.

At the time, Sherriff John Cooke said “We still have work to do. We want to make sure we have identified all the suspects and all the parties to determine if we need to make other arrests.”

Today the Sherriff’s department announced additional charges were filed against the young woman who filmed the abuse and turned over the footage to the police.

In a press release, the police admit as much: “The video footage was eventually provided to law enforcement by representatives of Compassion Over Killing approximately 2 months after Radig’s employment ended with Quannah Cattle Company... Radig’s failure to report the alleged abuse of the animals in a timely manner adheres to the definition of acting with negligence and substantiates the charge Animal Cruelty.” Radig is also accused of participating in the abuse.

Compassion Over Killing said in a statement that the prosecution is retaliatory: “The charge against our investigator is unsupported by the law and it reeks of political motivation fueled by an agribusiness industry that is once again lashing out in desperation to stop undercover investigators from exposing the truth.”

The prosecution of a whistleblower who exposed animal cruelty in this way is unprecedented.

However, the agriculture industry has been campaigning heavily for “ag-gag” laws that would make it illegal to photograph or videotape animal abuse on factory farms. In Utah, the first ag-gag prosecution was against a woman who filmed a slaughterhouse from the public street.

The latest versions of these bills require investigators to turn over video footage to law enforcement immediately, and some of them would prohibit investigators from speaking with the press.

These so-called “mandatory reporting” requirements — which are strikingly similar to what is at issue in this case — are intended to stop national animal welfare groups from documenting patterns of abuse. Such legislation was introduced in New Hampshire, Nebraska, Wyoming, Tennessee, California, and North Carolina this year — and failed in every state.

Colorado is not an “ag-gag” state, but this is clearly part of that trend, and could indicate ag-gag legislation about to be introduced in Colorado.

Prosecuting animal welfare advocates for exposing animal cruelty is clearly an attempt by Big Ag to send a chilling message to anyone who not only records abuse, but comes forward and turns over that footage to the police.

### **11 Nov - Book drive for Cody Sutherlin (Tinley Park Five)**

*With one of his co-defendants recently released, Cody Sutherlin-- a member of the Tinley Park 5, is collecting books for his prison's library.*

#### **MORE:**

He says, "The library here is full of garbage and people want something with substance...I'm asking that people send whatever they can as long as it's not too extreme [or it won't get in]. History, politics, biographies, and quality fiction would be nice. Let's flood this motherfucker with some good shit!"

One of Cody's supporters met in person with the library volunteer at Robinson Correctional Center on Friday. The volunteer explained the review process-- books are not allowed if they describe how to make weapons, depict or describe penetration (other sexually explicit material is okay), or are on the topic of negotiation. Those were the only topics not allowed, though Cody thinks that graphically violent or explicitly illegal content will also be barred. Books that fail the review process are destroyed.

You can send books to:

**Library Services  
13423 East 1150th Avenue  
Robinson, Illinois 62454**

If you are near Robinson, Illinois, you can also drop them off at the prison.

Spread the word!

More information at [tinleyparkfive.wordpress.com](http://tinleyparkfive.wordpress.com)

### **24 nov - Harmony in Autumn by CeCe McDonald**

*We've included the latest by CeCe McDonald below. It's a great place to start if you're planning on starting a correspondence with her.*

#### **MORE:**

There is harmony in Autumn  
and a lustre in the sky,  
which through the summer  
is not heard or seen  
as if it could not be,  
as if it had not been.

Hi everyone! I wanted to start this off with a poem about my favorite season written by Percy Bysshe Shelly. I can say that even being in an environment that is very callous and unappealing, I can take comfort in this season that is filled with warmth and joy. No matter where I am, I will never take for granted the beauty of life and knowing I am a creation like the birds and the bees and the flowers and the trees. I have a newfound respect and adoration for life and all things attributed to it.

I plan to keep this posting short because I want to share an essay with you all: "Love in Action: Noting Similarities between Lynching Then and Anti-LGBT Violence Now." It was shared with me by the author, a dear friend of mine and a literary genius by the name of Koritha Mitchell—a professor at Ohio State University (check out her other selected works). I love her work and encourage all to check out her pieces.

But I do want to talk about some things that have upset me over the last couple of months. The first thing is that for the movie "The Dallas Buyers Club" they casted a cisgender-presumably-hetero-man to play the role of a transgender woman when there are so many trans people who are talented actors who could have been casted for the roles of trans people who are usually given to cisgender people. I hate that Hollywood feel that stories about trans people are better told by cisgender people who haven't even had the struggles of day-to-day life as a trans person.

I'm also irritated by the fact that people of color can't even go shopping without cops pulling them over and harassing them on the legitimacy of one's earnings to buy a Ferragamo belt or Louis Vuitton satchel. When did "shopping while Black" become an addition to the list of activities a POC couldn't do without someone assuming it has to be illegal because they're African-American. It's even more annoying knowing that these things usually only happen to people of color. The real criminals are the politicians and bankers who lie and steal from the middle-class and the poor. So, when the hell are undercover cops going to stop and question how they got their Louis Vuitton?

And one thing that truly grind my gears is the hypocrisies of Republican politicians who feel that it's "moral" and "logical" to take away funding from everything that would benefit those who don't get a nice Senate or Congress check—like food assistance and Head Start—and those very "immoralites" get millions of dollars in subsidies from the very government they denounce. They say the ACA is evil and to "not let government in your healthcare," when many of these very politicians have passed laws that intrude on the personal health decisions for women. It's a shame knowing these are the people elected to run our country. Yes, the racism and sexism isn't enough so they attack us financially and they say all of it is our faults. Oh, how I hate them so.

### **24 nov - Books Through Bars needs donations**

Want to be an amazingly awesome person? Then please help NYC Books Through Bars raise \$1,500 by the end of 2013 through Fundly! All donations are tax-deductible.

**MORE:**

Here is where to donate: <https://fundly.com/nyc-books-through-bars>

These greatly needed funds are a push for the holiday time when incarcerated people who request books are waiting for what may likely be their only package of the season. A donation of just \$20 can pay for postage to send books to four people, and \$40 can pay to send books to eight! Whatever you can give is greatly appreciated. If you cannot afford to donate, please help out by going to the Fundly page and click on the links to either post to Facebook, tweet, or e-mail to potential supporters. Postage goes up every year and every penny we get goes to sending out packages like the ones below.

Here are the books that we are continuously in need of:

- Books on indigenous resistance, history, and cultures
- Books on racism, Black power, African American history and culture
- English dictionaries
- Spanish dictionaries
- Books in Spanish
- Science fiction and fantasy novels
- Books on the Prison Industrial Complex
- How to draw books
- Math books of all levels (soft cover)
- Books on the occult, supernatural phenomena, magic
- Game and puzzle books
- Graphic novels
- Book on ancient Egyptian history, culture, and architecture
- Sign language books

**8 Dec - Send Love Through the Walls 2013**

**WHAT:** Send Love Through The Walls Holiday Card-Writing For Political Prisoners

**WHEN:** 2:00-6:00pm, Sunday, December 8th, 2013

**WHERE:** 263 Eastern Parkway, Apartment 5D (Direction Below) phone: 718.783.8141

**COST:** FREE (*Donations to cover the cost of stamps greatly appreciated*)

**MORE:**

In what many prisoners have told us is their favorite event of the year, Resistance in Brooklyn and NYC Anarchist Black Cross again join forces to bring you the annual holiday card-writing party for U.S. held political prisoners and prisoners of war. This event is always a lot of fun, the food outstanding, the camaraderie lively, and the handmade cards flat out amazing. This year will be no different. So plan to bring your friends, your creativity, and a healthy appetite. We'll have updates on the pp/pow campaigns as well as paints, markers, crayons, and envelopes.

**Directions:**

Getting to 263 Eastern Parkway is simple:

From the 2/3/4/5 or Franklin Avenue Shuttle:

Franklin Avenue Stop:

Walk west on Eastern Parkway (away from Franklin Avenue, toward Classon Avenue). We're about half a block down on the north side of the street. When you go into the building, take the elevator to your left.

For more information, contact:

**Resistance in Brooklyn**– [mmmsrnb at igc dot org](mailto:mmmsrnb@igc.org)

**NYC Anarchist Black Cross**– [nycabc at riseup dot net](mailto:nycabc@riseup.net)

**Scientific Soul Sessions**– [scientificsoulsessions.com](http://scientificsoulsessions.com)