

Updates for February 18th

3 Feb - G20 vandal sentenced to 7 months in jail

One of the folks to whom we're writing tonight was sentenced on February 3rd, the other two on February 13th. We're including a corporate news article and other updates below.

MORE:

by Alyshah Hasham (*Toronto Star*)

Richard Dean Morano, 23, of Lackawaxen, Pa., admitted to being part of the “black bloc,” a group who violently disrupted peaceful demonstrations while disguised in black clothing and masks.

An American who admitted to smashing store windows and throwing a stone at a police car during Toronto’s G20 riots was sentenced Monday to seven months in jail.

Richard Dean Morano, 23, of Lackawaxen, Pa., admitted to being part of the “black bloc,” a group who violently disrupted peaceful demonstrations while disguised in black clothing and masks, according to an agreed statement of facts.

He was also ordered to pay \$3,000 in restitution and is banned from Toronto during his two-year probation.

“Freedom in thought and speech and disagreement in ideas and beliefs on every conceivable subject are of the essence of our life,” Ontario Court Justice Marvin Zuker said. “Lawlessness by hoodlums is unacceptable.”

Det. Sgt. Gary Giroux, who led the police G20 investigation, would have preferred a harsher sentence but says he respects the court’s decision.

“My issue is that American offenders came here with a very specific agenda — to do damage and cause chaos,” said Giroux following the verdict. “We have the Pan-Am Games coming next year and I want the criminal element in this particular culture to know that if you come to this city and conduct yourself in this particular way you will be found, you will be apprehended and you will be incarcerated.”

On June 26, 2010, the “black bloc” group swarmed a police cruiser driven by Staff Sgt. Graham Queen, one of the police cars later set on fire.

The officer was trapped in the car while the windows were smashed and he was struck in the back of the head “causing an injury not requiring further medical treatment.”

Morano threw a rock at the cruiser that cracked the windshield as he went by. There is no evidence that he knew an officer was in the car, according to the agreed statement of facts.

As the group moved up Yonge St., Morano used a piece of lumber, a fence and chairs to vandalize and smash in the windows of stores — including American Apparel, Starbucks and a CIBC branch — with employees still inside.

“I would like those responsible to understand that it was more than a faceless company they were vandalizing. There were actually people inside these buildings and workspaces they were smashing and damaging,” said the Starbucks manager who described the panic and fear of staff and customers in the store that day in her victim impact statement.

Morano was ordered to pay Staff Sgt. Queen \$1,000 in restitution and \$500 each to CIBC, Tim Hortons, American Apparel and All Leather.

The total damage he contributed to stands at \$230,712.36 — including the police car that was eventually torched.

Morano apologized for his “disgraceful actions” in a letter read to court in January.

“Although at the time I never meant to hurt, intimidate or scare anyone at the protest, I realize now my actions did precisely that,” he wrote. “My thoughtless and selfish actions created a black mark on the image of Toronto.”

Zuker noted in his 30-page reasons for sentencing that Morano did not attack anyone directly during the riot and that he claims to have been a “follower, not a leader.”

In forming his reasons, Zuker referred to sentencing decisions in cases stemming from two recent high-profile riots elsewhere in the world — Manchester, England and in Vancouver, he said.

Morano is the second of four Americans convicted of G20-related offences to be sentenced. Dane Rossman was sentenced to one day in jail and ordered to pay \$1,500 in restitution last July.

Kevin Chianella and Joel Bitar, charged with the highest number of G20 offences, have also pleaded guilty and will be sentenced later this month.

The case of a fifth American, Quinn McCormic, is still ongoing.

February 13th - Joel Bitar and Kevin Chianella Sentenced

Today, February 13th 2014, Joel Bitar was sentenced to 19 months plus 17 days for his participation in the 2010 G20 protests in Toronto.

Joel plead guilty to 12 counts of mischief over \$5000 (originally facing 26 counts) and will do 20 months in a provincial jail. Joel also did not receive any restitution because of his financial circumstances.

Kevin Chianella received a 2 year prison sentence for his participation in the G20 protests in Toronto in 2010. Chianella, 18 at the time, got a heftier sentence because he attacked a cop car with a canvas bag full of rocks. He is also stated to have fueled and helped sustain the fire that was set upon another cop car. Chianella, from Queens, was supported in court by his family, among them, his 90-year-old grandmother.

Kevin plead guilty to 16 charges (originally facing 53 counts) and will do 24 months in a penitentiary, the only G20 prisoner to be sentenced to such a place. Kevin did not receive any restitution because of his financial circumstances.

February 13th – Joel Bitar's Statement to the Court

I have not been able to speak much since my arrest last February so I appreciate the opportunity to make a statement today. I only plan on taking a small amount of your time. At the end of my statement I am going to issue an apology to some of the individuals who were affected by my actions. It is my hope that this statement better contextualizes the choices I've made that have led me to this courtroom.

I came to Toronto four years ago for many of the same reasons as the tens of thousands of other people who marched on the streets that day. These are many of the same reasons why hundreds of thousands of people have demonstrated in Seattle against the World Trade Organization, in Genoa against the G8, in Quebec City against the Free Trade Area of the Americas, in Gothenburg against the EU summit, in Rostock against the G8 and in Pittsburgh against the G20. They are many of the same reasons why people are now protesting in the streets of New York, Brazil, Chile, Mexico, Turkey, Greece, Italy and Spain. It is only really possible to understand the

events that took place in Toronto in the context of the global movement against neoliberalism and the corporatization of the planet. It is my belief that this movement is best explained as an individual and collective response to various forms of domination and exploitation. My politics are inseparable from my own life experiences, which I would like to briefly speak about now.

I grew up in an environment where I had access to many of the things required for conventional success. I had – and have – an extremely loving family, I played tennis competitively and had a working-class, but generally supportive upbringing. I graduated from high school with honors and then got my bachelors degree in Economics from the City University of New York. My plan in college was to work on Wall Street with the goal of making a lot of money. That goal was widely reinforced and encouraged by society at large. Trying to get rich and focusing on my own personal comforts seemed right when everyone else was chasing the same thing. However, two events occurred during this time that fundamentally changed the way I now see the world.

The first event was the global financial crisis of 2008. During this time, banks that engaged in predatory lending practices were given billions of dollars to keep their businesses afloat while millions of people lost their homes. It was shocking how closely government officials who once worked on Wall St. collaborated with the financial sector to organize the bailout. It seemed profoundly unjust to me that those who precipitated the crisis were rewarded, while masses of people were literally tossed to the street. I came to the conclusion that Wall Street's obsession with profit comes at the expense and detriment of the majority.

The second event took place in December, 2008, when Israel launched an invasion into the Gaza Strip that resulted in the deaths of 800 civilians (many of whom were women and children). This destruction was carried out with weapons manufactured by U.S. Corporations and was paid for with U.S. taxpayer money. During this invasion, banned weapons like White Phosphorous (made in the U.S.) were fired at Palestinian schools and hospitals in contravention of international humanitarian law. I saw images of innocent children killed by missiles, tank shells and bullets. At the same time many of these people suffered, weapons manufacturers and government officials profited from their obliteration.

From these two events I developed an opposition to the wars in Iraq and Afghanistan. Hundreds of thousands of civilians have died in these wars while corporations like Halliburton and Lockheed Martin have secured billions of dollars in government contracts. George Bush erected a worldwide torture regime, that Obama has only expanded, and has since been immune to any prosecution for his crimes. It is evident that those who commit crimes at the top levels are government are immunized while someone like Chelsea Manning, who revealed the extent of government criminality, is banished to a cage for decades. It is apparent to people, all throughout the world, that the real motivations for these wars is rooted in the economic interest of a few and that masses of innocent people have needlessly suffered as a result.

This led me to see more and more about the world that I could not unsee, including how the continued exploitation of the environment is connected to the same economic interests mentioned above. One notoriously brutal example of environmental exploitation is happening here in Canada at this moment. In Alberta, pristine boreal forestland the size of Florida has been turned into a toxic wasteland for the extraction of oil. James Hansen, a professor of climatology at Columbia University believes that the tar sand project is “game over for the climate.” He says: “If we were to fully exploit this new oil source, and continue to burn our conventional oil, gas and coal supplies, concentrations of carbon dioxide in the atmosphere eventually would reach levels higher than in the Pliocene era, more than 2.5 million years ago, when sea level was at least 50 feet higher than it is now. That level of heat-trapping gases would assure that the disintegration of the ice sheets would accelerate out of control. Sea levels would rise and destroy coastal cities.” It should not be acceptable to us that private corporations and western governments regularly exploit natural resources for profit while simultaneously destroying the environment and injecting pollutants into our air and water.

Financial crises, war and environmental degradation share a common thread. They are born of the prevailing economic system, which is only interested in maximizing profit and increasing growth. This system is predicated on maintaining vast levels of inequality, where a small number of people have incredible amounts of wealth

while the masses are locked in poverty. A recent report published by Oxfam International states that the 85 richest people possess the same wealth as the poorest 3.5 billion people combined. Rather than providing wealth and opportunity, or having a trickle-down effect, the current system enriches the few at the expense of the many. This is not a particularly radical analysis, this is the only rational interpretation of how society is structured. Even such a mainstream figure as the Pope recently said: "As long as the problems of the poor are not radically resolved by rejecting the absolute autonomy of markets and financial speculation and by attacking the structural causes of inequality, no solution will be found for the world's problems or, for that matter, to any problems." Rather than addressing these structural causes, Western governments do everything they can to foster the status quo that leads to the problems.

The current situation in the world is urgent and much needs to be done. I truly believe we can build a new system that puts human need and the needs of the environment ahead of the interests of business. At some point, we need to decide if profit, innovation and economic growth are more important than the long-term sustainability and well-being of our species and planet. I understand that this proposition might not sound so good to someone who is financially benefiting from the current system but we are running out of time. We have enough resources to make sure every person on this planet has health care, food, an education and a place to live. There is no reason why people should be homeless and begging on the streets while food is thrown away en masse and foreclosed houses remain empty. There is no reason why such massive levels of inequality should persist in the modern age. These systems are antiquated and must be fundamentally transformed

It was not, and has never been, my intention to scare or hurt anyone. I want to build a world based on the values of love, compassion and understanding; not fear and intimidation. I take responsibility for my actions and apologize to anyone who felt fear as a result of them. Before closing, I would like to extend my heartfelt gratitude to my family, friends and supporters. This process has taken an incredible toll on myself and especially my loved ones. It means the world that they have stood by me through it all.

February 3rd - Is Freeing a Duck Terrorism?

On February 3rd, the Center for Constitutional Rights is challenging the Animal Enterprise Terrorism Act in court, arguing that the vague and overly broad law is a violation of the First Amendment.

MORE:

by Ryan Shapiro (*Truthout*)

A lawsuit filed today seeks to strike down the federal Animal Enterprise Terrorism Act. Politicians, industry and law enforcement too long employed the rhetoric and apparatus of national security to counter effective animal advocacy, labeling those who exercise constitutionally protected rights "terrorists."

It is only by chance that I write this from behind a desk in Cambridge, Massachusetts, rather than from behind bars in a federal prison. In 2003, I helped coordinate an undercover investigation of notoriously cruel foie gras factory farms. We found ducks crammed inside cages so small they couldn't stand up, spread their wings, or turn around. As an act of civil disobedience, a group of us openly rescued a number of ducks from this abuse. We also made a short documentary film to educate the public about what was being hidden behind the closed doors of these factory farms. The images we captured played a crucial role in sparking national and international campaigns against foie gras and in the successful 2004 ballot initiative to ban the production of foie gras in California.

From the Boston Tea Party to the suffragettes to the civil rights movement, civil disobedience has a long and proud history in American politics. In this tradition, we did everything openly and took full responsibility for our actions. My fellow investigator Sarahjane Blum and I were eventually convicted of misdemeanor trespass and sentenced to community service. This was a reasonable and acceptable price to pay for bringing to light the realities of factory farming. However, even as we performed our community service, a series of legislative and law enforcement shifts began to make future activism far more dangerous.

In 2004, the FBI designated the animal rights and environmental movements the leading domestic terror threats

in the United States. This is despite the fact that neither movement has ever physically injured a single person in their decades of existence in the US, while violence from the far right has proliferated. (Reports document approximately 190 injuries a year and 30 deaths between 2007 and 2012 due to right-wing violence, most of it carried out against ethnic and religious minorities and LGBTQ people.) Then, in 2006, under heavy lobbying from the pharmaceutical, animal agriculture and fur industries, Congress passed the Animal Enterprise Terrorism Act (AETA). The AETA is designer legislation that targets political dissent directed at any business that uses or sells animals or animal products - or any company "connected to" such "animal enterprises." Simply hurting the profits of these businesses - by, for example, producing and screening a film that inspires people to boycott foie gras or other animal products - qualifies as a terrorist offense. Indeed, a distressingly high number of my closest friends have been convicted as terrorists for engaging in free speech and civil disobedience advocacy on behalf of animals.

As I watched my friends, classmates and roommates hauled off to federal prison, another industry-led attack on animal activists was gaining momentum. In recent years, Big Ag has pushed hard to enact state-level "ag-gag" bills to criminalize undercover investigations of factory farms and slaughter plants. These laws would put an end to the exposés of stomach-churning violence to animals "raised" for food. The fierce ag-gag debate resumed this month, including right next door in New Hampshire where a proposed bill would severely curtail whistleblowers' ability to document animal abuse.

Ag-gag bills are based on legislation drafted by the corporate-dominated American Legislative Exchange Council, or ALEC. As with the federal AETA, ALEC's model "Animal and Ecological Terrorism Act" seeks to turn speech critical of animal industries into "terrorism."

As intended, ag-gag laws and the federal AETA have cast a chill over the animal rights community. Many advocates, myself included, have begun to censor themselves and refrain from speech that is protected by the First Amendment, or from peaceful civil disobedience in the tradition of some of America's greatest voices. These fears are well-grounded. Through the Freedom of Information Act, I've uncovered documents that reveal explicit FBI consideration of federal AETA charges against those who expose factory farming cruelty.

As a Ph.D. candidate at M.I.T., my research explores the policing of dissent and the political functioning of national security. I have found that politicians, industry and law enforcement have long employed the rhetoric and apparatus of national security to counter effective animal advocacy. The AETA and ag-gag initiatives stand on the shoulders of a century of similar efforts to marginalize animal protectionists as threats to American security.

It is time to break with this shameful history. That's why I am in court today as a plaintiff in a lawsuit filed by the Center for Constitutional Rights. We seek to have the federal AETA struck down as an unconstitutional infringement on free speech. Though I am now a scholar behind a desk, I just as easily could have found myself a "terrorist" behind bars. Corporate power should not dictate the limits of political dissent. It's time to do away with the undemocratic and unconstitutional AETA.

3 Feb - The strange success of grand jury resistance

Still dressed in 3XL prison-issued sweats and flimsy slippers, 24-year-old Jerry Koch stumbled into the streets of Downtown Manhattan in the final throes of an icy January. He made one phone call — to his mother — then sprinted the few blocks to the offices of lawyer Moira Meltzer-Cohen with a breathless message to deliver: He was free.

MORE:

by Natasha Lennard (*Salon*)

Last week, Koch, a longtime friend of mine and a mainstay in New York's anarchist, activist communities, was released from federal custody after spending 241 days in a Manhattan prison. In a strange twist of juridical logic reserved for grand jury investigations, Koch was imprisoned for the very same reason he was freed nearly eight months later: His silence.

Koch was jailed not because he was charged or convicted of a crime, but rather as an expressly coercive effort to force his cooperation with a grand jury investigating the small, victimless explosion of an incendiary device at a Times Square army recruitment center in 2008. Koch vowed to stay silent and remained obstinate in his resistance, citing a long history of grand juries as tools used to harass and surveil activist and radical communities, a disdain for the state apparatus and a lack of any knowledge of the 2008 incident.

Koch's attorneys filed a motion, aided by letters from friends and acquaintances and a Change.org petition, arguing that since the anarchist had made amply evident that he would never cooperate, the coercive premise of his imprisonment was proven invalid. As was the case with two anarchist grand jury resisters in the Pacific Northwest last year, the judge was forced to accept Koch's motion: These anarchists were never going to talk, they had to be let go.

Koch's case — as with the case of the Northwest anarchists — not only exemplifies successful grand jury resistance, but also highlights the strange operations of the grand jury system. Grand juries, as I've long noted, are among the blackest boxes in our judicial system. Not only are they carried out in absolute secret, but they also sanction the imprisonment of individuals without charge or conviction. The contempt sanction (under which Koch was jailed) gives further lie to the myth that U.S. prisons have anything essentially to do with rightful punishment, let alone redemption. There is something obviously troubling about a legal system that explicitly holds cooperation with federal investigations as a condition of freedom.

Federal District Court Judge John F. Keenan — the judge that both jailed and freed Koch — wrote a decision on Koch's release worthy of attention from anyone with interest in the odd juridical logic shaping grand jury investigations. He emphasized the strangeness of a system that both jails an individual for their silence and then must free them for this very same silence. "The refusal to testify is somehow transmogrified from a lock to a key," wrote Keenan.

Koch's story can be read as a victory and an example for other activists who may in future want to engage in grand jury resistance. His silence is proof that one can refuse to become a snitch and earn one's freedom through that very same resolve. As his lawyer Meltzer-Cohen told Salon, "Other activists of Jerry's generation facing grand jury subpoenas may now see evidence that people like themselves have been capable of standing strong in the face of serious consequences, and that you can survive and even prevail."

The sacrifice of months in prison is not inconsiderable. As Koch noted in a letter from his cell, "I've lost more during my incarceration than I ever thought possible. I grieve for every goodbye, and I doubt that some of these scars will ever heal," Koch wrote in a letter from prison on Christmas Eve. But he added, "I will not cooperate. I will not be institutionalized. No compromise in this. I will not sacrifice my dignity in order to leave this place, and that's not nothing."

It is not nothing indeed, especially with the memory still raw among activist circles of how the federal prosecutorial system — and specifically grand jury intimidation — was used to harass and gain information from the loved ones of technologist Aaron Swartz before his suicide. Prosecutors in Massachusetts pushed journalist Quinn Norton into becoming a "reluctant witness" in the grand jury investigation into Swartz — her close friend and former boyfriend. In a painful and regret-drenched essay last year detailing her regrets about falling prey to the "mechanics of snitching", Norton wrote:

"It is important that people know that the prosecutors manipulated me and used my love against Aaron without me understanding what they were doing. This is their normal. They would do this to anyone. We should understand that any alleged crime can become life-ruining if it catches their eyes."

Norton's bravery in admitting regret in light of her loss (and in the face of possible condemnation by other activists) is as instructive as Koch's silence and eventual freedom, as is the unwavering grand jury resistance of the Northwest anarchists last year. The takeaway from these stories aligns with that old anarchist dictum when it

comes to interacting with law enforcement: “Nobody talks, everybody walks.” It’s a simple enough aphorism to remember, but a hard one to stick to when, like Koch, one is faced with months in a cell. As such, Koch’s successful grand jury resistance is not only “not nothing” as he modestly put it. It’s an example for anyone fighting repressive state tactics. However, as Meltzer-Cohen also highlighted “Jerry is very conscious of the fact that his release does not signal some kind of ‘justice’ while there are so many people who continue to suffer incarceration, not only those confined, but their families and communities.”

February 4th - In Switch, Refusal to Testify Wins a Brooklyn Man His Freedom

by Colin Moynihan (*New York Times*)

For the last eight months, a Brooklyn man had been held in jail because of his refusal to testify before a grand jury that was believed to be examining a 2008 explosion in Times Square.

But last week, the continued refusal of the man, Gerald Koch, won him his release.

Mr. Koch’s unusual path — held in civil contempt after his initial refusal, then released thanks to the same recalcitrance that landed him behind bars — illustrates a process that the judge in the case labeled seemingly “counterintuitive.”

In a written opinion, the judge, John F. Keenan of Federal District Court in Manhattan, explored the logic in how “the refusal to testify is somehow transmogrified from a lock to a key.”

Federal law holds that people who refuse to provide grand jury testimony may be jailed for the panel’s duration, usually up to 18 months. But the law also states that the detention may end if it crosses from coercive to punitive.

The grand jury for which Mr. Koch was subpoenaed appeared to be examining events from 2008, when a bicyclist approached the armed forces recruiting center in Times Square, then pedaled away before a homemade bomb exploded, damaging the center but harming nobody. Mr. Koch, who has identified himself as an anarchist, said that investigators believed that he had heard a conversation in a bar about who was behind the episode but that he remembered no such event.

Prosecutors have declined to discuss his assertion and did not respond to a request for comment on Mr. Koch’s release; by law grand jury proceedings are secret. Moira Meltzer-Cohen, a lawyer for Mr. Koch, who was considered a witness rather than a suspect, said that her client regarded the grand jury process as unfair and believed his testimony would lead only to a widening circle of similar subpoenas.

“Jerry was not trying to protect criminals,” Ms. Meltzer-Cohen said. “He was protecting other innocent people from what he was subjected to.”

Reached by telephone after his release, Mr. Koch, 24, said that his detention had been arduous. He had been buoyed by letters of support, he said, but his mail had been withheld or delayed on several occasions. At one point, he said, he was placed for five days in 24-hour solitary lockdown without a shower or contact with the outside world.

“I lost much more and suffered much more than I expected,” he said, adding, “I certainly have no regrets about the decision I made.”

Ultimately, few of those involved in Mr. Koch’s grand jury narrative, which stretches over more than four years, would appear to be gratified by the results. Mr. Koch, a former student at the New School, experienced conditions that he called “remarkably unpleasant.” Prosecutors failed to elicit his testimony. And Judge Keenan dedicated several pages of his opinion to a discussion of the “perverse results” of a 30-year-old ruling that provided the precedent to release him.

Mr. Koch was first called to testify in 2009 but was excused after citing his Fifth Amendment protection against

self-incrimination, Judge Keenan wrote. Last year, prosecutors granted Mr. Koch immunity, but he still refused to testify. At the time he said that he knew nothing about the case and thought the authorities would embark on a “fishing expedition” while examining his political views and associations.

Judge Keenan wrote that he was skeptical of Mr. Koch’s assertion that he knew nothing. He also disagreed with Mr. Koch’s belief that he had been singled out because of his views, writing, “There is simply no evidence that the government, threatened by Koch’s subversive prowess, seeks to bring him before a grand jury on a pretext, either to gain access to the treasure trove that is his circle of friends or to send an ominous message to political dissidents.”

But the only relevant issue in deciding whether Mr. Koch should be released, Judge Keenan also wrote, hinged on whether continued incarceration could persuade him to testify. Although Mr. Koch told the court that he had suffered weight loss, joint problems and depression in custody, Judge Keenan wrote, submissions from family and friends made a persuasive case that he would not change his mind about the grand jury.

“There will thus never come a time for Koch where his only remaining option is to testify,” the judge wrote. “The court concludes that continued confinement will not move Koch from the reflexive ideology that forbids his cooperation with the serious investigation at hand.”

February 6th - How to Resist A Grand Jury — Jerry Koch “Promises Continued and Endless Contempt”

by Will Potter (*Green Is The New Red*)

Jerry Koch spent 8 months in jail in New York City for refusing to testify before a federal grand jury. But a district court judge has ruled that imprisonment only strengthened the anarchist’s resolve, and the court had no choice but to release him.

As I reported previously for VICE, Koch, 24, was subpoenaed before a grand jury investigating the 2008 explosion outside a military recruitment center in Times Square. The blast damaged only the front door of the center and injured no one, but the FBI began a “terrorism” investigation of local anarchists.

Koch isn’t accused of this crime—or any other crime. Prosecutors told his lawyers that they think he was at a bar in 2008 or 2009, after the bombing, and that someone else at the bar knew about another person who was involved. Koch was subpoenaed to a grand jury in 2009—when he was only 19—and publicly stated that he didn’t know anything about it and wouldn’t cooperate.

On May 21, he appeared before the grand jury again. And again, he refused to testify.

Grand juries are secretive proceedings that have historically been used to investigate, harass, and disrupt radical social movements. If you refuse to testify about your political beliefs, or others, you can be imprisoned for the duration of the grand jury.

The purpose of this imprisonment, under the law, is to “coerce” the prisoner into testifying. Koch’s attorney, Moira Meltzer-Cohen, submitted what’s known as a Grumbles motion that argued he would not, under any circumstances, cooperate.

It was a lengthy back-and-forth, but eventually judge John F. Keenan of Federal District Court in Manhattan agreed.

In a ruling full of snarky and petty insults against Koch and other anarchists, Keenan concedes that, “...Koch has chosen to remain in contempt — indeed, he promises continued and endless contempt.”

Keenan notes Koch’s deteriorating physical and mental health, and flippantly says that “...Koch will only derive increasing grim self-satisfaction from his position. The more unstable he gets, the more he will be presented as a martyr and perceive himself as such. Koch has already decided that this type of notoriety is more valuable than

his health and freedom...”

Keenan was most swayed by 17 letters of support from family, friends, and academics about Koch’s beliefs, and also his public statements about his intentions (as an aside, it was wonderful to hear that the VICE article was included in this).

At one point, Koch was on 24-hour solitary lockdown in the SHU. He was not allowed to shower, or given any reading material. He was never told why he received such harsh treatment, but his transfer to the SHU coincided with a protest by his supporters, and staff at MCC confirmed that to him personally. A staff psychologist at the jail told Koch, “They are treating you like an inmate of 10 South [the Terrorism Unit].”

None of this swayed Koch, though.

In a declaration to the court, filed last year, Koch said:

“I want so badly to spend Christmas with my mother, in a place where I can move freely and sleep in peace. But the idea that I hold the keys to my cell is hollow. I know that cooperating with the Grand Jury will only increase my suffering. It will disappoint and alienate my community. It will undermine everything I believe in, and all I have sacrificed for.”

Similar statements were made by anarchists in the Pacific Northwest, who were also jailed for refusing to testify before a grand jury. Eventually they were released, and the judge cited the “strength of their convictions.”

Koch said in a statement that “I’ve lost more during my incarceration than I ever thought possible.” But he refused to be swayed by fear and intimidation; as Judge Keenan was forced to acknowledge, “Koch is governed by different incentives.”

4 Feb - Thank You From Recently Released Antifa Prisoner John Tucker (Tinley Park 5)

After twenty months of imprisonment, antifascist political prisoner John Tucker is free. John is the second of the Tinley Park Five to be released and he’s written a thank you letter to his supporters. While John is now out of prison, he undoubtedly needs the kind of support that those nearest to him can provide. At the same time, three of the Tinley Park Five remain imprisoned. Please take this time to write to them.

MORE:

These past 20 months have been an ordeal to say the least. From court drama to safety issues to just the woes of incarceration itself, this has been a trying process. Yet, even within the darkness of a cell, cut off from the world, some light could still be seen. Your letters, donations and noisy solidarity were things of beauty to eyes forced to view the despair of a broken system day after day and eyes that could not help but watch as any glimmer of hope faded from so many youths as they were dehumanized by the tortuous conditions in which they were forced to dwell. Your zines brought much needed and often obscured information into a citadel of ignorance and fear, your books lifted the weight of monotonous oppression, and your donations aided in the welfare of so many with nothing but the state to care for them. A parcel of food here or some cosmetics there so often mean the difference between another night spent hungry or unclean and a good night’s rest, and never doubt the weight of one’s spirit in a time of need. Sadness, loneliness, and a lack of basic human needs often crush that vital spark necessary for a meaningful, productive, life and sadly press those “corrected” into a self-defeating cycle of unchecked violence or harsh drug use.

For so much I am thankful for the supporters, but of greatest importance was the solidarity. Your constant stream of letters and cards not only kept myself sane, but also gave tangible, physical proof of solidarity which revealed the tremendous weight of the conviction of people from the real world who likewise are willing to make a stand against the far too often accepted evils of the world, to an incarcerated populace who had often not heard of such people before. The attention brought by the constant stream of mail peaked curiosity and drove many to question what was going on. This in turn led to discussions, which in turn led to some longer discussions that I hope

have made a difference in at least a few lives over the course of my stint of incarceration.

Now that I am free I am no less thankful for everything I have received from our amazing support network, which is in itself a testament to the will of a people willing to sacrifice to make a change. A support network populated by good hearted, noble people who have often suffered first hand under the weight of unchecked and unopposed malice. Thank you once again for everything you have done and continue to do; you are indeed an amazing people.

In Solidarity,
John Tucker

4 Feb - Environmentalist Sentenced to 5 Years, Book Report on Malcolm Gladwell

A fugitive Earth Liberation Front activist has been sentenced to five years in prison and, in a bizarre twist, ordered to read Malcolm Gladwell's latest book.

MORE:

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

Rebecca Rubin was wanted for a decade in connection to crimes by the clandestine ELF, which destroyed against property. Her co-defendants have been sentenced to prison as terrorists, and even housed in a secretive prison facility called a Communications Management Unit. Despite knowing that her sentence would likely be severe, Rubin turned herself in for punishment.

Her heavy sentence should be expected, especially considering that Rubin has—unlike many of her co-defendants—refused to “name names” or cooperate in the investigate of environmental groups in any way.

However, in an especially paternalistic and retributive move, Judge Ann Aiken also ordered Rubin to read Malcolm Gladwell's latest book *David and Goliath: Underdogs, misfits, and the art of battling giants*.

The message, of course, is that Rubin needs to learn the right way to social change. And Judge Aiken is the one to teach her.

This isn't the first time Aiken has used the bench to preach her superficial view of social change. Rubin's co-defendant, Jonathan Paul, was sentenced to read *Three Cups of Tea*.

As I wrote in *Green Is the New Red*, Aiken repeatedly pulled stunts like this, and was frustrated when the defendants didn't play along.

Here's an excerpt of when two defendants were sentenced, and they refused to compromise their beliefs:

What upsets friends and family more than anything is when Aiken says Block and Zacher are not well read. “For many of us old people, we read books,” she says. “I wonder if people read...” the last word or two in her thought gets lost in the grumbling, whispering and shifting on the wooden benches. Friends who were unfazed when prosecutors described the arsons nearly become incensed when the judge questions their erudition.

“Really at this moment I don't understand who you are, what you are, your belief system,” she says. “I don't think you even really understand what life is about.”

Block and Zacher stare ahead.

“I didn't hear anyone say they're sorry,” she says. “I didn't hear anyone apologize. I didn't hear anyone say they would work to pay restitution.” Aiken pauses and glares at the defendants. One last chance. One last chance to condemn sabotage and embrace compact fluorescent light bulbs. Pregnant pause. “You could have stood up right now and addressed these things, but I noticed no one is moving.”

More silence, as tense as the seconds of quiet delay between a lightning flash and the thunderclap.

These “eco-terrorism” sentences aren’t just about punishment, they are about sending a message to the broader environmental movement. The defendants have been expected to not only apologize for their crimes, but apologize for their entire belief system. Apparently, they need to replace it with the sanitized moralizing of pop best-sellers.

So, as Natasha Lennard noted at *Salon*: “One hopes that Rubin’s supporters send her ample countervailing reading supplies, too.”

January 27th - Rebecca Rubin Sentencing Notes

Federal District Courthouse, Portland, Oregon

Judge Ann Aiken presiding, having arrived 15 minutes late.

Stephen Peifer, Assistant US Attorney started the proceedings by listing the counts that Rebecca plead guilty to on her surrender in October: In the District of Oregon, Conspiracy to Commit Arson, Arson (BLM Wild Horse Facility in Burns, Oregon) and Attempted Arson (US Forest Industries, Medford, Oregon); In the District of Colorado, eight counts (related to the arson of the Vail Ski Area); In the District of California, Arson (BLM Wild Horse Facility, Litchfield.)

He stated that the government was seeking a 90 month sentence after downward departures from the sentencing guidelines for her "substantial assistance" (i.e., turning herself in) and her clean criminal history. He made arguments for the 90 month sentence (on the upper end of the 60-90 month range agreed to among the parties,) claiming that her involvement was "more than sporadic" and that she had "traveled from Canada at the behest of the cell" to commit the arsons and that she had a "personal vendetta against the BLM". He stated that she had refused to testify against others. He asserted that she could have surrendered earlier, saving substantial amounts of money for the RCMP and US law enforcement authorities who were hunting for her, but that she refused to turn herself in after her attorney had made contact to broker a deal with US Attorney's office because the District of California refused to drop the Manufacturing of a Destructive Device charge that carried a 30+ year mandatory minimum sentence.

He said the defense's sentencing memo was comparing Rebecca's case to that of Kendall Tankersly (who got the lowest sentence of all the defendants), but that Rebecca's involvement went much deeper than Tankersly's, that she had been involved in more arsons, that her role was more active, that she had climbed the mountain at Vail in a snowstorm twice to carry fuel and then to move it closer to the intended target. He said that even though Rebecca was not present when the fire was ignited, that one should look at the photo of the ski lodge burning to see what she was responsible for.

Peifer then argued for the Terrorism Enhancement to be applied [It was]. He said aggravating factors were traveling to commit the crimes, being on the run for 6 years, refusal to name names.

He then stated that all the defendants in the Operation Backfire cases fell into one of two categories... those who received greater or lesser than 84 months. He said she could not be compared to the cooperating defendants (most of whom received the lower sentences) because she refused to name names. He said she fell more into the category of the other defendants who had refused to cooperate, because she was keeping the "Code of Silence" which has been hailed in anarchist circles as heroic. He pointed to other non-cooperating defendants as being "hailed as heroes in the movement," and cited several radical animal/enviro and anarchist prisoner support websites [NYC ABC, Earth First!, Anarchist News, Denver ABC and the Puget Sound Anarchists] which he said "laud Rubin for refusing to cooperate."

Peifer then brought up Rebecca's attempts to claim her dual US citizenship in order to grant her an easier time in

federal prison. At this point judge Aiken abruptly cut him off and said that if Rebecca has a right to that claim, that they should stop the proceeding right now to make she was granted access to all the rights of a US Citizen. "It is her right to the protection of those rights. Do we need to stop the proceeding right now?" She said she would require adequate information on the subject for the Bureau of Prisons. Peifer ceded that she was due those rights, and the hearing continued with Peifer arguing against Rebecca receiving unsupervised release after her incarceration.

Defense attorney Richard Troberman began by introducing Rebecca's family and close friends to the court, and then as he began his arguments, Judge Aiken interrupted him stating that she remembered the summer of 2007 and all the arguments for upward and downward departures and that she had read all the memos and that she was aware that Peifer wanted 90 months and Troberman wanted 60. "Am I missing something?" To which Troberman replied, "Yes, your honor, we reached some agreements. Closer to 60 is better for my client, and my job is to get the sentencing guidelines lowered as much as possible." She asked him not to dwell on arguments that made no difference to her decision.

He began by countering the government's argument that Vail had required extensive planning. He stated that it was planned only a few days before, that Rebecca flew down from Canada, that they scouted the location and hauled the fuel up the mountain, but then decided to delay the action due the the snowstorm. He said Rebecca then left to return to school and found out the fire had been set (by Gerlach and Rodgers) days later on the evening news. He said that Rebecca has accepted full responsibility for that fire, even responsibility for the restitution bill, which was larger in scope and started in multiple locations than what had been agreed upon in her presence. He said that no timers or ignition devices were used, that William Rodgers set the fires by hand. He said that Rebecca had no hand in writing the communique. He said that she does not believe herself to be a hero, but would in fact tell others thinking of doing the same thing, "Don't do it." He said she had never participated in any "Book Club" meetings, nor did she refuse to name names to score points in the anarchist community, but because her personal conscience told her it was wrong to do so. He reiterated that she had turned herself in, and had begun proceedings to do so in 2009, but had backed away from doing so when she was told she was facing life plus 300 years. He said that her fugitive years were "no picnic" and that though she had been free, those years had been very difficult on her.

He then made arguments for her to be released unsupervised after her prison sentence, saying that by the time her sentence is over, it will have been more than 16 years since her last crime was committed. As to the US Citizenship, he said that she had applied before now on several occasions, but just hadn't followed through with the paperwork needed when she was younger. He said that most applications for citizenship by birth are completed in less than 4 months, but that it had been more than 9 months since she applied. Judge Aiken offered to contact Immigration to see if she could get the whole process sped up. Troberman thanked her and said that US Citizens are afforded more privileges and options, receive better housing and treatment than resident aliens receive in federal prisons. Aiken stated that she is constantly in touch with the Bureau of Prisons advocating for good placement for defendants that come through her courtroom.

Rebecca then read a lengthy and heartfelt statement to the court about her personal experience and the difficult lessons she had learned through the actions she had taken and the difficult years as a fugitive. She apologized to her family and anyone who may have been hurt by her actions. She restated her commitment to work, lawfully in the future, on behalf of the earth and animals. Aiken then called for a recess to weigh her decision.

When she returned to the courtroom, Judge Aiken said, "This is like a flashback to the summer of 2007. I didn't have a summer that year. By rights, this case should have been heard in Eugene where there are a lot of people who have followed these cases, staff and others who would have liked to be here today. Day after day of watching people who have a passion for saving the earth throw their lives away. We took our time and had massive hearings on sentencing guidelines.... but of all the people I have heard during these proceedings, yours (Rebecca's) is the most heartfelt, thoughtful, unvarnished apology-slash-explanation I have heard." She went on to say it was a shame that Rebecca had acted rashly when she was young, that the world looks black and white in youth, but when you get older you see the shades of gray. She stated that the damage done and the level of fear

created were horrendous, but she feels like Rebecca learned those lessons. She said she thinks Rebecca has decided how she will live the rest of her life, engaged in democracy. Judge Aiken said she wanted to make a decision for the greater good. That it is her job to hold people responsible, but to ensure that those she sentences return to society after incarceration productive and engaged in democracy, and that she takes that responsibility very seriously. She said, she thought Rebecca would return to her community and that her contributions were needed and respected. She then read her adjusted departures, departing downward because she didn't agree with the government's claim that Rebecca's involvement was "less than minimal", and said that the guidelines left her in the range of 63 to 78 months.

Aiken said that she has "been with these cases since long before they hit the press." In the other hearings, she said that people took joy in their actions and others were humbled and would spend the rest of their lives making amends. She said she believes Rebecca to be in the latter group. "Had you been guided by other principles you would be contributing now." She said she understood Rebecca's fear of turning herself in, "but you came back and I respect that. I also respect this country's rule of law and you met up with angry, impetuous people, your internal mechanism didn't say, 'This is wrong.' What were you thinking? Why were you so sure? Carrying those buckets up the mountain? It was stupidity. You committed dangerous and damaging acts. You're not a hero to anyone. I suspect that when those two other fugitives are picked up, which I think will eventually happen, I suspect that you will come forward to tell the truth. Peifer made a big deal of the "Code of Silence". I have cases of people who were drug runners whose families in Mexico would be killed if they named names. So our system is built on this strange "the first to talk gets off easy" and it's strange but that is how it works. I did take a long look at the other individuals in this case, and I balanced out a number of competing factors. I agreed to a 60 to 90 month range. A 60 month sentence is a reasonable and appropriate sentence." She stated several reasons for coming to this sentence. Rebecca's lesser involvement, her clean criminal history, turning herself in, cooperating with her own story. She also stated that she believed Rebecca was in her own "self imposed prison cell cut off from the things you love" during her years as a fugitive, but countered that with, "But... you were free."

Judge Aiken said she would recommend to the BOP that Rebecca serve her time at FCI Dublin (a low-security women's prison just south of the San Francisco Bay Area), and said she would withhold filing her judgement until Rebecca's citizenship issues were worked out. And of course she had some books she wanted Rebecca to read: "David and Goliath" by Malcolm Gladwell (with many examples of people who overcame great odds in their struggles for social justice within the law) and "Nature's Trust: Environmental Law for a New Ecological Age" by Mary Christina Wood, a law professor at the University of Oregon. She also imposed two years' supervised release and restitution of around \$2 million. Aiken requested that Rebecca do 200 hours of community service as part of her supervised release. she said as part of this community service she wanted Rebecca to talk to students about her decisions and their negative consequences as well as the "proper" ways to go about making change in the world.

5 Feb - New writings by Mumia Abu-Jamal

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

MORE:

February 5th - State of Dis-Union

I have seen many State of the Union addresses over the years, events of pomp and ceremony, of glad-handling and fake smiles, from President Jimmy Carter to the present President, Barack Obama.

The Constitution doesn't so much require it, as it barely mentions it; in one lonely line, Article 11; Section 3 states: (The President) "shall from time to time give to the Congress information of the State of the Union..." (There's more; but not much)

He could send a note, but where's the fun in that?

And so these events have become annual gatherings, food to journalists, and manna to speechwriters.

It's been a Hollywood set from which to launch wars, on drugs, on poverty, on Iraq and on Afghanistan.

But it's not been a place for unity.

Particularly when it comes to President Barack Obama, it's been a State of Dis-Union, where the House of Representatives has set its face against the man, and all of his attempts to govern.

As a direct consequence of such intransigence, the President has been forced to utilize his powers of executive order, even though he has used it less than any other modern president.

It matters little that this is perhaps the most unpopular Congress since the Civil War; the reorganization of voting districts has made them virtually invulnerable. Why worry about national polls when you're guaranteed to get re-elected?

Obama pulled off political miracles when he got elected, and then re-elected.

But elections are one thing; governing is another.

You can call it a State of the Union address, but without unity, it's simply an address.

Words.

The shadow of the Civil War still lies low upon the horizon of a nation called, the United States.

February 5th - Martin's Song

His name is on millions of lips, in dozens of countries.

His image, youthful, strong and handsome, radiates from thousands of walls, in Black communities across the country – and beyond.

His voice, confident, learned, softly couched in the accents and rhythms of the South, and is instantly recognized, as among the finest orators of the 20th century.

I write, of course, of Rev. Dr. Martin Luther King, Jr., and although all of these things are so, it is also true that the man, who is so well-known, is also so little known, for he was, too, a complex man. And Americans want simplicity, not complexity.

He, as with all living, thinking beings, changed, developed and deepened as life taught him lessons that schools could not.

As ever, his Riverside Speech* is little known, but because of what he said at that church in New York City, his fair-weather friends, political allies, and dotting media deserted him, denounce him, and left him open to the lonely death that stalked him.

In the words of historian/scholar/activist and theologian, Dr. Vincent Harding, King was the "Inconvenient Hero", for he was on a radical trajectory that inspired his Riverside Speech, where he denounced militarism, corporate greed, political betrayal of the impoverished, and yes – capitalism.

For this, he made few friends, and grew numerous enemies.

He, at Riverside, called war "an enemy [of] the poor", and a "cruel manipulation of the poor."

He, at Riverside, called for a "revolution of values", which would "look across the seas and see individual

capitalist of the West investing huge sums of money in Asia, Africa and South America, only to take the profits out with no concern for the social betterment of the countries, and say, 'This is not just.' "

Or else, he warned, people would be demonstrating against foreign wars for generations.

How right he was.

That's not the King we see on TV, nor the one we hear on radio.

That's not the man portrayed in movies.

That, in Harding's words, would be "inconvenient."

But that was the man that was.

February 7th - Unfree in America

For millions of people in America, life consists of day after day of repression, in tiny cells, under the unblinking eye of the State.

It is a cruel irony that while public discourse is thick with words like freedom and liberty, the bodies and lives of millions are trapped within a system that only knows how to humiliate and exploit them.

There really is a prison-industrial-complex and those who deny it most are those who profit from it most; for like the Wizard of Oz, they dare not allow you to peek behind the curtain.

There, by political design and judicial fist, you find unchecked, unbridled power wreaking havoc on the lives of the poor – in the name of 'corrections'.

What is their kind of corrections? Repression, pure and simple, from people doing lifetimes in prison holes, to naked brutality under cover of state law.

Thanks to the first 'black' president, Bill Clinton, it is virtually impossible to file and prove a civil rights lawsuit in court.

For, as Clinton demonstrated, it takes a neoliberal to respond to a wave of lawsuits by changing the rules to make filing even harder; don't change the conditions – change the rules. That's neoliberalism.

Those rules are still the rules in force today, for it matters not that there is a Black face in the White House – for, truth be told, he doesn't make the rules.

The conditions, the life-options, and even the post-prison possibilities, are worse and worse, for more and more people.

That has not changed.

February 10th - Owning the World

Several days ago, a press report surfaced that was among the most astounding I've ever seen.

The headline bore a curious equation: "85=3.5, 000,000,000."

At first, it made no sense until I read the body of the article. It explained, eighty-five people in the U.S. had wealth and assets equal to three and half billion people the world over.

I had to re-read it; eighty-five individuals had personal wealth equal to three and a half billion people – or, half the world.

Isn't that amazing?

Isn't that unbelievable?

Isn't that astonishing?

If ever we doubted how unequally wealth is distributed in the world, along comes this fact.

If the Occupy Movement hadn't been beaten back into the shadows, their remarkable call, "We are the 99%!", or "Down with the 1%!" would have to be revisited.

For instead of 1%, it'd be one hundredth of 1%, 85 people? Maybe a thousandth.

Rome – infamous for its rich and corrupt Senate, never saw such inequality as this.

Marx, for all of his acumen, never saw this coming.

This vast wealth is especially obscene in an era of austerity, when budgets are cut, schools are closed, and prisons experience population booms.

The politicians, who serve this tiny, wealthy class, cut more and more, as Congress fills its own ranks with more and more millionaires.

They are those who scream, 'No New Taxes!' on the wealthiest people in the world.

6 Feb - Statement from Leonard Peltier

We've included the latest by American Indian prisoner Leonard Peltier. This statement is a great jumping off point for starting a correspondence with him.

MORE:

Greetings my Friends, Relatives and Supporters:

I know I always say it this way, " Friends, Relatives and Supporters" and all that, but in reality you are ALL my relatives. I know when we sweat lodge we always say "all my relations" and when we come out we say "all my relations" and at the end of my letters I say Mitakuye Oyasin and that means "all my relations." I am deeply, deeply thankful for you, my relatives.

So many of these days have come and gone, and it probably seems like I say the same things over and over but you have to realize that for 38 years, everyday for me is much the same; over and over and over and over, and for many of the indigenous people, their struggles against this world of technology and corporations is the same over and over and over.

I watch the news and it says the Christians against the Muslims and the Chinese against the Tibetans and relative against relative in some of these countries. I cannot help but think, "how does this keep happening??" I know for a fact that the average Muslim in his homeland has nothing against a Christian, nor Christian against a Muslim in regards to their religion. In America, Native people have nothing against non-native people for religious reasons. I guess what I am trying to say is what we have in common is a belief in the right to pursue happiness in a respectful way, and I know the average person here in America has no reason to quarrel with any person in another land for religious reasons.

Can you imagine your children fighting with each other over how they would talk to you or respect you or seek your attention? It would hurt your heart deeply if they were killing one another for these reasons. What I am trying to say to you is, don't let corporations and money-seekers destroy our commonality using religion as the excuse to take our lands and our resources. All too often people wanting the resources of another people send in soldiers to destroy the infrastructure of a people. A lot of times they will attack one group in the name of another, and then attack the other group in the name of the one most recently attacked causing, a divide. This not only happens in nations but it happens on the most fundamental levels of organizations seeking to liberate themselves from oppression. There are those who would spread rumors, attempting to discredit and try to divide people from each other but we must keep in mind what we want to achieve and cultivate our friendships and respect for one another.

We must respect the efforts of others, and remember that words can bring joy and they can also bring pain and disunity. I am saying these things because for me, at this juncture of my life, I am involved in probably my last possible chance at freedom. The people I have gathered around me are people I know and trust. They are my choice, and I want that to be respected.

Throughout Indian country and throughout the world there are people who struggle for freedom daily. America has more people in prison than all the rest of the world put together. The judicial system in America most obviously has become an industry, and not a tool for seeking justice.

These things that we face will not change unless we, the common people, stand in unison against these wicked affronts to our right to pursue happiness and live in a world that is not governed by ethics based on obtaining wealth. I'd like to say things that would make you laugh and be encouraging and when you gather together remembering the cause that I am evidence of, the cause of putting an end to violations of your constitutional rights. I want you to be cheerful and happy but I also want you to know quite truthfully that throughout the history of mankind, defending freedom and justice must be done in every generation.

I am 69 years old and I have done the best I could from where I am at, and I will continue to do so, and I encourage you to do so.

Many people in the course of a lifetime and in the pursuit of spirituality may come to a belief, or perhaps I should say, a realization that there is something in their life that they are called to do. If, for some reason, you have never had such a feeling, and you wanted to know what that was all about, you could, without any pursuit of spirituality, just using common sense, look around at the possibilities that face us. The depletion of our natural world, the loss of drinking water, clean air, natural foods, and you will find cause to be involved in protecting those things and preventing the further destruction of our natural Earth and nature.

You could become involved in trying to save some of the endangered species, you could look at a newborn baby and ask yourself, "what future awaits them?" If this suicidal destruction of our natural Earth continues we may not destroy the Earth, but we could end up destroying the nature that we were designed to live within.

I think it is important that within your thinking if you want to do something to make things better, you should make up your mind if you are willing to do it all by yourself or not, and then do the very best you can and I know others will join you who have the same insight and spiritual feelings that you have developed.

We were created and born within a circle of life and all nature in that circle of life is dependent upon one another. We must join together and repair that circle of life within our family and community circles. We, as a common people, as descendants of other indigenous peoples no matter where we are from, NEED each other, and if some 69 year old man in prison can end up having his words read to you in a meeting like this, I know, I absolutely know that you can do much better.

May the Great Spirit bless you and give you strength and friends to share your labors and happiness with and the knowledge and perseverance to help regain the things that we as citizens of the Earth have lost, and the strength

to protect what we have left, and the foresight to prevent any future losses.

I sincerely hope at this time next year I can be at one of these meetings with you and we can have a good time together and until then...give one another a good hug for me.

6 Feb - Move Marie Mason - Eco Warrior serves draconian sentence in Texas Hellhole

Marie Mason is an earth and animal liberation prisoner serving a 22--year sentence in a Fort Worth, Texas federal prison. Marie pleaded guilty in 2009 to 13 counts of property destruction, with targets such as GMO research labs, boats owned by a mink farmer, logging equipment and environmentally destructive housing developments among others. No one was injured in any of the actions.

MORE:

by Lilia and Peter (*Slingshot*)

Marie also has many years of above ground activism under her belt. She is well known for her work as an Earth First! and IWW organizer, and as a musician, writer, and artist.

Marie is recognized as a Green Scare prisoner due to the application of a federal terrorism enhancement provision to ensure a long prison term, and for the FBI to boast of another successful "terrorism" prosecution. She is, unfortunately, not alone in this fact, however the lengthy sentence does make her case particularly startling.

"It is obvious the government is trying to send a message," Marie told London's Guardian newspaper, "to have a chilling effect, not only on my action, which, of course, transgressed the laws, but also on 30 years of above--ground actions in the environmental rights spheres."

Due to the length of the sentence imposed on Marie, her case is well known world--wide within the environmental, anarchist, and animal rights movements from which she receives broad support. Indian environmental and anti--globalization activist, Vandana Shiva, says of Marie in a widely viewed on--line video, "I think it is criminal that she is being treated like a criminal. That is why we need a movement; both for the rights of nature, and the rights of the defenders of nature so that they can get along with their work to protect this beautiful planet and our common freedoms."

After serving two and a half years in a Minnesota minimum--security prison close to family and friends with no rule violations, Marie was suddenly transferred to the Carswell Federal Medical Center prison in Fort Worth. There she is housed in a special restrictive unit known as the Administration Unit. She never received any explanation for why she was moved. The gymnasium--sized unit houses up to 20 prisoners, but this space has been cut in half due to a recently constructed new wall; a restricted unit inside a restricted unit.

Many of the women in Marie's unit suffer from untreated, debilitating mental health issues which are manifested in violent behavior, self--mutilation, screams and sobs throughout the night, and unpredictable actions. The constant barrage of cries and pleas from people in emotional pain constitutes psychological torture. There is no rest or calm in her unit.

Marie and the other prisoners are only allowed to exercise for one hour a day in a small, fenced--in, concrete, outdoor area topped by double--coiled razor wire. There is no room to run or engage in physical activity. Her unit is frequently under lock down, where prisoners are confined to their cells. Friends who have visited Marie report that she and the other women in her unit physically look like they are severely lacking in access to sunlight. Most prisoners know why they have been transferred to this unit "mostly for excessive rule violations" and what they need to do to get out of it. But Marie has been given no indication of why she is there or what she can do to be moved back into the general prison population.

When singer/songwriter David Rovics recently visited her and asked why she thought she had been moved, Marie simply stated: "They're scared of me." David says, "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."

In the face of this ongoing unjust treatment, Marie's support network has instigated a campaign to have her moved out of the restrictive unit and back into general population in a prison closer to her family and friends. The "Move Marie" campaign is working to place public pressure on the federal Bureau of Prisons (BOP). The long-term goal of the campaigners is to overturn or reduce her unjust sentence.

October 21 was a national call-in day with supporters across the U.S. phoning the BOP headquarters in Washington asking for Marie to be moved. Just a few days later, on October 25, supporters all over the world held "Move Marie" events for an international day of solidarity. Community gatherings were held across the US, Australia, and Europe where people learned about Marie's situation, wrote letters and signed postcards which were sent to the BOP. Supporters are still being encouraged to write letters asking for her transfer. They can be sent to: Charles E. Samuels, Jr., Director, Federal Bureau of Prisons, 320 First St., NW, Washington, DC 20534.

The "Move Marie" campaign has been receiving increased attention with media outlets like Huffington Post publishing a feature on it. One of Marie's lawyers, Susan Tipograph, was interviewed on the HuffPost Live online TV channel. Tipograph has filed a Freedom of Information Act lawsuit against the FBI seeking documents relating to Marie's move, but to date has only received newspaper clippings relating to Marie's above ground actions.

We need a huge amount of public pressure to get the BOP to listen to our concerns about the inhumane conditions in which Marie and her fellow prisoners are being held. Please add your name to the swelling number of supporters who are asking for Marie and her cell block mates to be moved out of Carswell. As Tipograph stated in her HuffPost Live interview, "I think by any standard, the conditions under which she is being held are unconscionable, and are a violation not only of human rights, but of the rights of prisoners in this country to be held in decent and humane conditions."

Go to SupportMarieMason.org for more information, updated information about Marie, current updates on her legal status, join her listserv, find out how you and your community can help bring justice to Marie and the other Carswell prisoners.

8 Feb - Hugo Pinell allowed a phone call for the first time in more than 40 years

We're happy to report the good news regarding our Yogi Bear, Hugo Pinell.

MORE:

After well over 40 years, Yogi was given the opportunity to make a phone call to his family. He tried calling his mom at first, but got the answering machine; so he called his sister, Agnes. And they had a very emotional voice-to-voice reunion.

And there's more: This next weekend, Feb. 15 – 16, Hugo will get a three-hour CONTACT VISIT with his mother, whom he has not been able to hug since the early 1970s.

We've also been informed that New Folsom FB-FAC allows prisoners to get 3 hours of yard if they so choose. However, they're in locked cages and cannot return before the 3-hour timeset. They can communicate with other prisoners in adjacent cages.

Let's hope the next good news will be a positive outcome at his May 2nd Parole Board hearing.

8 Feb - NATO 3 Not Guilty of Terrorism!

On Friday, February 7, 2014, the jury in the NATO 3 trial returned its verdicts against Brent Betterly, Jared Chase, and Brian Jacob Church. These three had been held in Cook County Jail in Chicago since they were arrested on May 16, 2012. They faced trumped up, politically motivated terrorism, conspiracy, and arson charges because of their perceived politics and political activities (mostly through the Occupy movement).

MORE:

The cops and prosecutors had demonized them from the beginning as violent anarchists and domestic terrorists who needed to be locked away for decades because of their nefarious intents to terrorize the city of Chicago. We knew all along that they had been targeted as part of a broad campaign of state repression against activists, particularly anarchists. We knew all along that they had been singled out to send a message to us all that any dissent will be severely punished, that any step outside of the bounds of the mainstream power structures will be met with fierce consequences.

The jury did not buy the state's lies about our comrades being terrorists. They acquitted the NATO 3 of all the terrorism charges: conspiracy to commit terrorism, material support for terrorism, possession of an incendiary device with the intent to commit terrorism, possession of an incendiary device with the knowledge that someone else intended to commit terrorism. They also acquitted them of the solicitation to commit arson charge.

Yet the jury played its role in the criminal legal system by finding them all guilty of possession of an incendiary device with the intent to commit arson and possession of an incendiary device with the knowledge that another intended to commit arson. They also found them all guilty of mob action, a lower-level crime that was offered to the jury as an alternative to the conspiracy to commit terrorism and material support for terrorism charges. The possession charges carry a maximum sentence of 30 years in prison.

We can celebrate the victory over the state's worst lies and their defeat on their own battlefield, but we must not forget that these three individuals are still being made to pay the price for our resistance. We do not know how long they will continue to be held captive by our enemies, but we do know that we will continue to stand in solidarity with them and fight for their freedom until each of them walk out of the prison gate.

Free the NATO 3!

Free all political prisoners and prisoners of war!

The NATO 3 will be sentenced on Friday, February 28 at 2pm. We will send word in the near future about ways you can show your solidarity for them, so stay tuned. In the meantime, we are asking for donations for their support needs in case they will be kept from us for many years to come. They also need to hear from comrades around the world that they are not alone!

February 10th - Failure to Convict NATO 3 Protesters as Terrorists Undermines Broader Police Entrapment Trend

by Kris Hermes (*Huffington Post*)

Three young activists were acquitted of terrorism charges Friday, but convicted of mob action and arson-related felonies for their part in a supposed crime involving Molotov cocktails that was manufactured, both figuratively and literally, by the Chicago Police Department (CPD), and likely the FBI, in the lead-up to the May 2012 demonstrations against the North Atlantic Treaty Organization (NATO).

The split jury-verdict was bittersweet for both sides in this widely-watched case that has lasted nearly two years. State's Attorney Anita Alvarez gambled and lost on a 12-year old terrorism law passed by the Illinois legislature soon after 9/11 which had never been put to the trial court test. Her office's failure to convince the jury that this was a terrorism case was not only a blow to her credibility, but to the CPD operation as a whole, and calls into question her motivations to prosecute such serious charges. Although the three defendants, Brian Jacob Church, 22, Jared Chase, 29, and Brent Betterly, 25, who became known as the NATO 3, avoided terrorism convictions, they still face up to 30 years in jail for the charges they were found guilty of.

From the beginning, the NATO 3 were painted as "violent anarchists," and domestic terrorists. With much fanfare, Alvarez held a press conference on the eve of the NATO summit, accusing the three Occupy Wall Street (OWS) activists of terrorism-related crimes, seeking to impose \$5 million bonds, but settling for still-absurdly high \$1.5 million bonds, and eventually indicting them on eleven charges each. Less known at the time was the

use of CPD undercover police to infiltrate the OWS movement in Chicago and scout the region for anarchists and anarchist symbols, ultimately targeting Church, Chase, and Betterly in the weeks ahead of the NATO protests. The trial revealed that CPD infiltrators Mehmet Uygun and Nadia Chikko, known to the activists as "Mo" and "Gloves," helped plan and instigate the crimes. They plied the defendants with alcohol, getting them drunk on multiple occasions, helped purchase gasoline for the Molotov cocktails, and even cut up a bandanna to use as a wick.

The NATO 3 were accused of planning to attack President Obama's campaign headquarters, the personal residence of Chicago Mayor Rahm Emanuel, four police stations, and other corporate targets in the downtown area. Despite the prosecutor's assertion during the trial that the three defendants were "cold, calculating terrorists," they came off as incapable of executing such a crime. Audio recordings obtained from wires that Uygun and Chikko wore during their interactions with the defendants indicated the infiltrators' frustration with a lack of progress on the "plan," and their verbal efforts to push the NATO 3 along. The State's Attorney placed a lot of emphasis on comments the defendants made while being recorded, but in the end no Molotov cocktails were thrown at anything or anyone and little-to-no evidence was produced showing that they had conspired to do so.

Although the NATO 3 case was not tried in federal court, as most terrorism prosecutions are, it still illustrates a policing trend across the country to conduct infiltration, target hapless and vulnerable individuals, and help formulate a crime that in the vast majority of cases would never have happened but for the involvement of law enforcement. Just as with the NATO 3, infiltrators will often purchase materials for the crime and become instrumental to the "plan" in other ways. Whether it's Muslims, Arab Americans, or political activists like the NATO 3 being targeted by undercover police, FBI agents, or paid informants -- most commonly used in these types of counterintelligence (COINTELPRO) operations -- the tell-tale signs of infiltration and entrapment are usually the same.

The net cast by the CPD operation in 2012 also extended beyond the NATO 3. It was revealed at trial that Uygun and Chikko went trolling for information at cafes and punk rock shows, ran people's license plates for warrants, and even got arrested at an April 2012 Occupy Chicago action, protesting Rahm Emanuel's closure of the Woodlawn Mental Health Clinic. Alvarez also used surreptitiously (and questionably) obtained information from the two CPD infiltrators to prosecute local activists Sebastian Senakiewicz, 25, and Mark Neiweem, 29. Both took plea bargains and are no longer in jail, but Neiweem was detained for more than a year and half, much of which was spent in solitary confinement, and Senakiewicz pleaded guilty to falsely making a terrorist threat, a felony, and was deported to Poland last year under the terms of his "agreement."

Because terrorism cases are so rarely prosecuted and even more rarely tried in court, the NATO 3 case represents a significant blow not only to Alvarez and the CPD, but also to the general law enforcement practice of using infiltrators to manufacture terrorism-related crimes. "This is a line in the sand," said Molly Armour, one of Betterly's attorneys, to the Associated Press after the verdict was reached. "The war on terror can't go this far."

Entrapment defenses are difficult to argue and hard to win, but can help put a spotlight on an abusive and abhorrent practice. Technically, the NATO 3 did not use an entrapment defense, but the elements of entrapment were there in plain view for the jury and the world to see. The jury acquitted all three activists of conspiracy to commit terrorism, material support for terrorism, possession of an incendiary device with the intent to commit terrorism, and other lesser felonies, instead finding them guilty of mob action, and two counts of possession of an incendiary device, all lower level charges.

The NATO 3 were represented by Sarah Gelsomino and Michael Deutsch of the People's Law Office (Church), Tom Durkin and Joshua Herman (Chase), Molly Armour, Lillian McCartin, and Paul Brayman (Betterly), most of whom are members of the National Lawyers Guild. But the NATO 3 were also supported by legal workers, numerous activists, and a longstanding committee -- Free the NATO 3 -- that has engaged in widespread public outreach and direct support to the defendants. It's possible that the NATO 3 will appeal the charges they were convicted of, but with the prospect of decades in jail they have more imminent concerns. The sentencing of the

NATO 3 will be scheduled at 2 p.m. on February 28th at the Cook County Criminal Courthouse, 2650 South California Avenue in Chicago.

Unfortunately for now, despite the successful challenge to terrorism charges as they were applied against the NATO 3, we can't expect these types of cases to go away any time soon. With spying on the rise, both in the more traditional law enforcement setting and in the greatly expanding area of privatized espionage, the type of CPD operations employed to entrap the NATO 3 are likely to persist for a while. However, these legally questionable, yet state-sanctioned tactics, don't have to end up in a high stakes prosecution. And, if they do, they don't have to necessarily result in terrorism convictions. To avoid these kinds of cases in the future, political dissidents can be more deliberate about who they will and won't work with, and better discern some of the tell-tale signs when they occur. Terrorism cases can also be avoided by building stronger bonds of solidarity throughout movements for social change to minimize the risk of vulnerable people being singled out as targets to exploit. But in the event terrorism charges are applied, one of the only lasting ways to fight back against entrapment is to go to trial. Without downplaying the serious risks of going to trial on terrorism charges, those defendants with privilege and support have a unique opportunity to push back against this practice. Just as the NATO 3 and their attorneys did, others can also stand up, legally, to express intolerance to this form of political repression.

Why would law enforcement prey on politically, socially, and economically vulnerable people to make examples out of them for the nefarious purpose of frightening the public, other than to justify their broader repressive actions and to cash in on the escalating security budgets that these summits bring? From this distorted perspective, the State's Attorney's office achieved its short term goals back in May 2012 by bringing trumped up terrorism charges against the NATO 3. The orchestrated effort to chill dissent in advance of the NATO demonstrations, combined with indiscriminate police brutality, and the appropriation of millions of dollars for policing equipment, including surveillance cameras, that remain in Chicago today, long after the summit delegates rolled out of town, shows that the city got what it wanted at the expense of the NATO 3. But, the OWS movement that inspired Church, Chase, Betterly, and millions of others showed us that we can and should resist these practices.

Meanwhile, the NATO 3 continue their legal struggle and could use our help.

February 11th - Chicago Tribune Stands Behind State's Fantasy of Radical Terror, Even Though 'NATO 3' Acquitted of Terrorism

by Kevin Gosztola (The Dissenter)

Few terrorism cases are lost by the government prosecutors in the United States, whether at the federal level or, in rare instances, at the state level. However, last week, a jury came to a verdict in the "NATO 3" trial that acquitted three young men of all the terrorism charges they had faced.

It was a huge defeat for Illinois State's Attorney of Cook County, Anita Alvarez, who angrily refused to admit the state had lost during a press conference after the verdict was announced.

Alvarez emphasized that the "NATO 3" had still been found guilty of possession of an incendiary device with the intent to commit arson as well as two mob action offenses. However, the state did not bring this case as an arson or mob action case and all along the public had been led to believe that these were "terrorists" on trial. And they were so dangerous that the men were going to be charged with offenses under a largely untested state terrorism statute.

Rather than react to the outcome in the trial by examining the decision by Alvarez to abuse her authority and bring this case as a terrorism case when there was no shred of evidence for such charges, the Chicago Tribune editorial board published a state-identified editorial on February 10 that was a fervent defense of all that Alvarez and other prosecutors did in this case. It stood in sharp contrast to an editorial from the Chicago Sun-Times, which stated, "The Chicago Police and State's Attorney Anita Alvarez almost comically overreached."

The Tribune editorial board seemed to argue that defense attorneys were the ones who erred, not prosecutors or police. “Defense attorneys were way out of line when they stepped to the microphones, post verdict, to bash Cook County State’s Attorney Anita Alvarez for pursuing terrorism charges,” according to the editorial.

The notion that this case “trivialized” terrorism or that this was a “politically motivated prosecution” was outright dismissed, as the Tribune editorial board followed the example of prosecutors and pulled more comments from recorded conversations to further demonize them. The editorial board also repeated this wild notion that an attack on four police stations was ever going to happen, even though prosecutors never put forward evidence to prove there had ever been such a plot to attack Chicago police.

Alvarez’s press conference remarks after the verdict were quoted. “Let me ask you: What do you think they were going to do with these devices?” she asked. The Tribune editorial board said, “That’s a very good question.”

It is actually “a very good question.” It was the job of prosecutors in the trial to answer the question with evidence, especially because they were the ones bringing charges. Lucky for prosecutors, they were able to convince the judge to give the jury an “entrapment” instruction that would help members downplay the role the undercover police officers played in the construction and possession of Molotov cocktails.

Fear, innuendo and the existence of the beer bottles managed to be enough to convince the jury to convict the three men of arson charges. They found words from recorded conversations—seemingly disparate, said during different days yet linked together by prosecutors—to be enough to discern some “intent” to commit a crime, and prosecutors did not totally lose the case.

But the facts brought out during trial showed that Officer Mehmet Uygun had been the only one to talk about “terrorizing” Chicago. He is the one who raised the idea of buying gas when he said he had \$2 for gas. He cut the bandannas to make the wicks for the Molotov cocktails, and he had control of the Molotov cocktails, hiding them from the “NATO 3” so they would be found when police raided the apartment. And, on the day of May 16, when the Molotov cocktails were made, it is undercover Officer Nadia Chikko, who first raised the idea of making them.

The Tribune editorial board does not appear to be interested in the facts brought out during the trial. They instead put forward an answer driven by the same confirmation bias that led Alvarez to wrongly pursue this case as a terrorism case.

In fact, this excerpt of the editorial is reflective of what was most foul about the case:

Church, Chase and Betterly [the "NATO 3"] came to Chicago looking for trouble. A lot of people did. Remember that week? Thousands of protesters aired countless grievances — about everything from capitalism to European austerity measures to the Keystone pipeline — against the backdrop of the summit, at which heads of state met to discuss international security issues.

*Most of the protesters were peaceful, and city officials went to great lengths to facilitate their right to assemble. But **police took lots of abuse from the self-described anarchists, who curiously advocated violence as an antidote to war.***

*Remember the **masked agitators**, dressed in black, snaking their way to the front of the parade ranks as the Sunday afternoon protest stepped off? Remember the hours long standoff between police and demonstrators bent on storming the summit after the veterans’ anti-war ceremony? Remember how the officers assigned to keep things safe and orderly turned the other cheek as the marchers chanted “One, two, three! (Expletive) CPD!”?*

So, when Chase remarked that gasoline “smells like victory” as he assembled Molotov cocktails in the dark, should police have discounted the danger because he cluelessly requested a lighter so he could see better? No. [emphasis added]

In those four paragraphs, the Tribune editorial board reassure the public that the “NATO 3” were “dangerous” and would have plotted violence because there were apparently others like them, who were part of a tense standoff with police at a protest that was supposed to be peaceful. This is what prosecutors did throughout the trial—expressed their bias against the “NATO 3” as if it were evidence of crimes.

The paragraphs inaccurately suggest the police were peaceful.

Beating the crowds is what some police eventually did as they swung batons at a front line of protesters frantically and violently on May 19 during a mass demonstration against NATO.

The scene prompted CNN’s Don Lemon to say on air, “Every time I see it, I just can’t imagine being any of the people who are on the ground or in front of those police officers. I don’t know. Does anybody deserve that?”

Better, can any reasonable person call this “turning the other cheek”?

On May 9, 2012, ten days before the NATO meeting, police stopped the three men in their car. Video was recorded of police saying, “See these guys know, ’68, these guys know all about ’68.” Another officer asked, “What did they say back in ’68?” “Billy club to the fucking skull,” a cop added. When race was mentioned, an officer said, “Okay, now we’ll beat your white ass.” And, once the “NATO 3” were free to drive away,” after one of them said they would see the police next weekend,” an officer said, “We’ll come look for you, each and every one of you.”

There was no reasonable basis for the stop other than the fact that the officers knew they were out-of-town protesters.

The Tribune editorial board’s use of the phrase “masked agitator” has deep roots in Chicago history. “Agitator” was what one would use to describe the rabble-rousers they thought would bring about worker violence when labor was struggling for rights. The editorial board believes “masked agitators,” like the “NATO 3,” would have provoked significant protester violence and so police state powers used against demonstrators are called for in the same way they were urged by press against anarchists, communists, socialists or other radicals in the late 1800s and early 1900s.

As expressed later in the editorial:

...When a 20-year-old calls himself an anarchist in such a setting, you don’t question whether he’s man enough to mean it...

Such a statement basically says you are not allowed to be an anarchist during major events like the NATO meeting when large demonstrations will occur. Your political beliefs are such that you should be targeted by domestic police spying operations and tracked by police to neutralize and suppress you as you seek to engage in your First Amendment right to express your anger with the system. And it accepts the myth that anarchists will commit violence no matter what, refusing to accept the reality that police are often the first to provoke and invite a violent reaction by fostering a climate of repression through their actions and heavy-handed presence.

Notably, there is no nod to the history in Chicago of police targeting and suppressing radical protesters through Red Squad operations in the 1960s or 1970s or in the aftermath of the Haymarket incident, which touched off an anarchist scare. There is no reflection on the part of the editorial board on the issue of prosecuting dissenters as if they are terrorists. However, with this case, all of that seemed to be resurrected by police and prosecutors, as they executed a “public safety mission” ahead of the NATO meeting that really was a modern-day Red Squad operation that included infiltrating Occupy Chicago.

It apparently does not bother the Tribune editorial board that prosecutors asked a judge to give the “NATO 3” a \$5 million bond for each defendant. The judge granted the state a \$1.5 million bond to keep each of them in

prison. They were brought into a courtroom during an early hearing in shackles and chains and treated in a way that murderers are not even treated. They were held in “protective custody,” which essentially means authorities were able to keep them in conditions that amount to isolation since they were terror suspects in the eyes of the state.

Zealously, the Tribune editorial board urged the judge to “throw the book” at the “NATO 3” and put them in prison—for a long period, one presumes. Nearly two years and being treated as “terrorists” is not enough “justice” for the editorial board.

Finally, even though the men were acquitted of all terrorism charges, the editorial board endorsed Alvarez’s invoking of the Boston marathon bombing:

“Have we forgotten about Boston here?” Alvarez said after the verdict, adamantly defending her decision to pursue terrorism charges. “Have we forgotten about homemade bombs in backpacks? We were able to stop people from being hurt, and I would do it again.”

We should all rest easier knowing that.

Actually, we should not. We should not rest easy if it means denying there was a massive abuse of prosecutorial discretion in this case. We should not rest easy if it means that Alvarez would do this all over again and if a major newspaper’s editorial board in Chicago, which had a diligent reporter covering the trial, walked away after the verdict with a conclusion that everything is okay and there is no one in power who should have to answer for anything.

Molly Armour, one of the defense attorneys in the case, when she was asked if “overcharging” was a justifiable strategy for winning the case, plainly stated, “A prosecutor’s job is to do justice. The prosecutor’s job is to evaluate the case. And they did not because if they had they could have seen clearly what 12 jurors saw, which is there was no terrorism here.”

Such institutionalized delusion and willful ignorance on the part of police, prosecutors or the press is likely to cause more pain and suffering for individuals in the future when prosecutorial discretion is blatantly abused again. That, primarily, is why none of what the Tribune argued should be accepted.

10 Feb - Trial Begins for Occupy Wall Street’s Cecily McMillan

Trial was set to begin in Manhattan Criminal Court February 10th for Occupy Wall Street activist Cecily McMillan, who faces 2nd degree assault charges stemming from a 2012 encounter with the NYPD that left her beaten and unconscious.

MORE:

McMillan was brutally arrested on the evening of March 17, 2012 at an event marking the 6-month anniversary of the group’s occupation of Zuccotti Park. The series of events leading up to McMillan’s beating was documented extensively by the press, and began with a male NYPD officer forcibly grabbing her right breast. McMillan was 23 years old at the time.

McMillan, over the course of her arrest, sustained a violent beating resulting in bruised ribs, a seizure, and myriad cuts and bruises across her body. McMillan was hospitalized for these injuries.

McMillan was later charged with felony assault of a police officer, Assault 2nd degree, a Class D felony in NY, which carries that sentence of up to 7 years in prison. Prosecutors, upon approaching trial, have indicated that they will ask the judge for a maximum sentence of 7 years. Many activists speculate that McMillan’s work as a political organizer has played a role in the prosecutor’s unwavering position. Others attribute the city’s stance to an unwillingness to admit guilt in the grotesque display of police misconduct on the night of McMillan’s arrest.

“The main issue here,” says Martin R. Stolar, McMillan’s attorney, “is the heavy-handed, over-policing by the NYPD during the Occupy Wall Street protests, which lead to crimes where none existed. It was a normal reaction for a woman to react, to be startled after having her right breast grabbed.” Rebecca Heinegg will be co-counsel with Stolar at trial.

According to the National Lawyers Guild, McMillan’s case is one of the last court cases stemming from Occupy Wall Street-related left on the docket. It may also be one of the most consequential.

10 Feb - Kevin Olliff arrives at prison

After a few weeks at a reception facility, where his communications were limited, Kevin arrived at his prison destination this week. And it’s a strange one.

MORE:

Kevin was sentenced last month to 2.5 years in prison for possessing wire cutters and cammo clothing prosecutors say were to be used in the raid of a fox farm the night of his arrest.

Good news and bad news

The bad news is, Kevin is at a prison. And a good portion of the population is works at on-site “dairy processing” and “meat processing” facilities.

The good news is, it’s a minimum security prison. (Often animal liberation prisoners are sent to higher security prisons that are not consistent with their “crimes.” This happens in response to prisoners whose crimes the prisons don’t understand, or to alarmist “terrorist” rhetoric in the media.)

Conditions at Vandalia

The prison has barracks-style quarters, with about 88 people per room. While this means Kevin is constantly surrounded by dozens of people, he’s happy he can finally go outside to a real yard, something Woodford County lacked. Even in the dead of Midwest winter, he’s been talking about how pretty it is outside and how great it is to hear birds again

He’s being given vegan meals too, and strangely but fortunately for animals and prisoners alike, all Vandalia inmates with special dietary needs are fed vegan meals. Kevin will also be allowed to buy commissary foods soon. Given that he lost nearly 15 pounds in his three weeks at Stateville, it’s important he starts putting on weight again. (Donate to the commissary fund via the IndieGoGo fundraiser or PayPal.)

Prison has an on-site “meat processing” facility

It is a twist of cruel irony, the prison where Kevin was sent has an on-site meat processing plant. Believe it or not, Vandalia is actually one of a few state prison meatpacking facilities. Of course, Kevin will not be working in the processing center, but it is here that Vandalia claims to offer the ostensible promise of “vocational education” to other inmates. Maybe it’s no surprise that one of the most difficult, dangerous, and psychologically damaging jobs is the one left for inmates with few other options.

Mail rules at Vandalia Correctional Center:

Here are the mail rules lifted straight from the Illinois State Prison website. They seem to indicate books can be mailed directly to prisoners, provided they are in the correct type of envelope.

Inmates can receive correspondence, legal mail and publications, which are reviewed to determine whether they are obscene or constitute a danger to safety and security. The institutional Publication Review Committee reviews all publications that are not on the approved list, and will disapprove materials that do not meet criteria. Inmates can receive publications, including books, periodicals, magazines, newspapers and catalogs in accordance with department regulations. Inmates can receive publications from a vendor, friend or family. There is no limit through the mail. Publications brought to the facility shall be limited to 5 per visit.

Guidelines need to be followed for envelopes and packages.

- Envelopes that are padded with clear bubble wrap will be accepted. Envelopes that have this type of padding can be easily scanned.
- Envelopes padded with gray diamond dust and corrugated cardboard boxes mailed from family and friends will not be accepted and will be returned to the sender without being opened.

11 Feb - Brian Vaillancourt Gets 9 Years for ALF Arson

Brian was arrested on February 9, 2013 in Chicago for allegedly trying to burn down a McDonalds.

MORE:

Negotiation Is Over has learned that days ago after serving a year in Cook County Jail, on February 3, 2014, he was convicted of aggravated arson and sentenced to 9 years in Stateville Prison. He was facing a possible 30-year sentence. It is unclear at this time whether he took a plea or was convicted at trial.

Brian is also the third activist against whom a University of Florida vivisector filed ridiculous charges alleging he had been “threatened.” He was expected to be extradited to Florida to face these charges after he is finished with his legal issues in Illinois.

If we support our warriors on the frontline of the Animal Liberation Movement and celebrate their actions, then we must embrace them even more when they fall into the hands of the state. Please write to Brian today. Let him know his community is behind him and that we have not forgotten him.

Prisoners look forward to mail and depend upon support from the outside to allow them to buy basic necessities and vegan food from commissary.

12 Feb - Prison Phone Calls Will No Longer Cost a Fortune

Prison phone rates have decreased by 25% to 50% overnight thanks to new U.S. rules, according to one service provider.

MORE:

by Sam Gustin (*TIME*)

Hundreds of thousands of U.S. prison inmates and their families will now be able to speak by phone at much lower prices thanks to new federal rules that went into effect on Tuesday. The new rules were crafted by the Federal Communications Commission and are designed to crack down on what prison inmate advocates call abusive and predatory practices by phone companies.

For over a decade, many prison inmates in both state and federal facilities have paid significantly higher rates to make interstate phone calls than people outside of correctional facilities. According to the FCC, some prison inmates have had to pay as much as \$17 for a 15 minute phone call.

The new rate caps, which were passed by the agency last fall under the leadership of acting FCC Chair Mignon Clyburn, impose a limit of 21 cents per minute for debit or pre-paid calls and 25 cents per minute for collect calls. At those levels, the cost of a 15-minute call would be reduced by as much 80% to \$3.15.

“This is a huge victory for justice for ordinary people at an agency that is usually more attuned to private interests,” says Cheryl A. Leanza, policy director at the United Church of Christ, which has long advocated prison phone reform. “Increasing the connections between families and inmates helps all of us. Strong family connections improve the likelihood that when inmates are released, they will not become repeat offenders, and that makes our society safer. We are very grateful to Commissioner Clyburn.”

The new rules come a decade after Martha Wright, a Washington, D.C. grandmother, petitioned the FCC for relief, saying it was too expensive to call her grandson in jail. Since then, the FCC says that tens of thousands of

people have urged the agency to make it easier — and in some cases even possible — for them to stay in touch with loved ones in jail. On Tuesday, the new rules, which apply to interstate calls made from federal, state, and local correctional facilities, went into effect.

“This means that many families will no longer have to choose between talking to their loved ones in prison and paying their utility bills,” FCC Chairman Tom Wheeler, Commissioner Jessica Rosenworcel, and Commissioner Clyburn said in a statement. “It means that society will benefit from the decreased rates of recidivism that family contact brings. These families can now afford to keep in touch because the era of unreasonable and unjust phones rates has ended.”

Richard Smith, President and CEO of Dallas-based Securus, the nation’s second largest provider of prison phone call services, told TIME in a phone interview that as of Tuesday, his company had implemented the new rates, leading to an immediate reduction of 25% to 50% in the price of prison phone calls. But he said that his company would continue to contest the new rates while the FCC conducts further research.

“We think some of the new rates are below our cost,” says Smith. He said that his company, which has a 28% market share of the prison phone call market and was purchased by Boston-based private equity firm ABRY Partners in April of 2013, handles 120 million calls per year at an average rate of \$3.50 per call. Smith acknowledged that some calls may have cost as much \$17 for a few inmates, but said those calls were “outliers” cited by inmate advocates pushing an agenda. He said that his company handles many calls at rates cheaper than the \$3.50 average.

“This is a public policy issue,” Smith says, adding that prison calling rates are determined by a variety of factors, including the number of inmates and whether a correctional facility is located in an urban or rural setting. He pointed out that prisons and jails select a phone service provider based, in part, on so-called “commissions” that are used to supplement cash-strapped correctional budgets and help pay for inmate and victim services.

If phone rates go down, private phone vendors won’t be able to pay as much in these commissions, so correctional institutions will be forced to make up the difference, according to Smith. He says this means that “taxes are going to go up” in many jurisdictions as a result of the FCC’s new rate caps. Leanza, of the United Church of Christ, said these commissions amount to “legalized kickbacks” where the highest bidder wins, in contrast to traditional competitive bidding where the lowest bidder wins. “This is not the free market at work,” Leanza says.

Asked why it took more than a decade for prison call reform to occur, Leanza pointed out that phone companies are very powerful in Washington, D.C. “It was always very easy for the phone companies to push the issue down the road,” says Leanza. “Prisoners usually don’t have a strong voice on many issues.”

16 Feb - Book wish lists

NYC ABC recently noticed that the support crews of many political prisoners are taking advantage of maintaining online book wish lists for the folks they support. We’ve compiled the lists so that you can easily send books to these comrades. Periodically, we will revise and publish this list to keep readers up to date. This list will also be available at nycabc.wordpress.com

MORE:

Brandon Baxter

<http://www.amazon.com/gp/registry/wishlist/1WLRAMZMF41H5>

Walter Bond

<http://www.amazon.com/gp/registry/wishlist/W7P09VVVUSYT>

Jeremy Hammond

<http://www.amazon.com/gp/registry/wishlist/3F9YV4UZ5SAZI>

Marie Mason

<http://www.amazon.com/gp/registry/wishlist/20H9JWR4VGXTS>

Kevin Oliff

<http://supportkevinandtyler.com/send-books>

Joshua Stafford

<http://www.amazon.com/gp/registry/wishlist/4BD2163X2NA6>

Connor Stevens

<http://www.amazon.com/gp/registry/wishlist/17SQOP2C6O3KR>

Doug Wright

<http://www.amazon.com/gp/registry/wishlist/37YXSRCKU6OB8>

19 Feb – MOVE program at Medgar Evers College

WHAT: Religion, Rebellion & MOVE

WHEN: 6:00-9:30pm, Wednesday, February 19th

WHERE: Medgar Evers College Founders Auditorium - 1650 Bedford Avenue (between Crown and Montgomery Streets)

COST: Free

MORE:

The School for Professional & Community Development Presents: Religion, Rebellion & MOVE, a discussion featuring Cornel West, Ramona Africa, & Mark Lewis Taylor

22 Feb - Open House at The Base

WHAT: Open House

WHEN: 6:00pm, Saturday, February 22nd

WHERE: The Base – 1302 Myrtle Avenue, Brooklyn

COST: Free

MORE:

Every week now we at The Base have talks, several workshops, film screenings, and organizing projects - from Introduction to Anarchism to Mutual Aid Self Therapy to monthly potlucks to a brand new Solidarity Network.

Finally, we are bringing people from each of these classes and projects under the same roof at the same time. Please join us for the first Base Open House, where you can meet the people behind the projects, learn what each of them have been doing, and potentially find some to link up with.

This event kicks off our month-long fundraising drive! We're asking for your help with a small recurring donation. We are specifically looking for 25 people to donate \$20 a month. And secondly, 50 people to donate \$10 a month.

Come celebrate a strong six months of Base programming!

And join us in our unrelenting march toward a stateless world where the beauty of cooperation and solidarity prevail.

28 Feb – Rod Coronado at The Base

WHAT: Talk by former political prisoner Rod Coronado

WHEN: 8:30pm, Friday, February 28th

WHERE: The Base – 1302 Myrtle Avenue, Brooklyn

COST: Free

MORE:

Join Hunt Saboteurs North America as they host an evening of discussion with former earth and animal liberation political prisoner Rod Coronado.