

Updates for February 4<sup>th</sup>

### **16 Jan - The iPod of Prison**

*In early 2005, Josh Demmitt arrived at a federal prison camp, in Sheridan, Oregon, to serve a thirty-month sentence for starting a fire outside an animal-testing facility at Brigham Young University. The nineteen-year-old received a warm welcome from his fellow inmates, who greeted him with coffee and cigarettes, advice on procuring vegan meals, and a pocket AM/FM radio.*

#### **MORE:**

by Joshua Hunt (*New Yorker*)

The radio provided hours of welcome distraction for Demmitt, who had come from Sheridan's adjoining detention center, where, he says, he spent weeks without a radio while confined to a small cell for at least twenty-three hours a day. The radio was unlike any Demmitt had seen outside prison, with a transparent plastic body that revealed the landscape within: a single AA battery rested at the bottom of its circuit board, while its antenna—one and three quarter inches of copper wire coiled around a small ferrite bar—peeked through a white Sony logo, just above the AM/FM dial.

The pocket analog radio, known by the bland model number SRF-39FP, is a Sony “ultralight” model manufactured for prisons. Its clear housing is meant to prevent inmates from using it to smuggle contraband, and, at under thirty dollars, it is the most affordable Sony radio on the prison market.

That market consists of commissaries, which were established by the Department of Justice in 1930 to provide prisoners with items not supplied by their institutions; by offering a selection of shampoos and soaps, they shifted personal hygiene costs to inmates, while distractions like playing cards eased tensions among the nation's growing prison population. More than half a million inmates each week shop at commissaries stocked by the Keefe Group, a privately held company that sells items to the Federal Bureau of Prisons, and twelve out of fourteen privately managed state departments of corrections. A sample commissary order form lists items like an I.B.M. typewriter ribbon, hair dye, RC Cola, Sensodyne toothpaste, chili-garlic sauce, Koss CL-20 headphones, and a “Sony Radio.”

Commissaries often carry other, bargain-brand radios, but according to former inmates and employees of the Bureau of Prisons and the Keefe Group, who spoke on the condition of anonymity, America's federal prisoners are most likely to own a Sony. Melissa Dolan, a Sony spokesperson, confirmed in an e-mail that selling portable radios in American prisons has long been a “stable business” that represents “sizable” sales for the company. Of the models available, the SRF-39FP remains an undisputed classic, still found on commissary lists an impressive fifteen years after its initial release, making it nearly as common behind prison walls as Apple's iPod once was outside of them, despite competition from newer devices like digital radios and MP3 players.

But sheer availability doesn't explain its ubiquity. The SRF-39FP is the gold standard among prison radios in part because it runs on a single AA battery, and offers forty hours of listening time—longer than an iPod Classic. Digital models can require twice as many batteries, like the Sony SRF-M35FP, which runs on two AAAs. Federal inmates are particularly attuned to battery life because they are allowed to spend just three hundred and twenty dollars each month on commissary goods; more cash spent on batteries means less for snacks, stationery, clothing, and toiletries.

The importance of radio battery life in prison communities cannot be overstated; the devices are relied on for more than listening to music, hearing about local news and weather, and watching television (TV sets in common areas often use transmitters to broadcast sound on a dedicated frequency). A study conducted at San Vittore

prison in Milan, Italy, found that “in a place where privacy is constantly denied, radio becomes a vital tool for building and maintaining one’s private self.” Some inmates even had a term for using their radio to create a bubble of personal space: “I headphone myself,” one said.

There is also a bit of prison culture itself at work in the story of the SRF-39FP. Radios like the one that was loaned to Demmitt are usually left behind by inmates who have reentered the free world. Some prisoners believe that it is bad luck for radios to leave prison with their owners, while others believe that taking them simply violates the “convict code,” according to former inmates like Demmitt and Steven Grayson, author of “The Unauthorized Federal Prison Manual.” Whether radios are abandoned as a matter of solidarity, convenience, or good karma, they pass from inmate to inmate, serving one sentence after another. The durable, analog SRF-39FPs have been changing hands in this manner for a decade and a half, which adds up to a lot of radios in circulation.

This practice helps explain the relative rarity of the SRF-39FP outside prisons. A unit in good condition can fetch up to double or triple its retail value among enthusiasts and collectors like Gary DeBock, a co-founder of the Ultralight Radio Group. According to DeBock, the outside supply depends upon stock siphoned from the California prison system and sold on auction sites like eBay.

DeBock is a member of the “DXing” community, whose hobbyists attempt to pick up distant radio or television signals, including those from amateur or pirate radio stations. (“DX” is shorthand for “distant stations.”) DeBock’s fascination with the SRF-39FP began when he realized that it could receive AM signals from places as distant as Japan and Korea at his home in Puyallup, Washington. “Since then, I’ve probably had more exposure to the SRF-39FP than anyone else who has managed to stay out of prison,” DeBock said.

Others in the online DXing community argue that the SRF-39FP is superior to virtually every other pocket analog radio, praising it for its large tuning thumbwheel, over-all sensitivity and audio quality, and, above all, its reputed indestructibility. Electronics and radio collectors also marvel at features that are normally associated with professional equipment rather than consumer goods: in particular, an exceptional single-integrated-circuit receiver that insures reception in remote locations—or deep within heavy prison walls. In fact, the SRF-39FP was one of the first radios to use the breakthrough CXA1129N integrated-circuit chip, considered by DeBock to be the primary innovation among Sony pocket radios; it helped make the SRF-39FP the smallest and most sophisticated in a line of pocket radios that had launched two decades earlier, in the late nineteen-seventies.

In recent years, Sony has opted to shift its prison-radio lineup away from analog, focussing instead on digital models like the SRF-M35FP. Last year, the Bureau of Prisons decided that it was time to further upgrade prison tech. Following a successful test at the same West Virginia federal prison camp where Martha Stewart spent five months for lying about a stock sale, prison officials began selling MP3 players that allow inmates to download songs at terminals in prison commissaries.

A Bureau of Prisons spokesperson said that the MP3 program wasn’t expected to make money in its early years. Price is one reason: the MP3 player sold in federal prisons costs roughly three times as much as an SRF-39FP, and downloads can cost up to a dollar and fifty-five cents per song. Limited song selection is another reason; the Bureau of Prisons prohibits songs deemed explicit or likely to incite the inmate population. (JPay, a company that provides services to inmates, boasts that, with its catalogue of ten million songs, “no other music service in corrections offers as many tracks for download.”) However, despite modest expectations for the technology upgrade, the Bureau of Prisons spokesperson Ed Ross said that more than fifty per cent of federal inmates have already bought MP3 players. It seems inevitable that the MP3 player will soon completely eclipse radios like the SRF-39FP in American prisons, just as they did outside, but for now both devices are woven into prison life.

Josh Demmitt left his Oregon prison camp in May, 2007, two and a half years after he had arrived. While his radio didn’t come back with him to suburban Utah, within a matter of weeks he bought his first iPod.

**19 Jan - "If the Risk Is Low, Let Them Go": Efforts to Resolve the Growing Numbers of**

## **Aging Behind Bars**

*Imagine your grandparents and great-grandparents in shackles or dying behind bars. By 2030, the prison population age 55 and over is predicted to be 4,400 percent more than what it was in 1981. Some state and federal prison systems look at alternatives.*

### **MORE:**

by Victoria Law (*truthout*)

The recent release of 74-year-old Lynne Stewart has made headlines. Stewart, who was diagnosed with breast cancer in 2005, was granted compassionate release December 31, 2013, after a protracted struggle by Stewart and supporters across the country. Stewart, whose cancer has spread to her lungs, lymph system and bones, will spend her remaining months with her family in Brooklyn.

But what about the aging and infirm people incarcerated nationwide who lack Stewart's fame and support? The United States has some 125,000 prisoners age 55 and older, quadruple the number in 1995. Various human rights groups, including the ACLU, Human Rights Watch and the Vera Institute of Justice have issued warnings about the increased numbers of aging, elderly and incapacitated behind bars. In response to these increases, several states, such as Kansas, Mississippi and Tennessee, are in the process of building hospice and geriatric units within their prison systems.

But what other solutions are there?

### **"If the Risk is Low, Let Them Go"**

In New York, advocates - including formerly incarcerated people - have launched the Release Aging People in Prison (RAPP) campaign. More than 9,200 people (nearly 17 percent) imprisoned in New York are 50 or older. While the state's prison population dropped this past decade - from 71,466 in 2000 to 56,315 in 2011 - the number of people 50 and older has increased by 64 percent. Lead organizer Mujahid Farid knows the obstacles facing people seeking parole. Farid was arrested in 1978 and sentenced to 15 years to life for an attempted murder. By the time he was eligible for parole in 1993, he had earned four college degrees as well as certificates for numerous other programs. None of these accomplishments mattered. He was denied parole based on his 1978 conviction. Farid appeared before the parole board ten times over the next 18 years before he was granted parole in 2011.

"I realized it wasn't personal," he told Truthout. "They're not looking at your personal development. They're simply looking at your conviction." After his release, Farid met with advocates, including other formerly incarcerated people, to discuss how to overcome the hurdle within the parole system. Out of these discussions came RAPP. Under the slogan "If the risk is low, let them go," RAPP mobilizes to change the routine in which parole and compassionate release are denied to those who have spent decades in New York's state prisons.

Laura Whitehorn spent 14 years in the federal prison system. "I've had friends who have died in prison," she told Truthout. "It's heartbreaking." Because the federal Bureau of Prisons is under no obligation to house prisoners close to their communities, family members often are unable to see dying loved ones incarcerated across the country. Those able to make the journey have limited visiting - and always with an armed guard in the room. "Kids need to be pat-searched to visit their parents and grandparents," Whitehorn remembered.

Farid and Whitehorn note that, in New York state, releasing many aging prisoners does not require new legislation. A 2011 executive law directed the parole board to begin using risk-assessment tools when making decisions, but the Division of Parole did not post new regulations complying with the law until December 18, 2013. "The risk of committing a new crime is about 5 percent for older people, compared with an overall recidivism rate of nearly 40 percent," Farid stated. "If the parole board followed the law, many of the men and women would safely be released, saving millions of dollars a year in unnecessary medical and custodial costs."

One of RAPP's first initiatives has been a public education campaign. "A lot of activities going on with parole

are so outrageous, but [parole board members] get away with it because the public doesn't know," Farid said. RAPP volunteers have visited churches and community boards. The response has been positive. The Queens Federation of Churches has agreed to support RAPP's campaign. Churchgoers have attended RAPP's monthly meetings and invited RAPP volunteers to theirs. Whitehorn approached her local community board, which has a committee on aging. "I thought they'd say, 'Oh, no! Not another thing to take on!' But they jumped at it," she recalled. Another time, she spoke about RAPP at a panel on the Affordable Care Act at a geriatric home. People flocked to her table to sign RAPP's petition to the parole board. Whitehorn distinctly remembers one woman with a cane, who told her, "I don't like the idea of people like me being in prison."

### **The California Elderly and Elderly-Lifer Alternative Custody Program**

In California, Jane Dorotik has been pushing for an elderly alternative custody program. Inside its prison system, prisoners age 55 or older increased by more than 500 percent between 1990 and 2009. According to Human Rights Watch, that number is projected to increase to 15 percent of California's prison population by 2019.

In 2012, having seen the effects of keeping aging people in prison, Dorotik, who has been incarcerated since 2001, drafted a proposal for an elderly and elderly-lifer alternative custody program. Dorotik notes that lifers (those serving life sentences) now represent one-fifth of the state's prison. She also notes that many, particularly those in the women's prison population, have been sentenced for a single action committed many years ago and that lifers have an 18 percent chance of being granted parole.

Unlike RAPP, Dorotik is not pushing for parole. Instead, she is advocating that people 55 or older be released under supervision, including ankle monitoring. They remain under the custody of the California Department of Corrections and Rehabilitation (CDCR) and can be returned to prison at any time. Dorotik proposes a pilot program at the California Institute for Women, where she is housed, for those age 55 and older. In addition to age, women must:

- Have been incarcerated for at least seven years or 50 percent of their sentence (whichever is greater).
- Have no previous history of felony convictions.
- Have had no serious disciplinary actions against them in the last five years
- And have secured placement in the community.

Dorotik notes that nearly 140 people at CIW are over 55. Each costs \$138,000 per year to keep behind bars. The vast majority of these "Golden Girls" meet the above criteria.

But it's not just the financial cost that concerns Dorotik. She's seen the human cost of keeping the aging people imprisoned. In 2006, Dorotik wrote an open letter to state legislators urging them to expand the use of compassionate release. "Compassionate release is an available alternative to dying alone and isolated behind prison walls," she wrote, "but it is almost never granted by the CDCR bureaucracy." She pointed to the (then-recent) death of 63-year-old Annie Castiglione, who had been sentenced to Life without the Possibility of Parole. "She was a model prisoner and spent her years behind bars helping others. She died the other evening alone and overlooked in the prison's skilled nursing facility. ...

"Take a moment now and remind yourself how it must feel to die alone," Dorotik urged. "In fact, take only slightly more than a moment - take 93 seconds of silence. That is one second for every day Annie waited hoping compassionate release might be granted."

More recently, Dorotik has described other women languishing behind bars in their 70s and 80s. Seventy-one-year-old Doris, for example, recently spent 61 days in administrative segregation (a punitive form of solitary confinement) after an officer found an additional two to three rolls of toilet paper in her cell. "As Doris got up to placate the yelling [correctional officer], she may have touched the CO's arm. After all," Dorotik reflected, "balance at age 71 is sometimes a problem. All the women in the hallway verified there was no 'assault,' and the CO continued to search for excess toilet paper for another ten cells and half an hour before alleging the assault."

When he did, Doris was sent to segregation. An assault charge was placed on her record.

That assault charge now eliminates any chance that Doris may have had when appearing before the parole board, increasing the chance that Doris may die behind bars. Dorotik also recounted the story of Helen, another Golden Girl whom the parole board refused to release. Sentenced to life for transporting money for her son, Helen spent the last years of her life with failing kidneys. "She was taken out twice a week for dialysis treatment, hands and feet shackled, a guard on each side of her." When Helen, at age 85, appeared before the parole board, the board deemed her a risk to public safety because she "didn't have firm enough employment plans." The following year, at age 86, Helen died alone and unnoticed in prison.

Unlike RAPP's efforts, Dorotik's Alternative Custody Program will require new legislation. She has reached out to and been working with advocacy groups such as Californians United for a Responsible Budget, JusticeNow and Legal Services for Prisoners with Children to push her proposal. Advocates from these groups have met with California legislators, including Senator Carol Liu, who drafted California's first Alternative Custody Program.

### **How Connecticut Is Addressing Its Aging Prison Population**

Currently and formerly incarcerated people and prisoner rights advocates are not the only ones pushing for releasing elderly people in prison. As of January 6, 2014, Connecticut's Department of Correction (DOC), which is responsible for its local jails and state prisons, held 387 people ages 60 and over. "Many have cognitive impairments," described Dr. Kathleen Maurer, DOC's director of health services, at the Health Behind Bars conference in October 2013. Some require round-the-clock care.

Instead of building assisted-living or nursing homes within its prison system, Connecticut lawmakers passed legislation in 2012 allowing the DOC commissioner the discretion to release the severely incapacitated for "palliative and end-of-life" care. Faced with the challenge of where to place people whose lengthy sentences had eroded family ties, the state's Department of Corrections (DOC) and Department of Mental Health and Addiction Services (DMHAS) partnered to contract with a privately run home specifically for their populations. The result was 60 West - a 90-bed nursing home in Rocky Hill, a city south of Hartford.

Although 60West accepts patients only from DOC and DHMAS, Maurer is quick to point out that 60West is not a prison. "It's not run by DOC," she emphasized during her presentation at the October 2013 Health Behind Bars conference. "A parole officer supervises the people [released from] DOC, but there are no correctional officers. It's run exactly like any other nursing home in the state."

To qualify for release into 60West, an incarcerated person must meet one of these criteria:

- Be at the end of his or her sentence with no other option for housing or care.
- Have a prognosis of six months or less.
- Have served half of his/her sentence and have a terminal or incapacitating illness.

Each person also must pass several assessments, including a medical evaluation and a criminogenic risk assessment, including a review of the need for a nursing-home level of care with the expectation of requiring long-term placement; a review of historical factors requiring placement at 60West; and the ability to be safely managed in a nursing home. The DOC commissioner makes the final decision on release. "Once they leave the facility, they're not prisoners. They're residents of the nursing home," Maurer said.

In addition to allowing people to live their last months or years outside of prison, 60West has enabled the state to transfer the cost of care from DOC to Medicaid. "Eighty to 90 percent of our incarcerated population would be Medicaid-eligible," Maurer stated. However, because jails and prisons are required to provide medical care, incarcerated people are not eligible for Medicaid coverage unless they undergo treatment in an outside medical facility for 24 hours or longer.

Beginning in April 2010, Connecticut extended Medicaid benefits under the Medicaid for Low-Income Adults (LIA) program. "Eligibility for LIA was 56% of the federal poverty level and there was no asset test," Mary Mason, the DMHAS public relations manager, explained in an email to Truthout. "Since April 2010, many individuals being discharged from prison were able to access expedited LIA eligibility. This allowed Connecticut to receive 50% reimbursement for services that had previously been 100% state funded."

Given that the patients at 60West are no longer incarcerated, Connecticut is able to apply Medicaid funding to their care. "The level of care being provided by DOC in infirmaries can be more appropriately and less expensively provided in a nursing home setting," Mason pointed out. Since its opening in spring 2013, 30 people have been released from Connecticut's prison system to live their last days at 60West. There are currently ten patients who had been DOC prisoners at 60West. Despite concerns of Rocky Hill locals, Maurer added, there have been no incidents.

"By 2030, the prison population aged 55 and over is predicted to be 4,400 percent more than what it was in 1981," Laura Whitehorn pointed out. "Everyone should picture their grandparents and great-grandparents. Now imagine them in shackles. Imagine them handcuffed to their walkers. Imagine them dying behind bars."

## **20 Jan - Why is Illinois, Not the US Government, Putting 'NATO 3' on Trial for Terror Conspiracy?**

*The trial of three activists known as the "NATO 3" started on January 21<sup>st</sup> in Chicago. They were arrested days before a North Atlantic Treaty Organization (NATO) summit in the city in May 2012 and later indicted on terrorism and other felony conspiracy charges. We're including updates, articles, and trial notes below.*

### **MORE:**

by Kevin Gosztola (*The Dissenter*)

The trial will be significant as it involves a state terrorism law. The defense has also suggested it is significant that the state of Illinois, not the federal government, has prosecuted the case. The judge has even apparently asked why the federal government is not prosecuting the case, suggesting something must be wrong with it.

Undercover police were involved. They conducted a surveillance operation that involved infiltrating Occupy Chicago, an action at a local health clinic, etc, for at least a month prior to the summit. The conduct of the undercover police involved strongly suggests they played some role in pushing the activists to allegedly prepare Molotov cocktails.

Brian Church, 22, of Fort Lauderdale, Florida, Jared Chase, 29, of Keene, New Hampshire, and Brent Betterly, 25, who lived in Massachusetts, were each arrested along with six other people in a preemptive raid by Chicago police on an apartment unit in Bridgeport, Chicago, on May 16. As Firedoglake reported, they were disappeared and held without charge (along with others who were arrested) until Thursday, May 17. Then, those arrested were released. By late Friday, May 18, the NATO 3 were the only activists in jail and early on Saturday, May 19, it was announced they would be charged with "material support for terrorism, conspiracy to commit terrorism and possession of explosives or explosive or incendiary device."

On June 13, they were indicted on those charges and also charged with "possession of an incendiary device, attempted arson, solicitation to commit arson, conspiracy to commit arson and two counts of unlawful use of a weapon." That brought the total number of charges the activists faced to eleven. But, in the past week, four charges—two counts of "unlawful use of a weapon" and "counts of conspiracy to commit arson and attempted arson"—were dismissed by prosecutors without explanation.

The three activists have been incarcerated since they were arrested, since bail was set at \$1.5 million for each of them.

The constitutionality of the terrorism charges was challenged by their defense lawyers. They alleged the state had sought to "maximize the sensationalism of the announcement of charges the day before a massive non-violent

anti-NATO protest in Chicago in order to discourage and frighten people from attending the protest, and to justify the massive expenditure of public and private dollars to host and provide security for the NATO conference.”

A motion arguing the charges were unconstitutional further claimed, “The prosecution filed a press release under the guise of a bail proffer, calling the defendants terrorists and anarchists, and alleging a series of violent acts, none of which ever occurred. Because of the vague parameters of the statute, the State was able to proclaim the defendants to be ‘terrorists’ without any evidence that they ‘intended to intimidate or coerce a significant portion of the civilian population,’” which is part of what must be proven to convict them of “terrorism” under the state’s law.

Defense attorney Michael Deutsch asked during oral argument, “How can you charge someone with terrorism without an act of force, violence or a violation of federal or state law?” He suggested the statute was being applied in an overly broad manner and could be used to prosecute vandalism or property destruction, which an Illinois state representative had been concerned about when the state terrorism law was passed.

But Cook County Judge Thaddeus Wilson did not find the law was vague or overreaching as the defense argued. It had been passed after the September 11th attacks “due to the grave nature and global reach of terrorism.” He would not dismiss the charges against the “NATO 3.” He also indicated the allegations made by the state went “well beyond garden-variety misdemeanor and felony charges commonly associated with protests.”

According to “informal court notes” posted by the “Free the NATO 3” blog, there was a police surveillance operation that likely involved the FBI, Homeland Security, Secret Service and Chicago police, including the undercover cops, who are known as “Mo” and “Gloves.” Alleged text messages were sent between defendants and undercover cops, however, they were not preserved and little to nothing was done to get copies of these messages from service providers.

The defense told the court that police personally deleted text messages that were related to the case and had even gone as far as to destroy phones that had been used. In what could be considered quite an understatement, the judge said this “might be problematic” and prosecutors were instructed to investigate and retrieve any text messages, phone numbers or time logs of text exchanges that were still available.

At each pretrial hearing, the state has sought to make it appear that this is not a case that the federal government would have pursued if they thought they could win. However, the FBI and Secret Service worked “hand-in-glove” with Chicago police for months, according to Chicago police chief Garry McCarthy.

...Because of the charges they brought, the state now has to prove terrorism, whereas the defense has argued over and over that they cannot imagine how they are going to prove these charges. How could four bottles with gas and a bandanna be used as a weapon of mass destruction, [Durkin, one of the defense lawyers, asked]. He also said that the state has been arguing that the defendants came into town with a bomb in their car and the police found it, so the defense could not wait to go to trial on these charges. He also pointed to another part of the press conference video [plays video where McCarthy says they had been working “hand-in-glove” with the FBI and Secret Service for months, communicating and passing along information]. Durkin said that it was mind boggling that they could say the Secret Service was not involved after this press conference. This state is about justifying the money spent on NATO, Durkin said. This was not a selective prosecution argument but it goes to the credibility of the witnesses, mostly the cops. He also pointed to some emails in the discovery, notably #7470, which is an email from the Secret Service Chicago Field Office that says that there was no danger of any plot happening on May 19, 2012, three days after the defendants were arrested. This email says the defendants discussed damage to the headquarters but did not surveil the headquarters...

The Secret Service, according to defense attorneys, looked into a threat made against President Barack Obama’s campaign headquarters. It turned out they could not substantiate the threat.

Over the course of pretrial hearings, a third undercover cop was revealed: Patrick Lee Palmer posed as a street medic.

Judge Wilson doubted a claim by the state that the police infiltrators had met defendants at a party after a May Day march in 2012 without the assistance of prior surveillance. He said he would give the defense wide latitude to figure out whether it really was true.

There was a post-arrest statement from Church that the state had planned to use against him. They now will not be using it, as the defense has argued it was unconstitutionally obtained after he had been chained up for 17 hours while being denied access to legal counsel.

Moreover, the defense is wary of how a jury will respond to the state if it emphasizes the three are “anarchists” or believe in “anarchism.” They are afraid that the state will use the phrase “black bloc,” which can easily be associated with protests that involve property destruction, to convince a jury that these young men would have engaged in acts of domestic terrorism if they had not been stopped.

One of the state prosecutors even said they believe the three are “part of the black bloc intrigue,” and their anarchism would help show their motives, which raises the question: How much of this case is predicated on the political beliefs prosecutors believe these three men happen to have?

Unfortunately for the defense, the judge denied a motion to prohibit the state from using these charged words, which could be used to instill fear in jurors.

The state prosecutors sought to prohibit the defense from arguing at trial that the “NATO 3” were victims of vindictive prosecution. They also sought to preclude the defense from arguing an entrapment defense. The judge granted the motion to prohibit arguments that the three were being vindictively or even selectively prosecuted while allowing an entrapment defense.

Last week, it became clear that the court would be limiting public access to the trial. “Spectators” or members of the public were informed that they would have to go to the courthouse on Friday if they expected to attend the first day of the trial on Tuesday. They would have to give a state-issued ID to the Cook County Sheriff’s Office so they could be put through a background check. If they were cleared, they would be able to attend the trial. This would have to be done each day of the proceedings.

As David Shapiro, an assistant law professor at Northwestern University, and Alan Mills, the legal director of the Uptown People’s Law Center, wrote in the Chicago Sun-Times:

There is reason to fear that the restrictions in the NATO 3 case will cause interested members of the public not to show up. Those who do attend will be chilled in their discussion of what they observed in the courtroom. The net effect will be to deprive the public of full knowledge of how the prosecution unfolds against the three men who were arrested on terrorism charges before world leaders gathered in Chicago to attend the 2012 NATO summit. Their attorneys contend the three men were charged based on “idle chatter, laced with bravado and abetted, encouraged and egged on by the undercover police agents.”

“What transpires in the courtroom,” the Supreme Court has said, “is public property.” Secret trials create an opening for the unsupervised abuse of power and erode public faith in the judicial process. It is for this reason that the Founders of our Republic abhorred secret proceedings — Star Chambers, as they were called in 16th Century England — and held public trials sacred. When Aaron Burr stood trial for treason, Chief Justice John Marshall moved the trial to the Virginia House of Delegates because the courtroom was too small for all who wished to attend...

Jerry Boyle, a Chicago lawyer, considers forcing “spectators” to submit to background checks an aspect of the “security theater” that will be on display during the trial. (Already, defense lawyers have complained about the number of sheriffs in the courtroom with bulletproof vests.)

There’s also a ‘decorum’ order that activists consider to be “so sweeping that one could conceivably be ejected from the courtroom and cited for criminal contempt for raising an eyebrow or shaking one’s head at testimony —

or even smiling at a defendant.”

A press release from organizers of the May 2012 NATO summit protest adds, “The order also bans political buttons, t-shirts, armbands and perhaps even particular colors should they be deemed by court officials to represent a partisan political statement. Members of the public who exit the courtroom at any time, including to use the bathroom, will not be readmitted unless the court recesses.”

The judge actually considered banning “spectators” from having pen and paper to take notes during the trial.

What are the state’s motives in prosecuting this case? Will they have more to present at trial than sensational hyped allegations based on what police infiltrators allegedly got the NATO 3 to say to them prior to arrest?

Many will recall that I spent more than one and a half years covering the court martial of Chelsea Manning. It is my sense going into this trial that the Cook County Sheriff’s Office will be putting on a trial that undermines the public’s right to access much more than the US military did during Manning’s court martial. I expect officers in the courtroom to be much less understanding than military officers who were in charge of maintaining decorum.

I already can inform those who follow my work that it is much more difficult to obtain press credentials. In addition to the normal press pass, I have to prove to the Sheriff’s Office that Firedoglake is a business or corporation by showing some kind of license. I have to show a letter from my editor too. All the public affairs office of the military required to give me credentials were basic details like the name of the media organization I represent, my name, my phone number and my editor’s email.

Nonetheless, I will be there covering the NATO 3 trial and reports on proceedings will be posted here throughout the week, regardless of whether the Sheriff’s Office agrees to give me press credentials or not.

### **January 21<sup>st</sup> - Locking The Public Out Of Public Trials In Chicago: Your Rights Aren’t Worth Crap**

by Chris Geovanis (*CounterPunch*)

Public trials are one of the fundamental tenets of American democracy. And they’ve been cancelled in Chicago, at least for the trial of the NATO 3 — three defendants battling terrorism charges for alleged ‘crimes’ wholly instigated, manufactured and advanced by undercover cops in a blatant case of entrapment. But you’ll be hard pressed to determine this for yourself, since you’re essentially banned from the courtroom unless you’re willing to surrender your right to privacy, your right to even a glimmer of free expression, or your right as a non-corporate reporter to cover the case in real time like your corporate colleagues can.

Government officials are forcing every member of the public seeking to observe the NATO 3 trial to ‘pre-register’, produce a government-issued ID, submit to a criminal background check — and, of course, trust them with your data.

This last bit is spectacularly hard to swallow, as news continues to come out about the extent of government spying and data-mining on perfectly lawful activity like talking on the phone. Government agencies have surveilled and disrupted the Occupy movement, to which the defendants had a loose affiliation, simply for existing, and we’ve barely begun to plumb the depths of cop spying in the run-up to Chicago’s NATO protest — and beyond. For Chicagoans, this comes in the wake of the Chicago cops’ notorious history of political spying, disruption and assassination going back to the days of the infamous COINTELPRO Red Squad.

In fact, there would be no criminal case against the three defendants if the city’s autocratic former mayor, Richard M. Daley, hadn’t finally succeeded in convincing the federal court in 2001 to effectively gut the Red Squad Consent Decree banning police spying, infiltration, harassment, intimidation and undercover disruption of political activity. The hollowed out decree was ultimately dissolved in 2009.

Attorneys for the NATO defendants have argued in a court finding that the ‘terrorism’ scheme they’re charged with is based on “idle chatter, laced with bravado and abetted, encouraged and egged on by the undercover

police agents.” There was no actual act of vandalism committed, and there certainly was no act of ‘terror’ committed — unless you’re feeling terrorized by the prospect of undercover cops inciting thought crimes to dirty up your political beliefs. But there was, essentially, a law enforcement scheme to incite crime where no crime had been committed, wholly fomented by undercover cops engaged in manufacturing criminality — cop behavior that would have been illegal under the Red Squad consent decree.

Meanwhile, public officials continue to invoke the ‘terrorism’ meme in the NATO trial as part of a criminal prosecution that has consistently conflated dissent with criminality. And they’re taking no chances on uncontrolled spin in the case.

Besides making members of the public surrender their privacy rights to attend the trial, they’re enforcing the courts’ recently imposed ban on cell phones, lest people who CAN get in report from the ground, and have told those who are willing to ‘pre-register’ that officials are giving priority seating to those who then RE-register to attend a day before each trial date. You don’t re-register? You take your chances at getting a seat the following day. At one point, the judge even considered banning pencils and paper from the courtroom.

New rules for non-corporate reporters are equally extreme. Officials are imposing restrictions that effectively ban freelance reporters and reporters with non-corporate and non-traditional media from the kind of access and privileges — including the right to carry their cell phones — that corporate reporters will be afforded.

“It is my sense going into this trial that the Cook County Sheriff’s Office will be putting on a trial that undermines the public’s right to access much more than the US military did during Manning’s court martial,” writes Firedoglake reporter Kevin Gosztola. He should know, since he covered the Manning trial daily — and his most recent piece on the NATO 3 trial is a compelling and disturbing summary of the state’s dubious basis for its terrorism allegations.

The state’s scheme to effectively ban the public from a public — and publicly funded — trial is part of a long-standing official pattern to harass, arrest and undermine those who dissent in Chicago. For years, activists in Chicago had to fight in court for permission to rally and march against the Iraq war, and protesters have routinely been subject to arrest simply for attempting to exercise their First Amendment rights. More broadly, the restrictions that local government overlords have imposed on public access and public oversight in the NATO trial are part of a national effort to rebrand dissent as inherently dangerous.

The judge in the NATO 3 case, Thaddeus Wilson, prominently displays a picture of Martin Luther King behind his bench. If he were able, King would be spinning in his grave at some of the rulings Wilson has issued in the case. Wilson refused, for example, to dismiss a juror for cause, even though she routinely teaches at the Chicago police academy, and is married to the law enforcement officer who supervised the undercover operations of state police during the NATO protests. Despite the fact that police spying and its abuses lie at the heart of the NATO 3 case — and that this prospective juror’s very livelihood and family economy is grounded in police collaboration — Wilson ruled that there was no reason to doubt her ability to serve objectively.

That’s like saying that the chairman of BP is perfectly fit to serve on a jury weighing criminal negligence in the Deepwater Horizon disaster. Defense attorneys were forced to exercise a peremptory challenge to keep her off the jury.

Judge Wilson has also issued a disingenuously named ‘decorum’ order that sets the stage for massive courtroom repression. The edict is so sweeping that one could conceivably be ejected from the courtroom and cited for criminal contempt for the ‘crime’ of raising your eyebrows or shaking your head at testimony — or even smiling at a defendant. The order also bans political buttons, t-shirts, armbands and perhaps even particular colors — we won’t know until we show up wearing red or black or both. If you get up to take a leak, you can’t get back into the courtroom until the judge calls a recess — and in the jury selection of the phase, court sometimes ran past 9PM, so empty your bladder early.

Wilson has also consistently ruled in the prosecution's favor in terms of what evidence will and will not be admissible. And in one of the judge's worst rulings, Wilson has asserted that that police are included under the terrorism definition of the state statute under which the defendants are being tried, which defines terrorism as "intent to coerce a significant portion of the civilian population."

In short, the testimony of the undercover cops who manufactured the conditions for a 'crime' to be alleged should be treated like any testimony from any 'civilian'. Jurors could essentially be asked to embrace the legal fiction that these undercover cops felt 'coerced' into the self-same crime they themselves were attempting to create and incite. This ruling essentially privileges testimony from cops in a police department whose officers routinely tell flat-out lies with impunity to bolster their cases.

It bears emphasizing that the undercover cops at the heart of this case are not civilians. They're the undercover cops who told court officials they 'lost' a shitload of text messages that could have been exculpatory for the NATO 3 defense team — this in an age when virtually any electronic traffic anywhere lives somewhere, including in the NSA's vast databases. Except when the NSA's pals in the Chicago police department lose that electronic traffic. They're the undercover cops who actually manufactured the conditions in which they could allege a crime under the notoriously vague and little used state terrorism statute under which the NATO 3 are charged.

This is just as dunderheaded as the only other instance in which this state terrorism statute has been used to charge someone. In that case, the state convicted a college student for making a terrorist threat — even though he actually did no such thing — after cops searched his unoccupied car and found some crappy and inflammatory rap lyrics scribbled on a piece of paper. The state circuit court in that case sentenced the student — a Black man in a largely white community — to five years in prison. An appellate court later tossed out that conviction. Blacks, dissidents — hey, this state terrorism statute is perfect for Illinois' law enforcement community!

Secret trials are abhorrent. That's why the nation's founders, whatever their other manifest flaws, banned them. Secret trials built on the testimony of undercover cops given broad license to manufacture and incite criminal activity to entrap defendants is particularly revolting and deeply dangerous to all of us.

"The NATO 3 trial is not about terrorism," says Andy Thayer, who helped organize 2012's protests against the NATO meeting. "This trial is about the government using hype ABOUT terrorism to pursue a political agenda, and as such represents a fundamental mis-use of the justice system, if we are to believe the words of the U.S. Constitution."

The political agenda of the Cook County States Attorneys Office — the prosecutors of record of the NATO 3 and others criminally charged around the 2012 NATO protests — has included a stubborn commitment to defend its own most egregious miscarriages of justice. Cook County States Attorney and career Chicago prosecutor Anita Alvarez, who's not been shy about chasing media face time in the NATO cases, has historically embraced the worst sorts of police excess and abuse — including cops who torture, lie and murder.

Alvarez' local prosecutorial agenda dovetails with allied schemes in national and local government to support increasingly militarized police forces which hustle funding for their agencies on the public dime, and promote the careers of "security" industry professionals — many of whom are former members of these self-same militarized police forces.

Those self-same law enforcement agencies are also perfectly happy to collude with corporations to suppress dissent that those corporations deem unhelpful — what journalist Naomi Wolf has described as "totally integrated corporate-state repression of dissent."

To support this agenda in Chicago, authorities are using the tried and true tactic of terrifying people into signing off on their most fundamental civil liberties — including any vestiges of privacy rights — for the 'privilege' of attending a public criminal trial rooted in police misdeeds. More than a few activists who assembled in Chicago

in May 2012 to oppose the murderous war agenda of NATO have said they simply will not submit to the state's draconian terms to attend the NATO 3 trial. And in that respect, the state has succeeded in locking out some of the people with the most at stake in a 'public' trial in which defense attorneys have been consistently thwarted in their effort to expose law enforcement's schemes to derail dissent and manufacture crime.

The Chicago police and their overlord, Rahm "Mayor 1%" Emanuel, worked mightily to make the city safe during the NATO protests for the worst sorts of corporate criminals and their military backers. Emanuel and Alvarez remain strong allies in a shared dystopian vision of civic life in a city that routinely criminalizes people of color and undermines the fundamental tenets of economic and social justice. It's no accident that Mayor 1% backs privatization schemes in critical public endeavors that range from education to health — just as States' Attorney Anita Alvarez backs privatizing this critically important public trial.

So, who are the real terrorists?

### **January 21<sup>st</sup> - Opening Statements Conclude, Undercover Cop "Gloves" Begins Testimony**

The NATO 3—Brent Betterly, Jared Chase, Brian Jacob Church—started their trial today with a full complement of defense attorneys and a courtroom packed with supporters. The prosecutors started off the opening arguments and were immediately followed by the defense attorneys. After the lunch recess, an audio technician who enhanced the audio on a number of tapes that make up a key part of the state's alleged evidence against the three defendants testified that he had enhanced the audibility of the tapes but not altered the content in any way. His testimony was immediately followed by Chicago Police Officer Nadia Chikko, known as "Gloves" during her infiltration of the Chicago activist community.

The court proceedings ended part way through her testimony and court will resume at 10:30am tomorrow. All members of the public must be seated by 10:15am, so we encourage everyone planning on joining us in packing the courtroom to arrive early so they have time to pass through the two security screening processes required to get into Courtroom 606.

### **Prosecution Opening Statements**

Assistant State's Attorney Matthew Thrun handled the state's opening statement, clearly attempting to paint the defendants as dangerous terrorists bent on attacking the city. His statement closely paralleled the bond proffer in this case (see <http://freethenato3.wordpress.com/court-documents/> for this and other court documents). In sum, he alleged the defendants came to Chicago to get in the media spotlight. They traveled together from Florida with weapons, tactical vests, and other equipment to enact a plan. They also set about recruiting people familiar with Chicago to help them with their plan. Thrun argued that they discussed a variety of plans, including shooting an arrow with a note attached through a window of the Mayor's house and building a homemade mortar out of PVC pipe, but nothing satisfied them until they decided to build Molotov cocktails. Once they had done this, the undercover cops who had infiltrated their group got a search warrant approved and then raided the house where the Molotovs had been assembled. The jury would be convinced beyond a reasonable doubt that these three defendants had intended to terrorize the city, had materially supported each other in committing terrorism, and conspired to commit terrorism.

### **Defense Opening Statements**

The defense attorneys wasted no time in refuting the state's claims. Sarah Gelsomino of the People's Law Office began the defense opening statements. Gelsomino and Michael Deutsch represent Jacob. Gelsomino acknowledged that "terrorism" is a big, scary word and that it naturally leads people to fear for themselves, their families, and their communities. But this case is not a terrorism case at all and there is no credible evidence that the defendants ever posed a threat to anyone, she argued. Jacob became involved in Occupy because he felt unsure of his future and was concerned with government actions to support the rich at the expense of the poor and working class. As a novice in political protest, he educated himself on summits like NATO on the internet and became fearful of police violence. He was also in a vulnerable position, as he was insecure and struggling

with chemical dependency issues. The cops exploited his situation because they were under pressure to make arrests and had been infiltrating the Chicago activist community looking for anarchists since February 2012 with no luck until then. Thus, the undercover cops pushed the defendants to assemble Molotovs, even buying the gas for them. The defendants themselves never had a plan to build or use Molotovs. They never had the intent to commit terrorism.

Lillian McCartin made the next statement as co-counsel, along with Molly Armour and Paul Brayman, for Brent. She opened her statement with the image of a man stepping out into a chilly Chicago evening to make a phone call to ask what to do with four Molotovs. This man was Chicago Police Officer Mehmet Nguyen, known to the activists he had infiltrated as “Mo.” McCartin said that Brent had joined Occupy when he was down on his luck and had found a home and a way to make the world better for himself and his young son. Through going to different Occupy encampments and protests, he saw cops harass and brutalize people, which made him grow distrustful of them. He was also new to large political protests and unfamiliar with cities like Chicago where millions of dollars are spent on security before summits like NATO. He also met the undercover cops after he had arrived in Chicago and these undercover cops set up meetings with the defendants and brought beer with them to the meetings, fueling drunken comments and bragging. On the night of May 16, Mo and Gloves brought beer with them to an apartment in the Bridgeport neighborhood and started working their plan to create some reason to make an arrest. They had been frustrated by the lack of anything happening or any plan being made, so they were getting desperate. The evidence will show, McCartin argued, that there was no plan or intent to commit terrorism and that the only just verdict is a not guilty verdict.

The final defense opening statement was made by Tom Durkin, co-counsel with Joshua Herman for Jared. Durkin submitted to the jury that they would clearly see that there is no evidence of terrorism in this case and that the Illinois terrorism statutes were charges looking for defendants. He also argued that the evidence will show that the investigation in this case began as early as September 2011, not in early 2012 as the state had said. He also said that it is curious that this is a state case and not a federal case, like nearly every alleged terrorism case. Chicago is also a dangerous place for anarchists and for the First Amendment, going back to the police cracking people’s skulls at protests in 1968 to the Haymarket incident. This investigation into the Chicago activist community was spurred by incidents in Vancouver, Canada allegedly involving the Black Bloc and dangerous anarchists. The cops needed a lawful purpose for infiltrating Occupy Chicago and spent many hours surveilling people, running license plates, and going to different events in their search for anarchists. The cops were looking for a threat to justify the expenditures on the NATO summit, particularly after the G8 summit changed locations and there was no longer coinciding summits being planned. Thus, the cops had motives for shaping this case and making an agreement to commit illegal acts. Since conspiracy charges require an agreement and an agreement with the police is not enough, the evidence will show that there was no conspiracy to commit terrorism. He also argued that they never intended to intimidate or coerce a significant portion of the civilian population, a key component of the terrorism charge.

### **Testimony by Nadia Chikko, aka “Gloves”**

The court proceedings today concluded with the first part of testimony by the undercover cop known as “Gloves.” She provided quick and lengthy responses to Assistant State’s Attorney John Blakey’s questions about her undercover investigation. Many of her responses received objections from the defense because she was jumping ahead and providing narratives that were not asked for by the questions; some of these objections were sustained and some were overruled. She testified that she was put on a 90-day undercover assignment in February 2012 and started attending protests and other activist events. She had met an activist at the Woodlawn Mental Health Clinic closure protests in mid-April 2012 and, through him, met the defendants. She then went into detailed narratives of her conversations with Jacob, claiming that he instigated contact with her and Mo. Her testimony closely followed the bond proffer, even to the extent of using some of the exact quotes that Thrun had used in his opening statement and that the prosecution has used repeatedly in various motions and replies throughout this case. The prosecution entered a number of photographs and a Guy Fawkes mask into evidence during this testimony. Court ended when the prosecutor was ready to shift into the audio recordings the state has entered into evidence. These recordings and further testimony are expected to begin the proceedings tomorrow

morning at 10:30am.

### **January 24<sup>th</sup> - At 'NATO 3' Trial, Undercover Cop Defends Chicago Police Spying on Activist Communities**

by Kevin Gosztola (*The Dissenter*)

A female undercover police officer, who has been on the stand for multiple days in the trial of the “NATO 3” in Chicago, was confronted by the first of multiple defense attorneys that contend she was part of an operation to encourage defendants to engage in criminal acts they never had any intent to commit.

The “NATO 3” face state terrorism and other felony conspiracy charges.

Brian Jacob Church, Jared Chase, and Brent Betterly, traveled from Florida to participate in a large protest at the NATO summit on May 18, 2012. They were arrested and charged with plotting to commit attacks to disrupt the NATO summit before any of the major demonstrations held in protest of the summit.

The defense attorney for Church, Michael Deutsch, had his opportunity to cross-examine Officer Nadia Chikko. He immediately asked her about all the days she had met Church on May 1, 2, 3, 4, 6, 8, 10, 13 and 14 and whether he or any of the other criminal defendants had committed any crimes.

The state prosecutor objected to the question. Deutsch asked if any of the co-defendants had committed any criminal acts prior to May 16. She was not answering the question with a yes or no answer so Deutsch had to ask the judge to order Chikko to answer the question.

Deutsch asked if he had ever broken a window. Chikko said, “No, sir,” and that he had just talked about it. Again, Deutsch became frustrated and asked the judge to order her to answer his question. The judge told her multiple times in the initial part of the cross-examination to answer his questions with a yes or a no.

Deutsch asked if Church shot an arrow at Mayor Rahm Emanuel’s house, as the prosecution has suggested he planned to do. He asked if she ever saw or heard that he had shot an arrow. He asked if Church had gone to President Barack Obama’s campaign headquarters or shot a bottle rocket. All of this activity talked about in recorded conversations played for the jury never happened.

“You ever see Brian Jacob Church commit a crime prior to May 16?” The answer Chikko gave was no.

Chikko was tasked to go undercover with the police intelligence unit in February 2012. For two months prior to the summit, in March and April, she went to community meetings, cafes, concerts, protests, etc, in order to—as she stated multiple times from the stand—“observe, listen and report back any criminal activity.” But there was no criminal activity to report.

Despite this fact, Chikko wrote reports on what was happening at these public gatherings and events and wrote about the people who attended. She and her partner, Mehmet Uygun, took photographs of license plates, which Chikko justified by saying, “If we needed to look into that, we would.” (Uygun was known as “Mo” to activists.)

On March 16, 2012, around two months before the “NATO 3” would be arrested in a preemptive police raid, Chikko went to a concert by a female band. She submitted a report that indicated, “This band has been known to attract anarchists in the past.”

Chikko explained to the court that “violent anarchists” were known to “infiltrate peaceful protesters or peaceful organizers” and get them to commit criminal acts. “We were trying to weed them out,” she added.

She and her partner spent an hour walking around the concert and then wrote down license plates of people there,” which she justified by saying, “That’s our job as police.” Police “run intelligence.” That is our “job when we go out there.”

On March 17, at the Permanent Records Store, Chikko and her partner made their way to the second floor where a band was playing and stayed for an hour. They found no criminal activity. They then went to another event, where they took down more license plates of cars.

“If there was license plates, we’d record them,” Chikko said, as if it was absolutely no big deal at all.

Deutsch asked why they would run the license plates at public events. She answered, “Sir, we’re police officers. That’s what we do.” They run the license plates to find out if there are warrants on them.

“We did attend a lot of cafes,” Chikko stated. One of those cafes was a well-known cafe in Chicago called the Heartland Cafe.

The Heartland Cafe has been around since 1976 and was originally opened by two activists. It is known for attracting hippies and people who are willing to go there to discuss left-wing politics. It has fair trade, organic, and/or vegan food. Harold Washington, Jesse Jackson Jr., and Barack Obama all spoke at the cafe early in their political careers.

The Chicago police intelligence unit, at one point prior to the summit, deployed six police officers to go to the cafe and conduct surveillance.

“Any sort of suspicion at all that any violent anarchists were sitting in the Heartland Cafe?” Deutsch asked. Chikko answered no.

Deutsch asked if she was just eavesdropping on people, who were eating in the Heartland Cafe. “As police officers, you have a right to go into anywhere and listen to conversations to if they’re talking about criminal activity?”

The state objected to this question and it was not answered.

On Division Street, a major thoroughfare in Chicago, the police apparently had gone up and down the street looking for graffiti from “anarchists.” They were looking to find and identify “anarchists” too, according to Deutsch, who was referencing police reports. But Chikko denied that they had been looking for “anarchists.”

Chikko and her partner went to Occupy Chicago meetings. The NAACP was at one meeting. In April, she and her partner went to many different events but at no point did she encounter any “talk of violence.”

She had not worked undercover prior to February 2012. She received no undercover training before the Chicago police department deployed her into the field.

It is not clear that she was presented with any “rules of the road” on what undercover officers could or could not do while out in the field. Deutsch had difficulty getting her to say whether written rules of conduct had been presented to her so she would know the rules to follow. And she said she “had a general order for the NATO summit” that she was to follow, which Deutsch suggested was just related to the First Amendment but did not specifically lay out rules for undercover officers.

Chikko and her partner attended the May Day demonstration in Chicago. They went dressed in black and covered their faces because, as Chikko said, that was what someone had told them to do. (It was not clear who told them to do this.)

Deutsch asked, “You infiltrated that demonstration?” Chikko answered, “No, sir. I’m not an infiltrator. I’m an undercover officer.” But, Deutsch followed up, “You went there as a protester when you weren’t?”

Now, Deutsch asked if undercover officers were assigned to “spy on Occupy Chicago and anarchists.” Chikko said, “No, observe and listen for criminal activity.”

When Deutsch suggested she had spent two months in the intelligence unit looking for “anarchists,” she maintained they had not been “looking for anarchists in particular.”

“We weren’t looking for anarchists. We were looking for people who want to call themselves anarchists appearing as peaceful protesters, sir,” Chikko stated.

All of this seems very similar to what the New York Police Department was revealed to be doing by the Associated Press in their Pulitzer Prize-winning journalism on the police department’s spying on Muslim communities. One wonders if they created maps where they thought people who might call themselves anarchists could typically be found.

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Just about every other argument from Chikko seemed to involve semantics. Asked to give mostly “yes” or “no” answers by Deutsch, she appeared to make it easier for the defense by talking and adding extra details about what she had been doing that defense did not even ask her to share.

Prior to this assignment, Chikko did not know of NATO. She did searches on the internet for information. The searches included trying to find details on “what protests or rallies were like” and “what people look like” or “what people wore.”

The three defendants are accused of making firebombs or Molotov cocktails, but Deutsch pointed to several quotes in recorded conversations that showed her partner raised the issue of Molotov cocktails, not the defendants. He wondered if she had discussed this with her supervisor or partner. Chikko said we don’t talk about stuff like that.

Church’s defense attorney wanted Chikko to confirm that, prior to May 16, none of the defendants had said anything about Molotov cocktails. She decided to say that there were other recordings of conversations that had occurred between the defendants, her partner and her. This prompted Deutsch to ask if she was claiming the state would not have selected all the recordings where Molotov cocktails were mentioned to play for the jury.

Deutsch asked if she had bought alcohol for any of the defendants. She said, “No that was for me and my partner.” They would bring beer to parties so they could play their role and “blend in.”

Chikko testified that she had offered Chase beer “one time” on May 16. When she was later asked about the fact that Church was 20 years-old and if she knew he was underage, she answered, “In some places.” To which Deutsch responded, “How about Chicago?”

Deutsch also broached the issue of whether Chikko had ever met the defendants when they were not intoxicated. She did not give a straight answer.

He confronted her on the issue of trying to instill fear of the police in them. Both Chikko and her partner talked about police violence and talked about what could happen to them. Nguyen talked about police beating up protesters seemingly encouraging the defendants to talk about retaliating against police.

Chikko was asked if Church ever tried to do anything to attack Chase Bank as he had talked about. She said that she had never been told of anything, as if perhaps it happened but she had not been informed. That led Deutsch to ask if it was her job to stop Church from committing criminal acts.

Indeed, there were parts of her testimony where she tried to leave open the possibility for the state that crimes had been committed, but, in doing so, it suggested she had not been that great of an undercover at all. She and her partner were supposed to know what these three young men were doing and stop them from committing

crimes. Yet, she told Deutsch that they weren't with them all the times so she could not say if vandalism or other criminal acts were committed or not.

Chikko did not know if he did reconnaissance at the police stations Church was allegedly thinking of targeting. If he had, wouldn't there be surveillance photos or video of him outside the stations that he was talking about? Wouldn't the police have wanted to know if he showed up nearby?

Chikko adamantly denied that she had ever "guided" the defendants to do anything. She rejected the idea that she had ever pretended to be in solidarity with the protesters. (Multiple activists in Chicago, particularly those in Occupy Chicago, would definitely disagree as some of them had befriended her.)

In the final moments of the afternoon, Deutsch asked her about something she said in one of the recorded conversations—"Wait until the 15th." Deutsch asked her what she was referring to when she said this.

Chikko said she would have to get back to him on that, like maybe this was a congressional hearing or something. Deutsch said, "Okay, why don't you get back to me." He walked back to the table in the courtroom where he had been sitting. A few minutes later, he was up again and asked if she had figured out what plan she was talking about.

Now, prior to her saying she would get back to him, she suggested this had something to do with sleeping on a highway. Deutsch did not accept this answer. What did she have for him?

Chikko told Deutsch she would have to review the tapes to really know what plan she might have been talking about. Deutsch replied, "Why don't you review the tapes and come back and tell me tomorrow."

The defense had the judge stop the proceedings for the day so she could go listen to the tapes and come up with an answer.

### **January 30<sup>th</sup> - At Trial, Undercover Officer Shares Interpretation of Recorded Conversations with 'NATO 3'**

by Kevin Gosztola (*The Dissenter*)

An undercover Chicago police officer Mehmet Uygun took the witness stand and gave testimony in the trial of the "NATO 3." His testimony came days after another undercover officer provided testimony for the jury.

The "NATO 3"—Brian Jacob Church, Brent Betterly and Jared Chase—each face terrorism and other felony conspiracy charges. They traveled from Florida to Chicago for protests that were planned against the NATO summit. They had organized with Occupy groups in Miami and Fort Lauderdale.

Two undercover cops from the Chicago police department's intelligence unit, Officer Nadia Chikko and Officer Mehmet Uygun, became protesters and infiltrated the activist community that was preparing for protests around the summit, particularly May 18, when a large demonstration was planned.

The undercover cops were with them when they took beer bottles, filled them with an unknown amount of gasoline and then put cloths in each of them to make what prosecutors have said were Molotov cocktails.

The prosecution read a transcript of conversations that police recorded with wire devices while they were interacting with the defendants. Uygun then provided the jury with his impression or take on what he thought the men had been saying at the time.

On May 4, during a meeting in Palmisano Park in Chicago, Chase said, "You guys bring any Molotov cocktails?" Uygun, who was known as "Mo" to people in the activist community, said, "I mean, I'll make you some, you know." He told the jury he said this so he could be "included."

One conversation led him to believe that Church wanted to make “sock bombs.” He did not know what a “sock bomb” was and later looked it up “on Google.” (The prosecutor didn’t bother to ask what source he was reading when he determined what exactly a “sock bomb” happened to be.)

Chase said something about how police would not shoot into a crowd. Uygun testified that he thought this meant what he said and also that he would be able to throw a Molotov at police.

When Chase said, “Cops get lit on fire every fuckin’ time,” during a conversation when Molotovs came up, Uygun suggested that Chase was saying “police get lit on fire all the time with Molotov cocktails.”

Church said something about suspecting someone they knew was a “fucking fed.” Uygun responded that if he was “lurking” he should “point him out.” Uygun testified that this showed Church was worried about “counter-surveillance measures” and he said he should point him out so if he was a police officer he could look out for the officer’s safety and warn him.

When Church later said, “We were thinking about a little more than protesting,” Uygun interpreted this as a reference to possibly attacking Obama’s re-election campaign headquarters.

Chase said, “You guys been down there? What’s it look like?” Uygun said it was a “silver building. Church wondered about the security for the building. And Uygun testified in court that he understood they were asking about “counter-surveillance.” (Note: There has been no evidence presented that the “NATO 3” ever went to Obama’s headquarters even though they talked about it.)

Uygun mentioned he knew a “bouncer” and could “give him a heads up” when he was talking to Church about recruiting people for attacks. Uygun told the jury this person would have been “another undercover police officer” if he had ever been needed.

At one point, Chikko said, “You guys don’t know where to get pipes?” Chase said they would find some. Church believed he could get them from some “steel mills.” Uygun testified he was seeing where we were “at with metal pipes and if they had any at the time.”

Also on May 4, Uygun said, “We got a whole nine days. Whole nine days and ain’t got shit to do,” and Church replied, “We could figure out stuff to do in the meantime.” Uygun interpreted this as meaning that something would happen before May 15th—the attack on Obama’s headquarters.

Uygun testified that he said something about bringing a “30-pack” of beer over to the apartment where the “NATO 3” were staying because he was “just trying to get invited to the residence.” He testified he did not actually bring over a “30-pack.”

On May 14, when Betterly said he planned to “be there for the whole summit. Be there for the last day then bounce,” Uygun testified that he thought this meant Betterly would “wait for the last day of NATO to do” what Betterly “wanted to do.” (Uygun did not specify what it was that he thought Betterly planned to do.)

In a conversation on the same day, “acid bombs” came up and Uygun said something about previously making a Drano bomb. He never had made one. “I was just talking to include myself in the conversation,” Uygun testified.

Church said he would be “looking for all them motherfuckers”—the police that stopped in his vehicle in early May. He would be looking for an African-American officer in his uniform that was his screensaver. The officer was a bike cop who had harassed or hassled him.

Uygun later stated, “Yeah, Molotovs, make it rain. We should just do like a mob of them.” This seems like encouragement of the criminal act, but, if you ask Uygun, this was just a part of staying “included.”

Betterly later said, “Only way to make proper Molotovs is gas.” To which Uygun said, “I got like 2 bucks We’re gonna fill up a little gas can.”

Uygun testified that he understood that Betterly thought gas was needed to make them and Chase “wanted to do it so I asked where the gas station was.” He did proceed to ask where the gas station was located, but Chase had not said anything about wanting to make Molotovs right before he said he had two dollars for gas. Betterly said it was proper to use gas but what Chase may have said was not highlighted in this part of the prosecution’s cross-examination, even though it would seem to be critical.

As one might be able to tell, there are some questionable or eye-brow raising conclusions being drawn from statements made by defendants. He drew a lot of inferences about what they were saying.

On May 2, before obtaining the court order authorizing wire devices, Chikko and Uygun met Church at a restaurant called the White Palace Grill. They had no wire devices yet they shadowed Church as he apparently led them to Chase Bank tower in in the downtown area. He touched the glass and somehow claimed to have measured the thickness. He talked about the “entry point” for his attack and how he would destroy as much as possible. He said something about wanting to do a four station simultaneous attack to damage police vehicles. He asked where he could buy three assault rifles.

This is what both Chikko and Uygun have claimed happened. Since there is no recording, it is hard for the defense to prove that they may have been asking Church to lead them around downtown and talk about what he might do to conduct alleged attacks during the NATO summit. Nevertheless, as with this whole operation, it is the defense’s belief that they were encouraged to do much of what they are accused of doing by the two undercover officers.

Prosecutors had Uygun show the jury the weapons that Church legally possessed – knives, a bow and arrow, a sword, a throwing star. The jury had already had these pieces of evidence presented to them. The defense objected and argued this was “unnecessary and purposely prejudicial.” But the judge allowed prosecutors to continue.

The use of the word “included” is significant for the defense. Chikko maintained that she was not an infiltrator, and, in fact, the police department had not authorized an operation to infiltrate any group. Yet, it has been clear all along that they became a part of this group—the immediate social network of activists who knew and interacted daily with the “NATO 3” in early May.

Finally, Uygun said that he went through the conversations that came up in court “numerous times” with his partner, Chikko. They even “initialed each conversation.”

There should be nothing about these conversations that he does not remember when the defense begins to cross-examine him on Monday.

### **January 31st - "NATO 3" Trial: Terror Case Called Weak, Chicago Police Witch Hunt Alleged**

by Candice Bernd (*Truthout*)

The state of Illinois' domestic terrorism statute, just one example of scores of state-level terrorism laws passed in the aftermath of 9/11, may fail its first challenge in Illinois if the details emerging in the ongoing trial of Brian Church, Brent Betterly and Jared Chase, the so-called "NATO 3," continue to paint a picture that falls far short of the state's alleged terrorism charges.

As the trial of the NATO 3 moves into its second week, the facts being presented seem to strain the Cook County prosecutor's case, which alleges the three young defendants plotted attacks on high-profile targets, including President Obama's campaign headquarters and Chicago Mayor Rahm Emanuel's house, during the May 2012 North Atlantic Treaty Organization (NATO) summit.

## Defense Opens Trial With Strong Case

The trial began with testimony from Chicago Police Department (CPD) officer, Nadia Chikko before Cook County Judge Thaddeus Wilson. Later in the week, officer Mehmet Uygun took the stand. Known to the Occupy Chicago community as "Gloves" and "Mo," the two officers represent a critical touch-point of the NATO 3 case: They went undercover during the two months prior to the NATO summit to conduct surveillance on Church, Betterly and Chase, obtaining some of the audio-recorded evidence presented in court. Defense attorneys are expected to argue the NATO 3 are victims of police entrapment, insisting that the undercover officers, posing as activists, persuaded the men to discuss carrying out attacks and allow or participate in the assembly of Molotov cocktails at the apartment they were staying in.

Defense attorneys have emphasized the CPD intelligence unit's spying operation in the run-up to the 2012 NATO summit, in which police infiltrated organizing meetings, activist events and listened in on conversations at popular hubs for Occupy activists, such as Chicago's Heartland Café, in search of potential "violent anarchists," who might use black bloc tactics. The undercover officers also took photographs of license plates to check for outstanding warrants on the individuals attending these public meetings or events. Testimony this week has also revealed that the police offered the defendants beer, including Chase, who was underage at the time. Chikko has testified she wasn't specifically targeting anarchists, but listened in for suggestions of "planned criminal activity."

Prosecutors filed a motion asking Judge Wilson to instruct the jury to ignore details related to the CPD's conduct and how it handled the First Amendment investigation. But Judge Wilson decided not to issue the instruction, despite the prosecutor's insistence that damage had been done to their argument.

Later in the week, prosecutors presented Facebook messages sent from the defendants in April and May of 2012, but the messages don't seem to connect the defendants with the alleged crimes. While the defendants, in the messages, apparently anticipated a riot and tens of thousands of protesters to descend upon the summit, but there is no indication of targeting police, making Molotovs or planning a violent action.

At this point in the trial, the prosecution is losing at its own game, according to Jude Ortiz, an organizer with the NATO 3 Defense Committee who has been attending the trial in Chicago.

"Right now, all [the prosecution's] evidence and testimony has clearly shown that the NATO 3 were targeted for their politics and their political associations and activities, and has also shown the undercover police officers really went around trying to find these things that might be criminal activity," Ortiz told Truthout, adding that beyond their targeting of the NATO 3, the officers sought out "violent anarchists" at places like cafés and punk shows. "The minute the police described their investigation, they clearly showed that it was a witch hunt for activists."

The NATO 3 Defense Committee is raising funds for and personally supporting the defendants. Ortiz told Truthout the defendants seem to be holding up well at the Cook County jail, considering the stress of the ongoing trial, and are grateful for the outpouring of solidarity they have received.

The three defendants, Church of Fort Lauderdale, Florida, Chase of Keene, New Hampshire, and Betterly of Massachusetts, traveled to Chicago for the NATO demonstrations. They were first arrested May 16, 2012, in a late-night raid on an apartment in the Bridgeport neighborhood on Chicago's South side. The raid initially swept up 11 people, including the two undercover officers. The NATO 3 are alleged to have been caught making the Molotov cocktails in the presence of the undercover cops.

When the raid was originally reported in May 2012, the National Lawyers Guild stated the nine activists in the Bridgeport apartment possessed only home beer-making equipment, but the NATO 3 were later charged with making Molotovs. Michael Deutsch, Church's defense attorney, then accused the CPD of planting evidence at the apartment, and activists accused the CPD of confusing the beer-making equipment with Molotovs.

Prosecutors have since revealed that Uygun accompanied Chase to a nearby gas station to purchase the gasoline allegedly used in the Molotovs. Defense attorneys no longer dispute the defendants had incendiary devices.

Still, it remains unclear who, exactly, purchased the gasoline, and whether the defendants would have pursued this course of action without the influence of the undercover officers.

The gasoline alleged to have been found in four beer bottles in the defendant's apartment was never measured by police and was apparently poured into the toilet by a bomb and arson technician. This was done even though the bottles were clearly marked as evidence.

The initial Bridgeport apartment raid recovered a cache of weapons, including a mortar made from PVC piping, a crossbow, knives, throwing stars, an assault vest and the Molotovs. But at least one of the defendants, Church, indicated to undercover officer Chikko that he wasn't planning on using the weapons during the protests, telling her that he didn't believe in "pre-emptive strikes."

The fact that the federal government is not prosecuting the case against the NATO 3 has even led Judge Wilson to ask why the government won't take up the case, suggesting there could be something inherently wrong about it. Judge Wilson ruled Illinois' terrorism statute as constitutional on its face in March of 2013, two months after defense attorneys filed a memorandum arguing the statute violates the First Amendment.

Major Chicago media sources have also begun to express doubt about the prosecution's argument in the NATO 3 case, with skeptical articles in publications like the Chicago Tribune and the Chicago Sun-Times pointing to police tactics as the most significant revelation in the case.

### **Why Is Illinois Determined to Prosecute This Terror Case?**

A thick cloud of militarization hung over Chicago in the months leading up to the NATO summit. The summit was classified as a National Special Security Event, giving the Secret Service, the FBI and FEMA sweeping control over decisions relating to security, intelligence gathering and recovery after criminal events. The federal government set up a militarized "red zone" in downtown Chicago to guard federal buildings there. During the summit itself, the city of Chicago mobilized thousands of CPD officers in riot gear and equipped with billy clubs, batons, pepper spray, machine guns, snarling dogs, whirring helicopters and sound cannons in tow.

But some of the most insidious impacts of this militarization took effect long before the event.

In the months leading up to the NATO summit, the Chicago City Council passed a series of regulations known as the "sit down and shut up" ordinances, which included steep fines for violations of parade permits and a \$1 million price tag on liability insurance for marches in the downtown area.

The ordinances and use of undercover officers seemed to be part of a larger strategy to quell dissent from within activist groups while maintaining the appearance of using softer police tactics to control protesters. With the police riot of the 1968 Democratic National Convention lingering in Chicago's memory, it seems clear that the CPD, Chicago aldermen and Mayor Emanuel wanted to ensure there would not be a repeat of the public clashes between police and protesters that took place during that convention.

Defense attorneys argued this week that the NATO 3 should never have been charged with terrorism, saying the charges were a political move by those wanting to justify the millions spent on security during the summit.

The State Attorney's Office did not respond to Truthout's request for comment.

### **Antiwar Protesters as Terrorists**

The NATO 3 are not the first antiwar protesters in Chicago to be raided and charged as terrorists. In September

2010, the house of Joe Iosbaker and his wife, Stephanie Weiner, was raided by 20 FBI agents who meticulously went through every inch of their home. It was among the seven residences in Chicago and Minneapolis raided in connection with activists' antiwar and international solidarity activism. The couple was subpoenaed to appear before a grand jury on material support for a foreign terrorist organization.

The federal investigation that Iosbaker is still under began with an antiwar protest very similar to the NATO summit. Arguably the biggest antiwar protest in recent years prior to the summit comprised the demonstrations that took place at the 2008 Republican National Convention (RNC) in St. Paul, Minnesota. That's when Iosbaker's group of activists were first infiltrated by undercover officers, who then built a case against the group, claiming they were providing support to two organizations: the Revolutionary Armed Forces of Colombia and the Popular Front for the Liberation of Palestine.

"What [the NATO 3 case and Iosbaker's case] have in common is ever since the war on terror began, the prosecutorial wing of the Justice Department and the judicial wing of the Justice Department have not argued very much. When prosecutors have waved the bloody shirt of terrorism, judges all too often allow that," Iosbaker told Truthout. He was heavily involved in the planning of many NATO protests. "I hope that judge in Chicago has some independence of mind."

Iosbaker said that none of the state-level terror charges on activists involved in the RNC protests in St. Paul stuck, and he expressed hope that the Illinois terror charges also could be defeated.

But if the NATO 3 are found guilty of terrorism, what kind of precedent will it set for grassroots activists in the future?

"The conspiracy and domestic terrorism charges the NATO 3 are facing are by no means unique to the defendants and have been used increasingly at both the federal and state level since 9/11," said Ortiz. "If the NATO 3 were to be convicted, it would be yet another victory on the part of the government in labeling activists as terrorists and labeling anybody who they feel to be a threat to the dominant social order as terrorists in order to put them away for many, many years, if not decades."

## **20 Jan - Marriage in a Prison Visiting Room**

*Dequi Kioni-Sadiki, who married former Black Panther Sekou Odinga over the phone and in a prison visiting room, talks to Truthout about love, bus rides and the conditions that prisoners - and their loved ones - have to negotiate.*

### **MORE:**

by Susie Day (*truthout*)

On New Year's Day, Lynne Stewart, the radical defense attorney sentenced to 10 years in prison, was flown from a federal prison in Texas, where she would have died alone of cancer, to her family, friends and competent health care in New York City. Lynne's husband, Ralph Poynter, had worked for years with thousands of supporters for Lynne's "compassionate release."

Watching *Democracy Now's* video coverage of Lynne's New York arrival, I caught a glimpse of my friend Dequi Kioni-Sadiki in the crowd waiting for Lynne. Dequi is a schoolteacher and grandmother in her early 50s, who's married to a former Black Panther serving time upstate. There, at La Guardia airport, was Dequi. And she was sobbing.

Dequi met her husband, Sekou Odinga, a few years ago, in the course of her activist work, visiting prisoners in New York State. Dequi and Sekou fell in love and were married almost three years ago.

You think something's wrong with Dequi for getting involved with a prisoner? Then please think the same of me. Twenty-five years ago, I went to the DC Jail to interview a political prisoner named Laura Whitehorn - and we fell in love. Like Sekou, Laura was facing decades in prison; like Sekou, she was not charged with killing

anyone. But Laura and I were lucky; after 14 years, she was released. Sekou won't come up for parole until 2033. So I knew why Dequi was crying. And why we need to listen to her.

**Susie Day for Truthout:** How did you feel, on your way to the airport to see Lynne Stewart?

**Dequi Kioni-Sadiki:** Absolute joy. I thought, Yes, she does not have to die behind those walls! It wasn't until I got there and was waiting for Lynne to leave the plane that a wave of new emotion came over me. I thought about how many other people are not being released. So it was joy mixed with bittersweet.

**SD:** Why bittersweet?

**DKS:** Because it made me think, of course, about Sekou and his 32 years in a prison cage. I wanted - not at the expense of anyone else - but I so wished that that could be him, that could be us, celebrating his return to family and community and loved ones. Him walking through those prison gates.

**SD:** How did you and Sekou meet? When did you realize you had feelings for one another?

**DKS:** When I came to New York in the early '90s, I met the Black Panther Collective, folks who were original members of the Black Panther Party, who were still activists. In addition to studying and doing community work, one of their things was visiting political prisoners.

I didn't meet Sekou until shortly after he maxed out his federal time in 2009 and was transferred to New York prison. I went to visit him like I would any other political prisoner. I remember sitting there talking to Sekou the first time, and thinking there was something very special, unique, human, humane, gentle, easy, funny, sweet, thoughtful and caring in our conversation.

I've always kept prison visits strictly about the political work. I've been careful about what I say and my manners, and I try never to give anyone on the inside a wrong impression. But I started getting phone calls from Sekou, and I began looking forward to them. We would be in the middle of a conversation - you get that half-an-hour cut-off message - and I'd be, "Oh, we can't go now. Call me back." We just started enjoying each other's company and writing letters and talking more and more.

I was the first to say something. I told him that I was writing him a letter, different than any letter he'd gotten from me. So I wrote him about this evolution of my love for him.

He was really relieved. He said he'd felt that way too from the first time he saw me, but he wasn't going to say anything. He told me, 'I was giving you hints, but you weren't picking up,' and I said, "Well, I'm a little slow."

Once he realized it was OK to express how he felt, it just grew. Finally, he asked to marry me. He said I didn't have to say yes right then, but that he would continue to ask me.

**SD:** What was your wedding like? You had more than one, right?

**DKS:** New York State prisoners have to get permission to marry someone. That took awhile. I got a letter from Sekou's facility saying, based on his high-profile status, there were investigations and that a decision would be forthcoming.

Originally, we wanted to marry in March. It didn't come through. Then I wanted to do it on my birthday, June 6. We ended up getting married on the phone first, on June 17, which is Sekou's birthday. Sekou's a Muslim, so you have to make a contract about your expectations, so there's no surprises.

I'm not a Muslim, but I remember getting a call from the imam who asked questions like, "Are you marrying him of your own free will?" to make sure the contract was observed. And he ended up marrying us, believe it or not, on the telephone.

This, to me - even in the absence of us being able to be physically together - meant so much. Because, one, having an imam preside, even on the phone, meant more to Sekou than a state marriage; and, two, it was his

birthday. Sekou doesn't pay attention to birthdays, but I said, "Well, now you have to pay attention because it's our anniversary."

We didn't get the marriage certificate signed until July 14<sup>th</sup>. So our anniversary is June 17, but the state looks at it as July 14.

**SD:** On July 14, 2011, you went to the prison, stood together in the same room, and were married?

**DKS:** Yes. My friend Pam stood in with me, and Sekou's son. There was a woman guard who asked me questions - she wanted to make sure that I knew how much time Sekou had, what he was in for, that kind of stuff.

I'd had one of my sister artists make the most beautiful dress for me. It was from Nigerian fabric, in my favorite color, red. Sekou wanted to give me something, so I said the best gift you could give is to write what you feel and want for our being together. So he wrote me something and I wrote him something. And we shared that. I had him put my ring on my finger.

**SD:** After the ceremony on the 14<sup>th</sup>, did you two get to spend time together?

**DKS:** No. It was just a regular visiting-room visit, over at 3 PM. We sat across a counter like we normally do. I left with Pam and Sekou's son, and Sekou went back to his cell.

**SD:** Have you been together alone, in a trailer visit?

**DKS:** No. Right now, our application for the trailers is in court. They denied our request on the grounds that his having trailer access would undermine prison security. We have to fight to be with one another, just like we had to fight to get married.

**SD:** What is it like to visit your husband?

**DKS:** In the prison where Sekou is now, you can't go outdoors. There's a big visiting room with a counter that runs the length of the room. Our knees don't touch because the counter is between us, and we're sitting across from each other.

**SD:** Can you hold hands?

**DKS:** Yeah. They don't say anything about that. But you are only allowed to embrace each other when you come in and when you leave, and you can't do any prolonged kissing. This has been a growing process for me, 'cause I'm not one for public displays of affection. But I can only kiss Sekou in public, and I can never kiss him the way I would like to. They would say that's too long.

**SD:** How do you travel upstate to visit Sekou?

**DKS:** I take a charter prison-visit bus. It's grueling, because if I want to visit him on Saturday morning, I have to get on the bus at 9:30 Friday night. Then Saturday night, I don't get home until 10 or 11 o'clock.

Sekou's prison is the first stop. That's usually about 5, 5:30 AM - so there are people riding even further. They start processing the visitors at 8:30.

**SD:** So if you get there at 5 AM, you have to sit around until 8:30?

**DKS:** Yeah. You sign a list when you first get there. They have something called a "hospitality trailer," where women can go to the bathroom and change their clothes, and they're offered stuff like English muffins, cereal. You should see it. The first time I went by bus I thought, "Why are people making such a mad dash to get into this so-called hospitality trailer?"

They're rushing to sign that list! They call you to visit in numerical order. People want to be up high on the list, so that at 8:30, when they start calling visitors, you go right in, or at least begin emptying your pockets, getting searched - you know, the processing part. When it gets really crowded, they cut visits short. This happened to me once, and it was awful. You take a 24-hour journey, and you don't even get the six hours, which is already not

enough time.

**SD:** If you're lucky, then your visit starts around 8:30 AM and lasts until 3 PM?

**DKS:** Yes. When I'm getting ready for the bus, I'm a mixture of excited and hesitant 'cause I also hate this. I'm thinking about how uncomfortable I'm going to be on the bus, because I have arthritis. I'm praying that it won't be crowded so I'll have a seat to myself. But I'm also looking forward to seeing Sekou because I've missed him.

I go on Friday nights because I like the driver. He's old school. He says a prayer; he's friendly; he doesn't treat people like they're prison families. This bus is not as bad as others because the driver doesn't play the music that is just noise to me. It's never rowdy because he sets a positive tone. It's as comfortable as it can be, sitting in a chair straight upright all night.

**SD:** How much does this cost?

**DKS:** Fifty-five dollars, round trip. The whole prison experience is expensive because I try to go twice a month, and that's \$110. That doesn't include, say, \$20 for the vending machines - you have to eat - and taking the photos.

**SD:** Sekou will turn 70 this year. How's his health?

**DKS:** Thankfully, good. Except the winters so far north are brutal. These people invented cruelty. They put the phones outside. So when Sekou wants to call me, he has to come outside, even if it's minus-10. Yesterday, he called and he had his scarf wrapped around his face because it was so cold. And if you go outside, you don't get to go back inside until they say.

There are so many unfinished conversations between us. Like, when he calls, I'll forget to tell him something. I can't ever call him back and say, "Baby, I forgot to tell you . . ." Then maybe he'll call tomorrow, or the next day - and I've forgot by that time. We used to spend hours on the telephone before. We don't now, because they've restricted the phones to 15-minute calls. He can't call every day, because if he misses the call-out, that means he's in his cell for 24 hours.

**SD:** Can you allow yourself to imagine what it would be like if Sekou were outside with you?

**DKS:** Believe it or not, I do, all the time. I imagine us walking down the street. I'm in a park and imagine sitting on a bench with him. I'm home, and I see him sitting on the living room couch. I imagine traveling with him. I do allow myself to dream those things in my sleep and in my waking moments. That's one thing the prison system can't take away.

It makes me see how much time people waste on things that don't really matter. How we look at people every day, and we don't really see them. I don't look at Sekou every day. But I see him. Every day.

**SD:** How is this changing you?

**DKS:** I thought I knew about prison when I was doing prisoner-support work, but being married to Sekou, I know things on a much deeper level. The conditions these prisoners endure - not because Sekou or the others complain - but just being more intimately connected to him now, I see all they and their families have experienced. The sacrifices they've made during 30- and 40-year imprisonments. It is unfathomable.

NO human being deserves what these people are forced to endure. But it's invisible. Nobody sees what happens to families when a loved one is in prison. With over two million people in prison, imagine the pain felt by tens of millions of family members outside.

I speak publicly, and there's so much shame and stigma attached to loving someone in prison. Women will often come to me after I've spoken and say quietly, "I have a fiancé in prison." Or a son or boyfriend. There's a whole community of women who take the bus together; it's quite known that that's what we're doing. But people don't want that to be seen by the rest of the world. And that contributes to the invisibility around black women's lives.

I think that if people can look at me and say, "Damn. She can talk about these things freely - maybe I shouldn't

be ashamed." Because we have nothing to be ashamed of; we just don't get a chance to tell our stories. And if we don't tell our stories, then we're not healing.

**SD:** How do people respond when you say you've married a prisoner?

**DKS:** Actually, they don't say too much to me; I think they say things to other people. [Laughs] Cause people don't want to hurt my feelings. But it's come back to me, "She's so intelligent, does she know what she's getting into?"

I've also met people who say, "Oh, you're Sekou's wife - Cool!" I'm like, "No, I'm still me." I've lived long enough and I've had enough relationships, and one of the things I had to tell Sekou when we started talking was, "I am not a groupie. I am not enamored with the history of the Black Panther Party."

People mean well. They say, "He's a lucky man." But I'm a lucky woman. I discovered the love of my life. I had no idea I would find that person behind the wall. But it's a journey. Sekou is not in prison because he was trying to get rich or harm his community for his own benefit. He's there because he dreamed of a better world.

The thing that helps me is that I know I love him and I feel so soothed and comforted and protected by his love. I've never loved a man like I love him. And I guess I'm like Ralph, when he kept fighting for Lynne Stewart's release. I believe that Sekou's going to come home. The alternative is just not worth considering.

## **20 Jan - New writings by and film festival about Mumia Abu-Jamal**

*We're including transcripts of Mumia's latest commentaries as well as information regarding an upcoming film festival about him.*

### **MORE:**

#### **January 20<sup>th</sup> - Martin, Women, and the Movement**

We meet today in the vast shadow of the Rev. Dr. Martin Luther King Jr. and that is fitting for much like his contemporary, Min. Malcolm X, he had the capacity to grow beyond his social, cultural, religious and even class programming.

But before we go deep, it is fitting that we thank Dr Tanisha Ford and Dr Hakima Abbas, your forum co-chairs of this event, for their kind invitation; and to our fellow forum contributors, Dr. Johanna Fernandez, Alexis Pauline Gumba, Christopher Tinson, Jamilah Wilson, Walidah Imarisha, Noelle Hanrahan, The Cornel West Theory –and others to come.

Thank you, too, to *The Feminist Wire*, for covering this event.

How does Dr. King's life inform our discussion of issues that we face today, at the dawn of a new century? Issues as complex and diverse as the LGBT community's trek and treatment through the criminal justice system; Black women, the nation's fastest-growing prison population social and systematic violence against Black women and girls; the rape culture that permeates modern day American society; or feminism as a social force which broadens our perspectives of the prison-industrial-complex?

If Dr. King were alive today, he'd be 85 years old.

But, he is not. Yet, his ideas deepened through the experience of movements, and perhaps more importantly, his inspiration, remains.

For the Civil Rights Movement has had a profound impact on the nation, the world and movements to come. But Martin, reared as he was in the bosom of a conservative, privileged, middle class Baptist family, seemed ill-prepared for the topsy-turvy, hurly-burly struggles of the era, when Blacks were compelled to struggle against their racial, class, gender and national oppressions.

Given his background of privilege, he found confident, outspoken, activist women hard to take. This was perhaps best seen in his interactions with activist/organizer Ella Baker. For, let us be clear. Like many, perhaps most men, King was sexist and chauvinistic. As a man of his class, and his profession, he expected deference – especially from women.

Ella Baker a brilliant skillful organizer was unable to defer to any of the spiritual and national leaders of the time. She opposed, on principle, the idea of charismatic leadership, preferring instead, for collective leaders drawn from their work among the people.

She was among the founders of SCLC, founded the Student Non-Violent Coordinating Committee (SNCC), and had traveled the country organizing as field secretary for the NAACP. In Baker's words, she knew she wouldn't make it among the ministers of SCLC, explaining:

“There would never be any role for me in a leadership capacity with SCLC. Why? First, I'm a woman. Also, I'm not a minister. And second...I knew that my penchant for speaking honestly...would not be well tolerated. The combination of the basic attitude of men, and especially ministers, as to what the role of women in these church setups is –that of taking orders, not providing leadership – and the ...ego problems involved in having to feel that there is someone who...had more information about a lot of things than they possessed at the time.

This would never have lent itself to my being a leader in the movement there (Dyson 195).”

King felt “uncomfortable” around Baker, and other women of her type. She had a saying: “strong people don't need strong leaders. (Abu-Jamal 159). She also wasn't keen on building national organizations, she believed in building movements.

King, as a man transformed by the burgeoning movement around him, tried mightily to adapt to it, but it wasn't easy. For, like many men, King had a weakness for female flesh. He felt guilty about it, yes –but he indulged, for he couldn't say no. In this conflict between flesh and spirit, flesh inevitably won out.

Many of us associate Dr. King with his last big movement push: the Poor People's Campaign.

When he accepted the invite of National Welfare Rights Organization executive director, George Wiley, to address their board, he experienced a rude awakening. For the NWRO board was staffed by women, and they felt offended because they had advanced the idea of a poor people's campaign, before the SCLC.

When King sat down with the board they shocked him with their aggressiveness, and their radical thinking. When King was given the floor, he stated his ideas, and solicited their support.

NWRO first vice-chair, Etta Horn asked him for his views on Public Law 90-248. King was dumbfounded. NWRO leader Johnnie Tillmon (a woman), told King that Horn “meant the Anti-Welfare Bill, H.R. 12080”, passed by Congress the year before and signed into law by President Lyndon Johnson in January 1967. King, again, had no clue. Tillmon pressed her advantage, asking pointedly, “Where were you...when we were down in Washington trying to get support for Senator Kennedy's amendments?”

King, the leader of the movement, was helpless before welfare mothers on top of their game. Johnnie Tillmon, seeing him and his staff getting defensive said, “You know, Dr. King, if you don't know about these questions, you should say you don't know, and then we could go on with the meeting.” King agreed, saying, “You're right, Mrs. Tillmon, we don't know anything about welfare, we're here to learn.” (Dyson 208-9).

And he did. He listened. He learned.

That learning re-shaped, deepened and broadened his ideas. He outgrew many of his earlier notions, and became, increasingly, socialist in his economic orientation, anti-capitalist, and, quite rare for the time among Black civil rights leaders, deeply anti-war.

While Martin, as preacher, might've brought women to church, it must also be said that women, as teachers, took him to school.

For, at the heart, at the very core of both church and the movement, were women. Their faith, their wisdom, their knowledge, their visions of a better tomorrow, fed those expressions, and gave them life.

Martin's martyrdom may've ended his individual existence, but it did not still the movement. For movements spread, grow, deepen and develop. The civil rights movement gave space and life to the Black Liberation movement, the women's movement, the Latina movement, the gay movement – and beyond. That's because those democratic energies could not be repressed forever. When King burst through, he opened doors that had been soldered shut in American society.

One of the most radical of the Black Liberation groups to sprout in the post-King period was The Black Panther Party, founded two years before King's assassination, by two college students. Although assuredly the BPP was weighted with a decidedly macho image, what with the berets the Black leather jackets, and, lest we forget – guns. It was most assuredly, not an all-male collective. Indeed, quite the reverse is true.

The BPP had a majority of female members and a good number of women led local sections or even captaincies in cities. Indeed, the BPP was the only formation of the era to have a woman in complete command of the group (under Elaine Brown) (LeBlanc-Ernest 309).

Was the Black Panther Party sexist? Yes, without question. But within a sexist society, who was not? If King, with all of his extraordinary education and gifts, was trapped within the dark amber of sexism, what of men who had no such learning, who learned from the streets? That said, the BPP leadership announced at this very time, that it supported women's liberation- and gay lib, to boot. Party co-founder, Huey P. Newton mused, "...Maybe they might be the most oppressed people in society."

Frankye Malika Adams, from the Brooklyn chapter of the Party, said "Women ran the BPP pretty much. I don't know how it got to be a male's party or thought of as a male's party." She knew what every male Panther knew, that despite what the newspapers reported, without women, who made sure the work got done, every day, the organization would not have lasted as long, nor did as well, as it did. Period. (Abu-Jamal 164)

Women form the core of movements. They organize, as did Ella Baker. They lead, as did Elaine Brown. They do the work, to make organizations – and movements – work. And given the sexism extant in a capitalist society, it rarely gets reported, much less known.

But the simple truth is that revolution is women's work. And man's work. It is the work of all of us, working as comrades. Kathleen Cleaver was a member. She joined the Party, and is today a law professor working against the prison-industrial-complex. Safiya Asya Bukhari was a college student, who was intrigued by the Party Breakfast for Children Program. When she was threatened by cops, she quit college, joined the Party, and later ran the Party's East Coast organization from the Bronx headquarters. She later led and commanded units of the Black Liberation Army, before she returned to the ancestors.

Martin Luther King, Jr. was made, both literally and figuratively, by women. They educated him, even when he didn't want to be educated. Again, as Baker stated, "Martin didn't make the movement; the movement made Martin."

Progressive and liberatory social movements are energized and sustained by the gifts women bring with them. They broaden our perspectives on issues of women, gender, and how, under capitalism, all within the prisons on capital are exploited, atomized, made to war against each other, to preserve the rulers.

Martin opened doors to rooms he did not know existed; but he did so, with the hope that it would lead to greater

social justice, and fairness. In one of his latter speeches before SCLC, King presented a synthesis of his ideas, calling for a radical restructuring of the entire system: “We are called upon to help the discouraged beggars in life’s marketplace. But one day we must come to see that an edifice which produces beggars needs restructuring.” He continued this questioning, openly, in ways he had done privately: “...Who owns the oil?...Who owns the iron ore? Why is it that people have pay water bills in a world that is two-thirds water?”, King, of 1967, was a different man than that of 1965; a deeper man. Such a man as this would say this:

“A nation that would keep people in slavery for 244 years will “thingify” them, make them things.

Therefore they will exploit them and poor people generally, economically. And a nation that will Exploit will have to have foreign investments...and will have to use its military might to protect them. All of these problems are tied together (Dyson 84).”

It is a measure of some irony that King couldn’t bring himself to work closer with one of the most talented organizers of the era: Ella Baker. For, some 30 years before her career as a civil rights organizer bloomed, she co-wrote, with colleague, Marvel Cooke, a remarkable article published in the NAACP journal, *The Crisis*, which revealed the venal nature of capitalism for poor Black women in Harlem. They wrote:

“Not only is human labor bartered and sold for the slave wage, but human love is also a marketable commodity. Whether it is labor or love, the women arrive as early as eight am and remain as late as one pm, or until they are hired. In rain or shine, hot or cold, they wait to work for ten, fifteen, and twenty cents per hour. [Zinn 404]”

This, the naked face of capitalism, where one sells their flesh to eat, was an insight that Baker knew, but it took a lifetime of King to glimpse. Capitalism eats its own, for there are no Chinese walls, nor sacred barriers – it is buy and sell – money –trading as the highest value of life.

It shows us all how far the Movement has yet to go.

### **January 29<sup>th</sup> - Obama’s Surveillance State**

When an American President announces a speech on his intelligence agencies, eyes and ears tune in.

That’s especially since the (Edward) Snowden revelations, of NSA (National Security Agency) dishes receiving billions – billions! – of bits of information from Americans, foreigners – everybody.

But that President, smart, smooth as Chinese silk, handsome, took the mike to try to calm the storm, by giving privacy activists and security agencies something to take home.

Twitches here, tweaks there, and statements designed more to ease national anxieties than to actually shut down the surveillance state.

When President Barack H. Obama said that the NSA doesn’t tap phones except when serious national security threats are at stake, he, frankly, sounded more like his predecessor, George W. Bush, than he surely intended.

For, try as I might, I could not resist the recollection of Bush standing at the lectern, the presidential seal reflected in dozens of camera lenses, saying, “The United States does not torture.”

For was German Chancellor Angela Merkel a national security threat? Was any other leader?

And by declaring no more tapping of phones of leaders, does this now mean second-tier leaders will be surveilled even more aggressively?

It would seem so.

The business of intelligence is – intelligence!

The business of spies is – spying!

As long as such agencies exist, that’s what they’ll do.

Period.

That’s the real bottom line.

And no President will dare to challenge such a powerful tool in his arsenal. Indeed, he (or she) would welcome it.

Think of every US President since Harry Truman (president when the CIA was established in 1947). Can you name one who didn’t use the Agency against his opponents, or refused intelligence data?

There are none to name.

It matters little that then-Senator Obama was critical of US intelligence when running for office, for once in, the game changed.

It was his.

Truman, once out of office, said he never wanted a cloak and dagger outfit: but, out of office is out of power.

And John F. Kennedy, embarrassed by the Bay of Pigs fiasco and failure in Cuba, reportedly told friends he wanted to “break” CIA into “a thousand pieces.”

He never lived long enough to do so.

Obama, like every president before him, has fallen before the golden dream of intelligence; a dream that always promises far more that it can ever deliver.

### **February 15<sup>th</sup> - Mumia Filmfest**

**WHAT:** Mumia Film Fest

**WHEN:** 12:00-5:00pm, Saturday, February 15th

**WHERE:** National Black Theatre - 2031-2033 National Black Theatre Way (5th Avenue, between 125th and 126th Streets)

**COST:** \$10, separate donation for food and beverage.

#### **MORE:**

Mumia Abu-Jamal—He’s Off Death Row, Let’s Bring Him Home!

The day is dedicated to the memory of the great poet, playwright, and activist Amiri Baraka!

5 hours of Mumia film and video clips, some rarely seen, some familiar to Mumia supporters, plus a silent auction, MumiaGear table, and cultural presentation.

### **21 Jan - Hello Comrades - From Doug (Cleveland 4)**

*Doug Wright has written an open letter. This is a great opportunity to write to Doug, start a conversation, and let him feel the support he has out here.*

#### **MORE:**

Hello Comrades,

Well, its been a while since I've written anything but here it is.

Ive been in united states penitentiary Hazelton for a year now. I had what the BOP calls a "management variable" on me (to be able to bring me to a penitentiary). My management variable expired and so I had my review and my case manager put me in for a transfer to a medium security prison. The BOP headquarters had other plans for me. They put a new management variable on me for two more years. So I have to go another two years without a shot (incident report), to be able to go to a medium. It is almost impossible to go without a shot for three years. Well, Im probably going to be in pens for my whole sentence, so I figured I should start writing a lot more. The worst that could happen is getting transferred to a CMU (communication management unit) in either Terre Haute, Indiana or Marion, Illinois.

On Tuesday January 7th someone got stabbed in my unit. It was the worst on that ive seen so far since ive been here, so we're currently locked down.

The food that they give us during lockdown is a complete joke. At lunch they're supposed to give us a hot sandwich (normally gas station type hamburgers) and today the ones we received were still completely frozen. We're supposed to get four slices of bread for lunch with pb&j and four slices for dinner with lunch meat. Since we've been locked down we've only gotten three slices each for each of those meals. This place is run so fucked up for the past few weeks. Before we got locked down Ive been trying to get new clothes because every twelve months they are supposed to give you new clothes and they are refusing to give me them. All of my socks have holes in them. Last night it was -10 degrees outside and the air coming out of the vents was blowing cold air. The walls here are concrete with no insulation. Please write me.

**Doug Wright 57973-060**  
**USP Hazelton**  
**Post Office Box 2000**  
**Bruceton Mills West Virginia 26525**

FUCK THE FEDS, SMASH THE STATE

Also, I now have the ABC cross on my arm. I took a pic of it, but the cops took it.

### **21 Jan - "The Year of Justice and Freedom?" A Message to Supporters from Albert Woodfox**

*Albert Woodfox would like to take time to express profound gratitude to all the wonderful friends, supporters and comrades around the world for your unbelievable solidarity and support!*

#### **MORE:**

I'm not sure what the New Year means to you. For me, it's the realization that another year of mental and emotional torture has started! I constantly ask myself, is this the year of justice and freedom? Or just another year of the same?

Is this the year that I lose my battle against constant attacks of claustrophobia, mental and emotional pain and suffering? Is the year that I run out of creative ways that allow me to ignore time and space, and the weight of the world crushes me, instead of making me stronger?

Will the loss of one of the greatest human beings that has ever lived, my friend and comrade Herman "Hooks" Wallace, finally tip the scales of sanity against me? As the years pass, the questions have started to surpass my hopes for freedom and justice!

To the many people around the world, who have taken us (A3) into your lives, your hearts, and said that I know you, and what you have given to this world, and have taken the time to write to me, and the Louisiana State

officials, you have no idea what a source of strength and courage you have been in my darkest moments!

It is impossible to personally respond to the 1000's of letters, and cards, to encourage me to stay strong, don't give up, don't lose hope and fight on. Thank you, the message is heard! I ask that this letter feels as if I am reaching out to you personally, and saying in solidarity and struggle! All Power to the People!

## **22 Jan - Ona Move!: A Conversation With Pam Africa and Ramona Africa**

*There are a couple of events relating to the MOVE case coming up in NYC. We've included information about those below, as well as a conversation with two members of the MOVE family.*

### **MORE:**

by Jamila K. Wilson (*The Feminist Wire*)

As an activist in Philadelphia, I have been mentored by Pam and Ramona Africa of the MOVE family. They are two women whose love of truth supersedes their acceptance of the status quo. Over the years, I have heard them speak about their lives as members of MOVE. The MOVE family is a radical black liberation group started by John Africa in 1972. MOVE remains dedicated to protesting against police brutality, professing the values of raw foods, animal rights, and sustainable urban agriculture. In short, MOVE was invested in a “green” lifestyle long before it was trendy. Ramona Africa is the sole adult survivor of the 1985 bombing of the MOVE family home. Pam Africa is the leader of the international social movement demanding the release of award-winning journalist and U.S. political prisoner Mumia Abu-Jamal.

I recently had a conversation with Pam Africa and Ramona Africa in which they shared how they became members of the MOVE family and their own revolutionary journey as freedom fighters. Ramona Africa and Pam Africa might not be women that you are familiar with, but after reading this piece, you will not only acknowledge their contributions to the movement, you will also marvel at their unconditional love for one another and for communities of color.

**JW:** Tell me why you decided to become a member of the MOVE family?

**PA:** It was the 1977 MOVE confrontation. May 20<sup>th</sup>, I remember it so vividly; it was a Friday. I did not like MOVE, and I used every opportunity to let them know. I remember seeing Eddie Africa on the platform with what appeared to be a rifle in his hands. Being the nosey person I am, I went down to get a closer look and stood there watching. Sure enough they were walking back and forth on the platform with weapons. I saw a cop car driving past and thought, “these cops are going to arrest these mutherfuckers in a minute,” and I was going to have a front row seat to see and tell all my friends what I saw. But they didn't.

Then MOVE got on their bullhorn telling stories about what had been happening to their family, and why they were taking a stance against the police. They were saying that the police were coming to kill them. When MOVE started talking, neighbors were coming out standing in solidarity with them. I am watching all of this, listening to MOVE dispel all the lies the media was saying about them. This government and the press have a tendency to make you see what they want you to see, regardless of you looking at the truth; you believe the lie. I'm a clear example of this. For years, I would look at the truth and believe the lie. Here it is the confrontation between MOVE and the city, and you have the truth and the lie before you. It wasn't until I heard those words of revolution and saw those examples that I ran and broke through the barricades and stood in between MOVE and the police.

When it came time for the people to take a stand, people did not have guns – they knew how crazy [Frank] Rizzo's cops were – it did not matter. The people chose to defend the truth. That's why the cops did not kill MOVE on May 20, 1977. That was a strategy John Africa had that won a lot of people, including myself, support for MOVE.

MOVE took me as I was. I was always fiery. John Africa saw those traits in me and molded it into what you now see, Pam Africa, Minister of Confrontation.

**RA:** It was 1979 and I was in my last year at Temple University. I got involved with Milton Street (brother to

former Philadelphia mayor John Street) and his movement around housing and we would go into City Council every Thursday and shout City Council down about housing issues. I ended up getting arrested one Thursday. This was my first time being arrested.

When I went to court. I met a brother, and we exchanged information. He called me at work and asked if I wanted to go to a meeting to plan a MOVE demonstration. I went to the meeting, and that's where I met my sister Pam Africa. She was still a supporter then, not a MOVE member at the time. She started talking to me, telling me so many things about MOVE. She knew I was getting ready to go to law school and told me I should go over to City Hall and sit in on some of the MOVE trials to see how the courtroom played out for real. I did, and I was shocked; I couldn't believe it, it was nothing like the textbooks or the professors described. I kept going back and going to the prisons to visit MOVE people. I ended up getting arrested at a MOVE trial. I represented myself; confident in standing up and telling the truth.

Judge Lynne Abraham, who later became District Attorney Lynne Abraham, found me guilty and sentenced me to 60 days in the county jail. Well, I had never done time like that before. But I owe her a huge thanks because she sent me to the county jail for two months, up close and personal with MOVE women. That was all she wrote! When I came out of those two months, I wasn't going anywhere. I was firmly ensconced in MOVE. That was the best thing Lynne Abraham could have ever done for me.

**JW:** Why does MOVE consider itself a family and not an organization?

**RA:** One of the first things John Africa taught us is what family really is. It has nothing to do with being birthed from the same mother, or having the same father. It's having each other's back; fighting together, laughing together, loving together, encouraging each other. But let me make this clear, we do not support or stand up for each other when we are wrong. We stand up for what is right. If you are wrong, we are going to correct you. That's true love.

**PA:** John Africa built a strong family. A family committed to tearing down this system in protection of life. When you hear a MOVE family member speak, they talk about the protection of all life. John Africa taught us: until all life is free, no life is free.

**JW:** Ramona, after the 1985 bombing, what did you do to maintain your peace and love?

**RA:** You could have never told me I could have gone through May 13, 1985. That I would ever go through something like that, and if I ever did, that I would stay strong and continue in the direction I am committed to. Nobody could ever convince me of that, but because of what John Africa put in me, and all MOVE people, I am able to still be working, still stand strong despite what I have been through.

Two reasons why I am still here; I know what I believe in and what I am involved in is right and cannot be proven wrong. Secondly, because I understand there is no option. What am I going to do? Just bow down and roll over to a system that bombed me, tried to burn me alive, murder my family? I'm just suppose to say, "Oh okay, let's move on"?

No Way! There is no option, and that's why I continue to work and do what I need to do.

### **February 12<sup>th</sup> - Move 9 Film Showing with Ramona Africa**

**WHAT:** Film Screening and Discussion

**WHEN:** 7:00pm, Wednesday, February 12<sup>th</sup>

**WHERE:** Bluestockings - 172 Allen Street (between Stanton and Rivington Streets)

**COST:** Free

### **MORE:**

Join us to get the latest on the case of the Move 9. As a reminder, there is an active call-in to the Pennsylvania Parole Board every Monday until future notice to support parole for the Move prisoners. Delbert Africa will likely call in from prison to answer questions.

### **February 19<sup>th</sup> - MOVE Program at Medgar Evers**

**WHAT:** Religion, Rebellion & MOVE

**WHEN:** 6:00-9:30pm, Wednesday, February 19<sup>th</sup>

**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 Jan - United States Government Submits Sentencing Brief for Rebecca Rubin**

*On January 22<sup>nd</sup>, the United States government submitted its sentencing brief in regards to “Operation Backfire” defendant Rebecca Rubin.*

#### **MORE:**

Given that Rubin entered a non-cooperating plea agreement, the state is asking for a sentence of 90 months, seven and a half years. For actions taken on behalf of the Earth and its human and non-human inhabitants, we in NYC ABC find this disgusting. Rebecca should be free, back with her family and loved ones!

Rebecca Rubin plead guilty to taking part in Earth Liberation Front actions, including actions taken against Bio-Devices in California; U.S. Forest Products in Oregon; and the Vail Ski Resort in Colorado. She also participated in the liberation of horses and the arson of the Bureau of Land Management (BLM) Wild Horse Facilities in Litchfield, California and Burns, Oregon.

Rubin is scheduled to appear in court for sentencing on Monday, January 27<sup>th</sup>. If you are in or near Portland, Oregon, please consider showing your support.

### **January 27<sup>th</sup> - Radical activist sentenced to read Malcolm Gladwell**

by Natasha Lennard (*Salon*)

A radical environmental activist in the 90's, Rebecca Rubin was sentenced Monday for taking part animal rights-related arsons allegedly perpetrated by the collective “The Family” over a decade ago.

Rubin has refused to give evidence against any other activists to federal prosecutors, accounting, some say, for her considerable sentence of five years in prison (determined by minimum sentencing laws — a scourge of the legal system).

The details of Rubin's punishment are nothing short of cruel and unusual. She was ordered to pay more than \$13 million in restitution upon her release and perform 200 hours of community service. Add to this the bizarre requirement that she read Malcolm Gladwell's “David and Goliath” — the author's sweeping work of pop science with a message to “misfits and underdogs” that essentially combines non-violence and capitulation, undergirded by an appeal to a scientific method with far-reaching topic matter, and little argumentative strength.

Of “David and Goliath”'s core message, Gladwell himself said: “The fact of being an underdog changes people in ways that we often fail to appreciate. It opens doors, and creates opportunities and educates and permits things that might otherwise have seemed unthinkable.”

Demanding a jailed activist — who has remained resistant to years of state intimidation — read such a work seems not-so-subtly dystopian. Gladwell as state-enforced antidote to rebellion.

One hopes that Rubin's supporters send her ample countervailing reading supplies, too.

### **22 Jan - Message from Maroon (plus new Action Alert)**

*Having just been moved for the third time in six months, it's clear that Maroon Shoutz and his supporters have given up on any good faith under which they thought the Pennsylvania Department of Corrections was operating.*

**MORE:**

“This was the third strike – now we either go hard, or go home.”

Greetings! A very happy new year to all my supporters and loved ones!

By now you are aware that I am being housed in an underground cell at the State Correctional Institution (SCI) Graterford, in a part of the Restricted Housing Unit known as J Block, which is used to house the criminally insane.

My rapid response team has also got word to you about the conditions in this dungeon: a few days after my arrival I cleaned the human feces off the walls of my cell with my own hands; when it rains, water leaks through a hole in the roof and floods my cell – with heavy rains expected, I am sure this problem will only get worse.

The screaming and banging coming from the surrounding cells of mentally challenged inmates, plus the 24-hour fluorescent lights, make it impossible to concentrate, let alone sleep.

Those of you who have been closely following my situation know that I am being subjected to these conditions DESPITE successfully completing the Pennsylvania Department of Corrections (PA DOC)'s 60-day “step-down” program at the State Correctional Institution (SCI) Frackville, which was conducted with the express purpose of releasing me from the hole into the general prison population.

My current circumstances make two things very clear:

First, that the Department of Corrections CANNOT be trusted to play by their own rules;

Second, that my isolation in the hole has NOTHING to do with administrative or disciplinary concerns but is instead a punishment for my political beliefs, and the prison administration's fear that these beliefs will reach other prisoners. They fear that I will awaken the dead..

For years, the PA DOC has tried to crush my fighting spirit by keeping me locked up in the hole. This move to SCI Graterford – my third transfer in six months – is just the latest in a series of attempts to test my resolve; it is also, in my opinion, the third strike.

I am here to tell you all that my will is holding strong. I am a political prisoner: imprisoned because I stood up against oppression, and I continue to support all those who stand up against repression everywhere.

My perspective is one thousand years of struggle. My commitment has been – and will always be – the liberation of black people. In that spirit let me say that 2014 is not going to be a year of taking abuse and torture lying down: it is a year in which we either go HARD, or go HOME!

I am calling on you, my supporters, loved ones and friends, to answer that call. This year I am asking you all to do whatever it takes to end the torture of 23-hour isolation and bring an end to this miscarriage of justice.

**January 28<sup>th</sup> - Bring Maroon HOME!**

**YOU DID IT!**

Your calls, letters and faxes have forced the administration at the State Correctional Institution (SCI) Graterford to move Maroon out of a feces-infested underground dungeon into a new cell, give him back all his personal property, and issue him a warm blanket. Maroon wishes he could personally thank each and every one of you who went hard these past few weeks, but until that day comes he hopes this letter conveys his deep gratitude for

your unwavering support.

This latest transfer to a new cell, effective since last Monday, January 20th, proves that the Pennsylvania Department of Corrections (PA DOC) is able and willing to carry out necessary changes to an inmate's situation as they see fit. Now is the time to exert even more pressure to bring an end to the torture of 24-hour isolation, and push the administration to do what has already been promised – immediately move Maroon into general population!

Furthermore, the lawsuit against PA DOC Secretary John Wetzel gained momentum this week when United States District Magistrate for the Western District of Pennsylvania, Cynthia Reed Eddy, issued a decision denying the DOC's motion to dismiss in the case of Shoatz v. Wetzel. The January 27th ruling allows Maroon's legal team to move forward with the challenge to his more than 22 consecutive years in solitary confinement, which they say is a violation of his Eight Amendment constitutional rights as it constitutes cruel and unusual punishment.

With Maroon's successful completion of a 60-day "step-down" program at the State Correctional Institution (SCI) Frackville, glowing reports from his Program Review Committee, and 5 Nobel Peace Laureates calling for his release, it is now up to Wetzel to sign off on the last piece of paperwork holding Maroon back from contact visits with his family.

### **24 Jan - Greetings from Manchester, Kentucky!**

*Jeremy Hammond has been transferred to what seems like his "permanent" prison and he's written a message that we're including below.*

#### **MORE:**

It has been a miserable chain of bus rides and holdovers through MDC Brooklyn, FDC Philadelphia, FCI Petersburg VA, and USP Atlanta GA, but I have finally arrived at my destination: FCI Manchester, a medium-security federal prison in Kentucky. It is good to be able to breath fresh air in the yard and get in the groove of doing this time.

Those who were upset about the lengthy sentence, rest easy knowing that it will not break me: I remain defiant as ever, and encourage others to turn that anger into action. The purpose of their politically motivated prosecutions is to try to deter and silence us, so it's on us now to up the ante: to escalate the struggle, to create anarchy.

Thanks everybody for having my back.

### **27 Jan - Support Parole for Political Prisoner Jalil Muntaqim**

*Once again, we are preparing for Jalil's upcoming parole hearing in June. Since the Police Benevolent Association, the Fraternal Order Police, and the Correctional Officers union are able to collect thousands of signatures against parole, we must work to gain as many signatures and letters of support for Jalil as possible.*

#### **MORE:**

In addition to the online petition, there is a hard copy that can be downloaded at [http://www.freejalil.com/images2/2014\\_Jalil\\_Parole\\_Petition.pdf](http://www.freejalil.com/images2/2014_Jalil_Parole_Petition.pdf)

Since many members of our community do not have regular access to the internet, it is important to use the hard copy and return it to us.

### **28 Jan - Grand Jury Resister Jerry Koch Released From Prison**

*On Tuesday, January 28th, anarchist grand jury resister Gerald "Jerry" Koch was released from the federal Metropolitan Correctional Center in Manhattan. Koch's release comes over eight months after his*

*imprisonment for refusing to testify before a grand jury convened under the auspices of investigating the so-called bicycle bomber case.*

**MORE:**

Judge John Keenan, the presiding judge over Jerry's case, believes that taking the position of a government run amok, using grand juries as a witch hunt is, "a delusion of grandeur." Judge Keenan goes on:

"There is simply no evidence that the Government [sic], threatened by Koch's subversive prowess, seeks to bring him before the 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."

In reality, the United States government was following a pattern of using grand juries as fishing expeditions in hopes of better understanding social and political networks of anarchists. This tactic has been recently seen in the Pacific Northwest and in California. Regardless, Jerry's release does not come as a result of some hacky judge "seeing the light" and letting the barred door swing wide. It comes due to the diligence of his legal support in filing a strong Grumbles motion. Also from the judge's decision:

"Koch's argument is straightforward. Because he continues to oppose the government in general and the grand jury process in particular, he urges that continued confinement will not induce him to testify. Indeed, he asserts that his tenure at the MCC has caused his views about government repression to congeal even further."

Imprisonment for civil contempt in order to coerce someone to testify is, according to the state, not supposed to be punitive. When it becomes punitive and loses any coercive power, the individual must be released (or so goes the argument). The content of the motion filed by Jerry's legal support argues that the function of Jerry's imprisonment—to coerce him to testify before the grand jury, was failing and in fact had become merely punitive. Based on the above quote, judge Keenan agreed. And this is the basis of the judge's decision to release Jerry.

Judge Keenan's decision also reveals the importance of outside support. Articles written about Jerry, letters written on his behalf, and even an online petition cumulatively added to the strength of the motion filed on his behalf. Strong solidarity from family and friends positively contributed to Jerry's release.

In reading Judge Keenan's decision, it is clear that the only joy he is able to squeeze out of his miserable life is in sophomoric barbs launched at Jerry and anarchists in general. And at the end of the day, none of the judge's childish insults matter. What matters is that we have our comrade returned to us, unbroken.

Again in the words of Judge Keenan, Jerry "has chosen to remain in contempt— indeed he promises continued and endless contempt." And for that, we applaud you, Jerry. Welcome home.

**29 Jan - Cuban 5 prisoner due for U.S. release but may not be free to go home**

*A Cuban intelligence agent jailed for 15 years for spying on Cuban American exiles in Miami is due to be freed next month, but may have to remain in the United States for three years of supervised release, according to the Federal Bureau of Prisons.*

**MORE:**

by Zachary Fagenson (*Reuters*)

Fernando Gonzalez, 50, was arrested by the FBI in 1998 along with four other Cuban agents who were convicted in 2001 of 26 counts of spying on behalf of Fidel Castro's government.

The case of the "Cuban Five" is widely considered an impediment to improving the hostile relations between the United States and Cuba, separated by only 90 miles of sea.

Gonzalez, who also goes by Ruben Campa, was sentenced to 19 years, which was reduced on appeal in 2008 due to good behavior.

He is due to be released on February 27 from a jail in Arizona and moved to an immigration facility, according to Gloria La Riva, coordinator for the National Committee to Free the Cuban Five which is campaigning for their freedom.

"We are hopeful that he will be able to go home soon after," she said. "The lawyers are negotiating with the immigration authorities to let that happen," she added.

A lawyer for Gonzalez declined to comment. U.S. immigration officials did not immediately respond to a phone call asking about Gonzalez's possible return to Cuba.

Another agent, Rene Gonzalez, was released in 2011 after serving more than 13 years and now lives in Cuba. Gonzalez was allowed to return to Cuba rather than serve out a three-year parole in Florida but only after he agreed to renounce his U.S. citizenship.

The group, called La Red Avispa or the Wasp Network, infiltrated a Miami-based activist group, Brothers to the Rescue, and attempted to spy on U.S. military installations without much success, relaying coded messages back to Havana.

Cuba considers the agents national heroes, arguing they were unjustly convicted and were mainly collecting information on Cuban exile groups it accuses of planning guerrilla actions against the island.

The trial was held in Miami, center of the Cuban exile community and hotbed of opposition to Cuba's communist government.

## **PLANE INCIDENT**

One agent, Gerardo Hernandez, is serving a double life sentence after being convicted of involvement in the shooting down of two small U.S. planes off the Cuban coast in 1996. Four people aboard the planes were killed flying a Brothers to the Rescue mission looking for Cubans trying to cross the Florida Straits in flimsy home-made rafts.

Cuba accused the planes of violating Cuban air space.

The two other agents still in jail, Antonio Guerrero and Ramon Labanino, also had their sentences reduced. Guerrero is serving 21 years and 10 months and is due for release in September 2017, while Labanino is serving 30 years and is due for release in October 2024.

The agents' case snarled already hostile U.S.-Cuba relations and gained greater attention after the arrest of U.S. contractor Allen Gross in Havana in 2009. Cuba sentenced Gross to 15 years in jail for his role in a U.S. government effort to set up an underground Internet network on the Caribbean island.

The U.S. has demanded that Gross be freed, while Cuba has hinted it might consider a deal to release him if Washington lets the Cuban Five out of jail in exchange. The Obama administration has repeatedly said it will not consider an exchange.

## **31 Jan - MI CATS 3 Found Guilty by Jury**

*The trial of activists from Michigan Coalition Against Tar Sands (MI CATS) ended January 31<sup>st</sup> with the jury finding Vicci Hamlin, Lisa Leggio, and Barb Carter guilty of both charges brought against them: trespassing and resisting and obstructing an officer.*

## **MORE:**

Supporters are deeply saddened that after deliberation for over 10 hours the verdict returned as guilty of all

counts. The jury was split most of this time, returning to the courtroom several times for clarification. Sentencing was scheduled for March 5th and the defendants' bail was revoked and immediately taken into custody.

On January 15<sup>th</sup> when a denied motion to quash was heard by Judge Collette, he told the MI CATS that they would not be allowed to argue that their actions were "environmentally necessary". Collette said, "If there is somebody leaking oil on a piece of property and you race out in the yard, and you go in and you stop it, and they charge you with trespassing, I'd throw that case out in a heartbeat. That's what I think of as 'Environmental Necessity.'" The judge obviously does not understand the severity of the looming climate crisis and that unjust laws allow for the destruction of communities and public health so corporations like Enbridge can maximize their profit. Moreover, the outcome of the case was especially discerning since Judge Collette previously stated that he wanted to make an example out of the three protesters.

This action in which Lisa, Barb, and Vicci were a part of, was not only aimed at stopping the expansion of a Enbridge tar sands pipeline before the next disaster, it was also to stand in solidarity with First Nations land being turned into a sacrifice zones to mine tar sands. They used their positions of relative privilege to support communities currently being poisoned in Detroit and others because of extraction industries that put profit before people. Their actions were nothing less than necessary.

Vicci Hamlin, who became a great grandmother Monday, expressed how for her and Lisa as parents, this is a necessity, stating "The threat that tar sands extraction poses to my children, grandchildren and now great grandchild requires me to act". Lisa Leggio, will be a grandmother next week said, "I came to Michigan from New York, and fell in love with nature and the water. Seeing up-close the devastation that the 2010 tar sands spill caused to the Kalamazoo river and surrounding community, I think about my daughter and her unborn child. What are we leaving them? I did this for them, and we did this for everyone's children".

Prosecuting attorney Danielle Dixon and Judge Collette forbid the defense to mention many of the reasons why defendants were taking this action. Such as, the 2010 Kalamazoo oil spill, the largest on-land oil spill in US history that still is needing cleanup, past its deadline. On Thursday, Barb Carter was silenced by Judge William Collette for mentioning that she lived 3 miles away from the Marathon Tar Sands refinery which affects her ability to breath when entering or leaving her home. The judge also personally questioned her after both prosecution and defense questioned her.

The MI CATS has vowed to continue peaceful resistance despite the sentence imposed. As long as Enbridge is attempting to pump toxic tar sands into refineries, principally located in communities of color, MI CATS will be standing alongside anyone who wishes to stop them. The charges used have historically been used to disrupt communities and incarcerate mainly people of color and the poor in Michigan. The fight to challenge Michigan's Resisting and Obstructing statute is going to continue with the MI CATS appeal.

Your support, love, and commitment to this movement of movements means the world to us.

Please visit [MichiganCats.org](http://MichiganCats.org) for continuous updates.

### **7 Feb - Punk Rock Karaoke for NYC ABC!**

**WHAT:** Punk Rock Karaoke

**WHEN:** 8:00pm, Friday, February 7th

**WHERE:** Pine Box Rock Shop – 12 Grattan Street Brooklyn, New York 11206 (Directions below)

**COST:** \$8 donation at the door

#### **MORE:**

Join Punk Rock Karaoke NORTHEAST as they once again storm Brooklyn for a night of punk rock singalongs at the Pine Box. As with all their events, in addition to being a great time, this is also a benefit! This time all money raised at the event will benefit NYC Anarchist Black Cross and our ongoing efforts, supporting political

prisoners and opposing the prison industrial complex.

Tell your friends and come ready to have an awesome time. See you there.

Punk Rock Karaoke is a DIY, fund-raising event that benefits a different community group each time.

Featuring songs from:

Against Me!, Bikini Kill, Black Flag, Bratmobile, Buzzcocks, Choking Victim, The Clash, Circle Jerks, Crass, Dead Kennedys, Descendents, Devo, Flogging Molly, Fugazi, Gogol Bordello, Gorilla Biscuits, Jawbreaker, Joy Division, Minor Threat, The Misfits, NOFX, Operation Ivy, Pixies, The Pogues, Ramones, Rancid, Screeching Weasel, Sex Pistols, Sham 69, Sleater-Kinney, The Smiths, The Specials, Stiff Little Fingers, Wire, X, X-Ray Spex + More!!!

P.S. Like us on Facebook to stay up to date on future events:

[facebook.com/PunkRockKaraokeNortheast](https://facebook.com/PunkRockKaraokeNortheast)

**Directions:**

Getting to Pine Box is simple:

From the L Train:

Morgan Avenue Stop: Walk south on Morgan Avenue (away from Harrison Place, toward Grattan Street). Turn right on Grattan Street. We're about half a block down on the left.

**14 Feb - An Evening of Song and Celebration with Lynne!**

**WHAT:** Fundraiser for Lynne Stewart's medical needs

**WHEN:** 6:00pm, Friday, February 14th

**WHERE:** St. Peter's Church - 619 Lexington Avenue (at 54th Street)

**COST:** Donations accepted and encouraged

**MORE:**

On Valentine's Day – Come to an evening of music, song and sharing love for recently released People's Lawyer Lynne Stewart. Because of a determined people's movement, Lynne is finally home with her family. But she has urgent medical needs and costs. Lynne's Stage 4 breast cancer spread a year ago to both lungs, back, bones and lymph nodes. Now 74, she has lost weight and has trouble breathing; doctors estimate her lifespan at 12 months. Lynne will soon begin treatment requiring her to pay deductibles and co-payments. To boost the odds, she'll use a special diet, vitamins, and other healing methods – some costly and none covered by insurance.