



Updates for May 12<sup>th</sup>

### **28 Apr - Rasmea Odeh appeal going forward in Cincinnati**

*Rasmea Odeh is at home in Chicago and preparing for her appeal in a Cincinnati courtroom. This follows an outrageous sentencing of 18 months in prison, to be followed by her deportation.*

#### **MORE:**

Our next step is to ask solidarity activists to plan for events with defense attorney Michael Deutsch sometime soon after June 10th, which is the day the defense will file the appeal. We will broadcast live to your city following the submission.

The prosecution will file its response to the appeal on or before July 8th, and then we believe that it will be heard sometime in September 2015. That is when we will mobilize supporters of Rasmea to attend the appeal in Cincinnati, Ohio, right on the border with Kentucky. We expect a large turnout since Cincinnati, a little over 4 1/2 hours from Chicago, is centrally located between the Midwest, South, and East.

Rasmea Odeh is a 67-year-old Palestinian American woman and Arab American community organizer. She is beloved by the women and children on Chicago's Southwest side and suburbs, and by thousands of others across the U.S. and the world.

Odeh was arrested by Homeland Security in 2013 and put on trial in Detroit in 2014. Before the trial could even begin, Judge Paul D. Borman was forced to step down, to recuse himself, when it was revealed that he is a Zionist with financial and political ties to the Israeli occupation. His replacement, Judge Gershwin Drain, prejudiced jurors with his statements and conducted a trial full of irregularities. For example, defense lawyers were not allowed to mention her rape and torture by Israeli soldiers. Judge Drain also allowed her conviction by the military court of the illegal, Israeli occupation army to stand.

We are now in the final phase of the legal process, where federal judges make the rulings. The need to organize solidarity is now more important than ever.

### **29 Apr - Freedom Fighter, Sekou Kambui Needs Your Help!**

*Sekou Kambui spent forty years behind bars as a political prisoner, and now he needs our help!*

#### **MORE:**

The former Panther, CORE, and SCLC member was diagnosed with liver cancer shortly after his release, and has been in and out of the hospital for cancer treatment as well as other health problems, including severe edema in his leg. The edema requires almost weekly trips to the hospital to have fluid drained from his leg, an expense in time and money he can't afford. Though chemotherapy has produced encouraging results so far, the medical bills keep piling up. Despite his poor health, Sekou has continued his work with the organization he founded in prison, the Social Consciousness Development Group, and has continued to speak publicly on behalf of U.S. Political Prisoners. Now he needs our support to get through the trying times ahead. Help Sekou Kambui continue his long fight for justice in good health!

<https://www.indiegogo.com/projects/freedom-fighter-sekou-kambui-needs-your-help>

## **29 Apr - Jail launches campaign to limit Kevin Olliff's communications**

*Since his last court date, increasing restrictions have been placed on Kevin's communications.*

### **MORE:**

After Kevin and Tyler [Lang]'s last AETA court date hearing, restrictions on Kevin's communications took a turn for the worse. Lately Kevin has suffered several serious examples of choking off his contact with lawyers, friends, and supporters on the outside. Including:

- Mail restriction
- Nondelivery of mail
- Daily rejection of mail on flimsy pretext
- BOP monitoring of legal calls in violation of its own policy
- Monitoring Kevin's regular phone calls to the extent of telling him he cannot use foul language in real time while on a call (a rule applied to no other prisoners)
- BOP holding of all of his legal mail in and out for approximately a month (confined with the attorney calls on speakerphone with a BOP official in the room, removing his ability to privately communicate with his attorneys in a timely manner)

### **Kevin's incoming mail**

Despite having no disciplinary infractions of any sort while at MCC Chicago, the jail is now rejecting an average of one piece of mail a day.

According to BOP policies, to reject individual mail, it must relate to "planning a crime" or "contribute to physical violence or group disruption in the prison".

The BOP is not adhering to its own policies. The justifications for the rejections appear to be arbitrary and made up.

In one example, photos of retired laboratory rabbits adopted legally from a lab were rejected, with the listed reason being "correspondence in further of criminal activity."

The BOP policy also states that the warden (or in the warden's absence, the associate warden) must personally authorize a rejection. In the most recent instances, a mailroom employee, CSO "B. Arts" is the only person rejecting mail and signing the rejections—another violation of the BOP's own policies.

### **What to do if you receive a rejection notice from Kevin's jail**

If you receive notice your mail is rejected, you should appeal every time.

### **If you're sending Kevin photos or printed material to read**

If it seems at all like the prison would question the material (e.g., photos of rescued animals, updates about animal rights campaigns, etc.), include a notice to "CSO Arts" explaining why the material is not a violation of mail rules, and what action you will take if it is rejected (i.e., contacting the warden and appealing the decision).

And if you are sending anything printed (other than internet-sourced material), even if it is a simple newsletter, it needs to have the return address for the publisher or organization sending the publication.

## **What action is being taken now**

Before additional action is taken, Kevin must exhaust the administrative remedy process. Once this is completed, we may call on Kevin's supporters for help.

Thanks for your support, and keep writing Kevin.

## **30 Apr - Mumia Medical Update**

*Below you'll find updates on Mumia's health and a piece of legislation passed to silence him, as well as his first writing since the recent medical emergency.*

### **MORE:**

#### **April 30<sup>th</sup> - Medical Update**

On April 30, Bret Grote had a legal phone call with Mumia Abu-Jamal.

On that call I informed him of the medical opinion of the doctor that Mumia has chosen to assist in his diagnosis and treatment. He authorized me to share the following:

The doctor we are working with is recommending that Mumia be seen by an oncologist and given an occult malignancy workup, including a skin biopsy, in order to detect the potential presence of a hidden cancer. This workup should search for a Lymphoma, including the Exfoliative/Eczematous form of Cutaneous T Cell Lymphoma. This is especially so given that medical records obtained this week indicate that a CT scan from April 15, 2015 showed abnormal lymph nodes in the groin and around the aorta. It is imperative that Mumia obtain a diagnosis of the underlying condition, whatever it may be, that has been responsible for the severe skin rash that has lasted several months so that a treatment plan can be developed and implemented immediately.

Mumia told me today that prison medical staff came to see him around 2:00pm yesterday to check his lymph nodes and tell him they may do a biopsy. This occurred approximately two hours after I sent the DOC the recommendations of Mumia's doctor that he be seen by an oncologist, given an occult malignancy workup, including a biopsy, and searching for the presence of a Lymphoma.

I will be visiting Mumia tomorrow.

Mumia is still in the infirmary. He is no longer being given cyclosporine. His lower extremities are still swollen but not as severely as they were a few days ago he reports. His skin condition is the same as it has been, with a rash over much of his body, extremely itchy, dry, and flaking. His blood sugar levels have been stable, he is no longer on insulin but is taking glucophage twice per day.

Mumia sends his love to everybody.

#### **April 30<sup>th</sup> - Pennsylvania Law Aimed at Silencing Prisoners Like Mumia Abu-Jamal Declared Unconstitutional**

by Kevin Gosztola (*The Dissenter*)

A federal judge has ruled that a Pennsylvania law passed to silence prisoners, like Mumia Abu-Jamal, who speak about mass incarceration and other criminal justice issues from jail violates freedom of speech and due process rights guaranteed under the United States Constitution. A permanent injunction against the law was issued and the attorney general is likely to appeal.

In October, the "Revictimization Relief Act" was introduced by Pennsylvania Republican State Representative Mike Vereb after Maureen Faulkner, the widow of the police officer Abu-Jamal was convicted of killing, expressed outrage that Abu-Jamal would be addressing Goddard College's undergraduate graduating class as its

commencement speaker. It passed unanimously in the House. Only eleven in the state's Senate voted against it. It was signed into law by then-Governor Tom Corbett less than three weeks later.

The American Civil Liberties Union of Pennsylvania, on behalf of a group of journalists, publications, advocacy organizations and other individuals formerly jailed for crimes committed in Pennsylvania, sued in January.

Judge Christopher Conner concluded [PDF] the law "betrays several constitutional requirements." The law's enactment was "unlawfully purposed, vaguely executed and patently overbroad in scope."

Even if there were good intentions behind seeking to prohibit "expressive conduct" by violent criminals because it may cause "mental anguish to victims or their families," the fact that these individuals were convicted of "infamous or violent crimes" is "largely irrelevant" to the First Amendment," according to the judge.

"A past criminal offense does not extinguish the offender's constitutional right to free expression," Conner stated. "The First Amendment does not evanesce at the prison gate, and its enduring guarantee of freedom of speech subsumes the right to expressive conduct that some may find offensive."

An attorney for Abu-Jamal, Bret Grote, told The Philly Inquirer, "Before his law was enacted, I was determined to work with Mumia and others in prison to bring a case that would wipe it off the books as soon as possible. And we're pleased that day has come."

While the law had only been in place for months, it was already having a significant "chilling effect":

*...Nonparty Free Speech Radio News ceased widely publishing Abu-Jamal's weekly commentaries on the radio. Shakaboo Marshall shelved publication of his book, a memoir of his experiences as a juvenile serving life in prison without parole. Anthony Chance will publish under a pseudonym, in an effort to avoid the Act's scope. Prison Radio, [Human Rights Coalition], and [Educators for Mumia Abu-Jamal] have continued their work without incident, but at least one member of EMAJ was delayed in presenting Abu-Jamal to his class pending review of the Act by seminary counsel. [Prison Legal News] withheld publication of an article authored by Abu-Jamal, and [Pennsylvania Prison Society] published a warning in its "Graterfriends" newsletter admonishing potential authors of the new risk attendant to prisoner publications...*

Lawmakers in Pennsylvania displayed tremendous contempt for the First Amendment with the passage of this law.

As the judge explained, "The 'high purpose' of the foremost amendment is perhaps best displayed through its protection of speech that some find reprehensible." Speech which "induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger," is exactly the kind of speech the First Amendment is supposed to protect.

The law scarcely defined who should be considered an "offender." The state's attorney general admitted a pretrial detainee, someone who had not even been found guilty of a crime yet, could be accused of violating the law. That would mean someone claiming they were innocent prior to being found guilty would have to fear prosecution, even if they were found not guilty of the crime they claimed to have not committed.

Also, according to the judge, the way the state sought to apply the law included "pardon applications, clemency petitions and any testimony given in connection with those filings. It extended to "public expressions of innocence, confessions or apologies." It encompassed "legislative testimony in support of improved prison conditions and reformed juvenile justice systems." Plus, the state aimed to prevent any "public speech or written work whatsoever, regardless of the speaker's intention or the work's relation to the offense."

Conner made it clear that victims are not “without remedies” if they do not like it when convicted criminals exercise their rights to freedom of speech. They can protest that speech through “demonstrations, picketing, or public debate. They may publish responsive leaflets and editorials.”

The political prisoner, who inspired lawmakers in Pennsylvania to implement this unconstitutional law, should not be ignored. It was but one more act the state has launched to specifically squelch resistance from Abu-Jamal.

Abu-Jamal spent 29 years on death row before his death sentence was ruled unconstitutional by the United States Supreme Court in 2011. He has demanded a new trial and garnered the support of heads of state in South Africa, Nobel laureates, members of European parliament, and lawmakers from city governments in Detroit and San Francisco. Scholars, religious leaders, artists, educators and members of the Congressional Black Caucus have spoken out against his trial and how evidence of his innocence has gone ignored.

The vendetta by state officials, which is undertaken on behalf of groups like the Fraternal Order of Police, recently extended to depriving Abu-Jamal of medical care.

*March 30<sup>th</sup>, Mumia lost consciousness and was moved from SCI Mahanoy to the ICU unit at Schuylkill Medical Center. His blood sugar count was at 779: he was in diabetic shock. His sodium level was 160. Since January, Mumia has received inadequate and detrimental treatment for a severe case of eczema. His life threatening medical crisis continues and has now been labeled late-onset diabetes, which should have been identified and treated months ago.*

His friends and supporters say he still is in “grave condition” and family and his lawyer are being denied the right to visit him. Abu-Jamal is also not allowed to have access to an outside doctor. So, supporters are raising money to fund a legal battle to win Abu-Jamal the medical care he needs.

The state could very well kill Abu-Jamal by refusing to allow him treatment. However, nobody in government will care if that happens. These are the same people who pushed a horribly conceived law that did not even remotely pretend to respect the First Amendment in order further isolate Abu-Jamal from the world. And, if Abu-Jamal dies in prison, Pennsylvania lawmakers will likely celebrate.

### **May 1<sup>st</sup> - May 13<sup>th</sup> at 30**

Why should we care what happened on May 13<sup>th</sup>, 1985?

I mean, seriously, that was 30 years ago, a long time ago, way back when, know what I mean?

Most people won't say that – but they think it.

I'll tell you why – because what happened then is a harbinger of what's happening now – all across America.

I don't mean bombing people (not yet, that is).

I mean the visceral hatreds, and violent contempt once held for MOVE is now visited upon average people - not just for radicals and revolutionaries – like MOVE.

In May, 1985, officials justified the vicious attacks on MOVE children by saying they, too, were “combatants”. In Ferguson, Missouri, as police and National Guard confronted ‘citizens’ with weapons of warfare guess how cops described them in their own files? “Enemies”.

‘Enemy combatants’, anyone?

Then look at 12- year old Tamir Rice, of Cleveland. A boy, treated as if he were a man.

Boys. Men. Girls. Women. It doesn't matter.

When many people stood in silence, or worse, in bitter acquiescence to the bombing, shooting and carnage of May 13, 1985 upon MOVE, they opened the door to the ugliness of today's police terrorism from coast –to-coast.

There is a direct line from then to now.

May 13, 1985 led to the eerie Robocop present.

If it had been justly and widely condemned then, there would be no now; no Ferguson, no South Carolina, no Los Angeles – no Baltimore.

The barbaric police bombing of May 13, 1985 and the whitewash of the murders of 11 MOVE men, women and children opened a door that still has not been closed.

We are today still living with those consequences.

### **May 6<sup>th</sup> - Update on Mumia**

On Saturday May 2<sup>nd</sup>, Pam Africa and Abdul Jon visited Mumia Abu-Jamal at SCI Mahanoy. He was weak, stable, and alert. The visit ended so that he could get rest. Mumia is still in the infirmary. He has been able to call his wife Wadiya Jamal. After being denied a visit on Monday, (the prison is closed for any visits on Tuesday and Wednesday) on Thursday, Mumia's Attorney Bret Grote Abolitionist Law Center met with Mumia for 3.5 hours. This was in the immediate wake of Grote having submitted an expert medical recommendation letter to the Department of Corrections. This letter from Mumia's doctor outlined the need for Mumia to undergo immediate and thorough diagnostic tests in search for the cause of his persistent and recently life threatening conditions. Conditions which the prison has allowed to become nearly lethal.

On Friday, prison medical staff informed Mumia that they were going to proceed with the first diagnostic test recommended in the expert medical letter. This skin biopsy occurred Monday. Oversight and close monitoring of these tests is crucial. The prison is preventing Mumia and Mumia's doctors from adequate oversight and input. Because communication is being limited by prison officials Mumia does not have access quickly enough to information he needs to advocate for his own care. We are clear that inadequate testing, delays, and any deviation from the medically necessary course of treatment, will be challenged by Grote's legal team, who are prepared to act.

### **Obtaining a diagnosis is of paramount importance at this moment.**

Mumia remains seriously ill. Public pressure has been key every step of the way, and remains extremely important. Please keep up the calls, emails and faxes. Demand that (1) adequate diagnostic testing be done, (2) that Mumia's doctor is able to freely and regularly communicate with the prison infirmary physicians who are delivering Mumia's medical care, (3) his doctor has meaningful and regular phone access with Mumia. (There are no phones in the infirmary, his calls are limited to 15 minutes and and he has limited access to the day room where the phones are), (4) and allow Mumia's chosen doctor to conduct an onsite medical examination.

### **An Open Letter to Pennsylvania Officials**

An open letter to Pennsylvania Governor Tom Wolf and Pennsylvania Department of Corrections Secretary John Wetzel, demanding that Mumia have access to life-saving medical care was delivered at the Governor's Mansion on last Wednesday. Signatories include Desmond Tutu, Alice Walker, and Danny Glover among others.

New York Metro Area Postal Union (Local 10) supports competent and independent medical treatment for Mumia! On Wednesday, the Union sent a letter to Pennsylvania Governor Tom Wolf urging immediate consideration and compliance with our four demands for Mumia's treatment.

National Lawyers Guild filed an appeal to Juan Mendez, United Nations' Special Rapporteur on Torture, citing life-threatening denial of medical care to Mumia.

The Committee to Save Mumia Abu-Jamal published a half-page advertisement in *New York Times* encouraging widespread support to defend Mumia's life. A-7 April 29<sup>th</sup>.

An ad hoc committee in Washington, DC is working on exposing correctional healthcare practices for Wexford Health Sources Inc., whose Pennsylvania company is called Correct Care Solutions. Contact Star Bowie thoroswet\_3@yahoo.com.

Committees for Mumia in Germany, France and Mexico are organizing and strengthening the movement for Mumia. We give thanks to Collectif Francais Libérons Mumia and Free Mumia Berlin!

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Half-page *New York Times* ad by the Committee the Save Mumia Abu-Jamal

Thank you to everyone who is making Mumia's legal and medical Care possible! With 766 supporters from around the world, so far we have raised \$45,029!

Your gift is making sure that we are Keeping Our Eyes on Mumia; obtaining all medical records, preparing litigation; and getting expert Medical Advice!

<http://bit.ly/rise4mumia>

Call, write, fax continue to keep the pressure on demand freedom & medical care for Mumia:  
John Wetzel, Pennsylvania Secretary of Corrections: 717.728.4109  
Governor Tom Wolf: 717.787.2500  
SCI Mahanoy: 570.787.2500

**1 May - Omaha Two alibi witness tells of failure by lawyer to cross-examine bomber**

*Rae Ann Schmitz was a key witness in a 1971 murder trial, but nobody, including defense attorney David Herzog, was aware she contradicted the testimony of the prosecution's chief witness.*

**MORE:**

by Michael Richardson (*The Examiner*)

Schmitz was unaware she was an alibi witness for Mondo we Langa, then David Rice, before he was imprisoned for life at the Nebraska State Penitentiary for the 1970 bomb death of an Omaha policeman.

Mondo was convicted with Edward Poindexter after a controversial trial and the two men became known as the Omaha Two. Poindexter is also serving a life sentence at the state maximum-security prison in Lincoln. The two Omaha men were leaders of a Black Panther affiliate chapter and targets of an illegal, clandestine counterintelligence operation of the Federal Bureau of Investigation. Operation COINTELPRO was bent on destruction of the Black Panther Party under orders from J. Edgar Hoover.

Schmitz was Mondo we Langa's alibi witness for the time of the bombing. However, Schmitz was also an alibi witness for Mondo when he was supposed to have met with fifteen year-old Duane Peak to give him the bomb.

Herzog, who failed to adequately prepare Schmitz for trial, did not realize that Mondo was still with Schmitz when Mondo allegedly talked to Peak. Herzog failed to develop the timeline of the afternoon before the bombing when he questioned Schmitz and did not ask Peak any questions during cross-examination over the timing of the supposed rendezvous.

“I don’t remember having any contact with anyone on the defense team between the date of the event in August ’70 until the trial. I did not know what the evidence revealed. At trial I believe the witnesses were sequestered. I do not remember hearing the testimony of any other witnesses. I do not know what other people said. I had no idea of the defense’s theory of the case. I remember meeting with the lawyers briefly in the hallway outside the courtroom a few minutes before I took the witness stand. I not remember what they said to me,” said Schmitz.

“I do know that I did not realize I was providing an alibi defense!” exclaims Schmitz. “That thought had not ever crossed my mind. I did not know that Duane Peak had alleged that Mondo had been with him. The whole time I was testifying, I was thinking why are they asking me all these stupid questions that don’t have anything to do with anything. I never did put it together until years later.”

At the trial, Peak did not testify what time he met with Mondo to pick up a suitcase bomb only saying it was in the afternoon. David Herzog failed to ask Peak any questions about the time of the alleged meeting during cross-examination. However, in a pre-trial deposition, Peak said the two talked together at 4:00 p.m. Schmitz testified that Mondo was with her from 1:30 until sometime between 4:30 and 5:00 p.m. when she dropped him off at Kountze Park. Herzog apparently missed the conflicted testimony because he had not properly prepared the witness for trial and did not realize she could provide two alibis.

Rae Ann Schmitz, a retired attorney, was a first-year student at Creighton Law School when she testified at the trial. Schmitz thought she was being called as a character witness. Schmitz says, “I was very frustrated that I was never asked how I knew Mondo or what my relationship was with him or what kind of a person he is. I did not testify with any conviction because I did not know what they were getting at. I suspect neither did the jury.”

Schmitz testified that Mondo was at a party at her house from 8 p.m. the night before the fatal bombing until sometime after 2:30 a.m. when the party started to break up, placing him nowhere near the crime scene at the time of the blast and anonymous call that lured police to a vacant house.

What Herzog failed to realize about the importance of Schmitz’s alibi testimony for the purported meeting with Peak was magnified by Herzog’s failure to follow up on the recording of the 911 call that lured Patrolman Larry Minard, Sr. to his death. The prosecution claims Peak made the call but Herzog never heard the voice to make his own comparison. Although Herzog sought any recording made by the police, he failed to insist on release of the tape during discovery procedure. The prosecution claimed it had no knowledge of any withheld evidence and that Herzog could have come in the police station to listen to the original reel-to-reel recording at any time.

The 911 call was the subject of J. Edgar Hoover’s order to FBI Laboratory chief Ivan Willard Conrad to withhold a report on the identity of the caller’s voice. A copy of the tape had been sent to the FBI Laboratory by police to identify the caller and was reported on in the Omaha World-Herald. What wasn’t reported was the caller’s voice was not that of Peak, Mondo or Poindexter. The jury never got to hear the voice on the tape. The prosecution later claimed it did not know police had sent a tape recording to the FBI Laboratory.

Mondo raised the issue of ineffective assistance by counsel in a recent appeal. An Omaha judge tossed out Mondo’s appeal, in part, because Mondo purportedly did not allege his innocence properly in the appeal. The Nebraska Supreme Court then dismissed Mondo’s appeal without bothering to issue a written opinion explaining the decision. When Mondo’s attorney, Tim Ashford, asked for a written decision to address COINTELPRO, Mondo’s claim of innocence, and a constitutional challenge to the Board of Pardons, the Nebraska Supreme Court again denied Mondo without explanation.

David Herzog was called to answer about the 911 recording several years ago in a post-trial hearing and said he just did not have an answer why he didn't demand the tape recording be evidence at the trial. At that time no one yet realized Rae Ann Schmitz caught Duane Peak in a lie and Herzog was not asked to account for his failure to cross-examine Peak on the alleged rendezvous with Mondo to pick up the bomb.

Mondo we Langa and Ed Poindexter continue to deny any role in the bombing. The case is under international review and may be on the agenda for the United Nations Human Rights Committee on May 11 in Geneva, Switzerland when United States compliance with a 1966 anti-racism treaty will be examined. The Omaha Two are not guaranteed their case will be examined by the UN committee as it also has to compete for attention with current events and the growing list of controversial shooting deaths by police in the United States.

### **1 May - Support The Cleveland 4 by purchasing 'Manufacturing "Terrorists" – The FBI And Occupy Cleveland'**

Defending Dissent *foundation has created a new comic about the Cleveland 4 and Newburgh 4. It's titled "Manufacturing 'Terrorists:' The FBI's Entrap & Demonize Strategy" and proceeds go to support the subjects of it.*

#### **MORE:**

The fundraiser exists online at <https://fundrazr.com/perks/e8bS1/ab/746Ym0>

**The Cleveland 4** are four Occupy Cleveland activists, Brandon, Connor, Doug and Joshua "Skelly." They were arrested on April 30th, 2012. They were accused of plotting a series of bombings, including that of an area bridge. However, the real story is that the FBI, working with an informant, created the scheme, produced the explosives, and coerced these four into participating.

**Connor, Doug, and Brandon** took non cooperating plea deals and pled guilty to all charges. The judge applied a "terrorist enhancement" charge to each of them, elongating their sentences as well as subjecting them to harsher prison conditions. Doug is serving 11.5 years, Brandon 9 years 9 months, and Connor 8 years 1 month.

**Skelly** took his case to trial. He went pro se and acted as his own lawyer. The FBI offered him a non cooperating plea deal with a 3 year sentence, if he would have plead guilty. Josh refused to plead guilty to something he wasn't guilty of doing. He was found guilty on all counts by his jury and sentenced to 10 years. Even though Skelly had the most minimal role, he got the second longest sentence because he took his case to trial.

Doug, Brandon and Connor plead without an agreement while facing the threat of life in prison. On appeal of there sentencing they were primarily fighting against the life long probation that was handed down at sentencing. Doug also fought against being branded the leader. After months of waiting for a verdict on the appeals, we got word back. The appeal have been denied.

Due to the delay in taking his case to trial pro se, Josh's initial direct appeal is yet to be heard.

They all continue to fight against the government's attempt to brand them as terrorists and to expose the techniques of entrapment employed by the FBI and their informants.

### **1 May - May Day greetings from Jaan Laaman**

*With May Day just passed, we relay this message from Jaan Laaman.*

#### **MORE:**

Well hello my friends – family — MayDay has always been a holiday I have celebrated, enjoyed, supported and

shared. Here in 2015, I certainly believe that MayDay is as important and necessary to raise up, talk about, shout about, take it to the streets and MORE...!! And people are taking to the streets in Baltimore and yesterday around the country and in many towns and cities, that most of us don't even hear much about. A new wave of outrage and disgust at the cops and the system they protect and serve is rippling across this imperialist beast of a nation. It is part of a long chain of similar protests and resistance, but a new and vigorous generation is taking some real initiative right now — so what more can I say — follow the youth and give them some guidance as well. As my old comrade Bill always says “The Future Holds Promise!” MayDay-MayDay — a warm and Red Revolutionary MayDay salute and greeting to you! –jaan

## **2 May - Call For Submissions**

*Editors of “Somewhere it is Always Dawn: A compilation of prisoner writings on how they find strength on the inside” are seeking submissions.*

### **MORE:**

We are writing to you with respect as we put out a call for your contribution. We are looking for submissions of writing, poems, story, essay, visual art, comic, whatever you make that expresses what keeps you strong while incarcerated. We want to know what keeps you sane, grounded, connected, and inspired. We want to know what keeps you from cracking, snitching, giving in to negative power dynamics, feeling isolated, or apathetic. Our desire is to create a beautiful compilation to share with other prisoners for inspiration and to break isolation. We also see this as a resource for people on the outside to be able to better support and connect with you and as a tool to draw inspiration from for those facing incarceration.

Our hope is to receive submissions by december, 2015 and have the project published by summer 2016. We intend to distribute the publication to all prisoners for free and to have it for sale to those on the outside as a way to pay for publishing costs. Anything that we generate that exceeds the project costs will be distributed to various prisoner-support or anti-prison efforts. Submissions are open to all past and present prisoners, whether or not they are considered 'political'. We do reserve the editorial decision as to what gets published. Please keep submissions limited to about 1000 words or for art work, 2 pages.

We are just a few people, from no organization, who care about the millions of people who continue to survive on the inside. Through this project, we hope that breaking isolation through sharing stories of survival and resistance is one small step towards a more just world.

This project is dedicated to all those who didn't survive incarceration and related repression.

Please pass on our request for submissions to all those who might be interested, and to contact us for any clarification or questions. You can include very short bio with your submission if you wish, or let us know if you want to be anonymous. Postage has been enclosed in this letter to help you get your submission to us. Please let us know if you do not receive it. Also, if you get transferred or released, please update your contact information so can send you a copy when it is done. Submissions can be sent to:

**Dawn Rising at QPIRG Concordia, c/o Concordia University**  
1455 de Maisonneuve West  
Montreal, Quebec  
H3G 1M8  
Canada

## **3 May - Book Reviews and Thank You From Marius Mason**

*So much of Marius' time is spent on lock-down, when prisoners are confined to their cells. They cannot access phones or rec areas, and are separated from other prisoners on their unit. Because of this, the books Marius receives from friends and supporters are a lifeline. They keep him informed about the world outside of Carswell*

and books of art and poetry can be a creative outlet.

As a “thank you” Marius wrote down some reviews for books that have been sent to him recently by supporters.

**MORE:**

***The Sixth Extinction* by Elizabeth Kolbert**

“One of the best, no-nonsense books that I’ve read about how broad-reaching the current environmental crisis has become. She strikes a good balance in her presentation; not an overly dramatic alarmist (though the situation is clearly dire) and with a bit of hope offered if serious and considered steps are taken.”

***The Plague Dogs* by Richard Adams**

“*The Plague Dogs* is a work of fiction, so it has to be taken differently. It really brings the full character and spirit of the two dog protagonists to the page – which is in and of itself important for readers to consider the implications of animals as complex and sentient beings. The descriptions of vivisection are brutal, and given in totally bare/raw language, as well as the often useless and nonsensical research topics. It’s really hard to read those sections, but makes the point eloquently. Sometimes I think that the role of fiction is to explore these moral questions, let the consequences play out in a storyline where the real beings are hurt, but where possible dangers or harm can be brought to the light, allow public discussion and consideration.”

**4 May - Eric King Update**

*We have a little update on Eric. He still hasn’t received anything back from his medical request.*

**MORE:**

Beyond that his light has been out for a week and a half now and they have not changed it. He says this is the first time he has felt lonely since being locked up. At night time when it gets dark it starts to feel super sad for him and has to stand by his window when he wants to read. The other day Eric found chicken under his green beans on his vegan tray, he isn’t sure if it was an accident or a targeted incident.

Eric has been following the Baltimore uprising and sends all his love and solidarity to the folks fighting!

**5 May - Obama silent on Omaha Two case as UN human rights treaty review progresses**

*Review of COINTELPRO convictions is long overdue. President Obama has been silent on COINTELPRO. It is time to act.*

**MORE:**

by Michael Richardson (*The Examiner*)

President Barack Obama, a former law school professor, is no doubt familiar with the Supreme Court decision *Stone v. Powell*, which restricted access to the federal courts by state prisoners. Obama may not have realized that Mondo we Langa, then David Rice, was part of that controversial Supreme Court decision in his own consolidated case, *Nebraska v. Rice*.

Mondo we Langa, a target of local police, the Federal Bureau of Investigation, and agents of the Alcohol, Tobacco and Firearms Division, was convicted for a 1970 bombing murder of an Omaha policeman. Mondo’s trial was marred by withheld FBI Laboratory evidence, apparently tampered ATF evidence, conflicting police testimony, defense attorney incompetence, and allegations of a sleeping juror. Although prosecutors pushed through a life sentence, the jury spared Mondo the electric chair which was a penalty Mondo faced.

Mondo’s case has ultimately proved to be a prima facie example of why *Stone v. Powell* was a bad decision. The idea was, even though Mondo won in U. S. District Court and before the Sixth Circuit U.S. Court of Appeals,

that Mondo would get a fair enough examination of his constitutional claims of illegal search in Nebraska courts. However, when Mondo returned to the Nebraska Supreme Court he was told he ran out of time while in the federal courts. The Nebraska Supreme Court refused to consider the merits of Mondo's case. Mondo ended up with a lifetime in prison despite four federal judges ordering his release or retrial. Mondo's most recent appeal to the Nebraska Supreme Court was dismissed without even a decision despite issues of COINTELPRO manipulation of trial evidence, the sufficiency of an innocence plea, and a constitutional challenge to the Nebraska Board of Pardons.

Mondo we Langa was convicted with Edward Poindexter, leader of Omaha's National Committee to Combat Fascism chapter, for the August 17, 1970 bomb murder of Omaha policeman Larry Minard, Sr. The two men, serving life sentences at the maximum-security Nebraska State Penitentiary, have come to be known as the Omaha Two. In Ed Poindexter's last appeal to the Nebraska Supreme Court several issues were raised, conflicting police testimony about dynamite and expert testimony about the identity of the anonymous 911 caller that lured police into a deadly trap. The Nebraska high court held that it didn't matter which police officer found the dynamite that Mondo supposedly had stored in his basement when faced with competing testimony from detectives Jack Swanson and Robert Pfeffer. The Nebraska Supreme Court also held that the identity of the 911 caller who led Minard to his grave did not matter. Although Poindexter was not a Stone v. Powell litigant, his case further amplifies the unjust nature of rulings against Mondo, undermining the entire Stone v. Powell theory of the ability of state courts to address federal constitutional issues.

Stone v. Powell severely restricted state prisoners from access to the federal courts all across America but also did something further, the Supreme Court applied the new restriction retroactively, ex post facto, to Mondo. The decision to apply the new restriction and not the law at the time of Mondo's appeal is almost unique to federal jurisprudence. Justice William Brennan was so outraged at the decision he issued a sharply worded dissent calling what happened to Mondo "profoundly disturbing." U. S. District Judge Warren Urbom, who ordered Mondo freed or retried says the Supreme Court got it wrong. Urbom wrote in his memoir Called to Justice, "I think it unfair to apply the new rule to David Rice's case...and I stoutly think that the law in effect when Rice was convicted should have been applied to his case, which would allow him a new trial without the use against him of the dynamite and other evidence found by an illegal search,"

Most of the counterintelligence crimes committed against Black Panther Party members by the FBI that ended in prosecution against Panthers were state court actions. J. Edgar Hoover sought to change trial outcomes at local levels while keeping the FBI tampering undetected. The Justice Department under Obama has failed to re-examine the COINTELPRO cases of imprisoned counterintelligence targets under the theory that the jurisdiction belongs to the states with no federal role, ignoring the clandestine operations that secretly subverted justice.

President Obama has not indicated any willingness to reopen COINTELPRO convictions to modern scrutiny and seems comfortable with the claim it is a state problem not a federal one. Human rights investigators need to look past the "not my problem" excuse and recognize past abuses of state courts were conducted by federal agents in an orchestrated nationwide scheme against the Black Panthers and others. Justice was subverted under COINTELPRO and the federal government was responsible. COINTELPRO crimes did not happen under Obama but that does not excuse the Justice Department from addressing and correcting the injustices committed in state courts under COINTELPRO directives.

The United Nations will be examining United States compliance with human rights treaties under the Universal Periodic Review during May in Geneva, Switzerland. Political prisoner activist Efia Nwangaza has worked to place the plight of America's political prisoners, including the Omaha Two, before United Nations investigators. Although Nwangaza says the UN panel is on track to consider the cases, COINTELPRO-era prisoners must compete for UN attention with current events and the rash of controversial police shootings of unarmed black males. The White House has not issued any statement on COINTELPRO abuses and imprisoned Black Panthers victimized by tampered trials.

## **5 May - Denver Community Organizer Arrested – Call out for Jail Solidarity**

*Denver community organizer and long time prisoner supporter Dave Strano has been arrested in the wake of recent Baltimore Solidarity protests.*

### **MORE:**

He was originally arrested with misdemeanor charges of interference, resistance and assault. He was bonded out on Thursday morning and released later that day. He was pulled over tonight at 5:30pm with his children in the car, after DPD followed him home. It appears that immediately after his release on Thursday, DPD changed his charges from misdemeanor to felony assault on an officer and issued a warrant.

At the Baltimore solidarity protest on Wednesday night, police attacked the protesters on the sidewalk and in the park, cornering them between motorcycles and buses and maliciously pepper spraying the crowd, including 12 year old children.

Dave was assaulted and received injuries by the police, including a gash to his head, a broken clavicle and a twisted knee. He was taken to the hospital where he was left shackled to the bed covered in pepper spray, and they refused to provide him with crutches after 8 hours. His friends were able to bring crutches to the jail so that he could walk when he was finally released.

In the past few months Denver police have been issuing felony assault charges to people they themselves have assaulted during protests. These charges are then reduced or dropped later for lack of evidence. The police have been recorded many times lying about what happened, and then being disproved with video evidence.

It is a corrupt intimidation tactic to silence people who are speaking out against police murder.

Dave is currently in custody with a bond of \$5,000.

We will be gathering at the Van Cise Simonet Detention Center at 9pm tonight (Monday) in solidarity to wait for his fingerprints to clear. Please be aware that this is not at all intended to disrupt the jail proceedings, please be respectful of Dave's family in order to learn as much as we can about his current condition and status.

If you would like to donate to the Denver ABC bond/jail support fund please do so through our fundly <https://fundly.com/donate-to-denver-anarchist-black-cross#> or paypal [denverabc@riseup.net](mailto:denverabc@riseup.net)

## **6 May - DOJ's subpoena of Barrett Brown's legal defense fund is part of a disturbing trend targeting advocates**

*At the outset of this year, Barrett Brown's support crew learned that in January 2013 the US attorney's office in Dallas requested and received from WePay, Inc. information about their fundraising account, which is now defunct.*

### **MORE:**

Through WePay and other sources, over time we've raised nearly \$100,000 which provided for the expenses of Barrett Brown's legal defense, which was led by Ahmed Ghappour, Charlie Swift and Marlo Cadeddu.

After learning about this disclosure, we engaged a law firm to obtain answers from WePay. We wanted to find out whether the disclosure of our private account information to the government was pursuant to a valid legal process, the full circumstances of the request, and what was turned over. Most of all, we were concerned that we were never notified or given the chance to quash.

Those who have been following this case might recall that in April 2013, the government sought and obtained an order from the court to seize the defense fund – \$20,000 which had by then been raised, largely with the help of an article by Glenn Greenwald. Their argument seemed to be that Brown should not be able to retain private counsel, and that his public defender should be compensated instead.

After Brown’s new attorneys made their first appearance, that aggressive move was swiftly shot down by the court. But it became highly emblematic of the government’s strategy in this case and their willingness to bend the rules by targeting the assets of Brown’s supporters who are independent of him and plainly outside the court’s control.

Having now obtained a copy of the subpoena, we are publishing it today. WePay contends that they acted in compliance with their own privacy policy. Yet there are still questions that are unanswered, crucially the issue of whether our donors’ information was compromised. Also, what gave them cause to issue this subpoena and how could our fundraising efforts possibly relate to the FBI’s investigation of the defendant? Was it part of a fishing expedition for our donors? We’ll continue to pursue this matter until we find out.

But above all, the fact that Barrett Brown’s legal defense fund was targeted in this way is incredibly disturbing. It shows that the Department of Justice wanted to block any chance for a dissident activist such as him to obtain adequate private legal representation, and to chill and intimidate all those who would organize around or donate to his cause. These tactics are novel and unusual, but in today’s America we suspect they may become more common. It flies in the face of the Sixth Amendment right to counsel.

## **6 May - “Protect the public’s right to free speech & free press”: Chelsea Manning’s latest Guardian op-ed**

*The American public needs more access to what the government is doing in its name. That requires increasing freedom of information and transparency.*

### **MORE:**

When freedom of information and transparency are stifled, then bad decisions are often made and heartbreaking tragedies occur – too often on a breathtaking scale that can leave societies wondering: how did this happen? Think about the recent debates on torture, assassination by unmanned aircraft, secret warrants and detentions, intelligence and surveillance courts, military commissions, immigration detention centers and the conduct of modern warfare. These policies affect millions of people around the world every day and can affect anyone – wives, children, fathers, aunts, boyfriends, cousins, friends, employees, bosses, clergy and even career politicians – at any time. It is time that we bring a health dose of sunlight to them.

I believe that when the public lacks even the most fundamental access to what its governments and militaries are doing in their names, then they cease to be involved in the act of citizenship. There is a bright distinction between citizens, who have rights and privileges protected by the state, and subjects, who are under the complete control and authority of the state.

In the past decade or so there have been an increasing number of clashes – both in the public and behind the scenes – between the US government, the news media and those in the public who want fair access to records that pertain to the implementation of policies by their government.

After the establishment of the National Security Division of the Department of Justice in 2006, there have been more national security and criminal investigations into journalists and prosecutions of their sources than at any other time in the nation’s memory. Eight people have been charged under provisions of the Espionage Act of 1917 for giving documents and information to the media by this administration alone – including me, former CIA officers Jeffrey Sterling and John Kiriakou, and the former Department of State analyst Stephen Jin-Woo Kim.

The roots of this crackdown seem to have begun before the administration took office: Steven Rose and Keith Weissman were prosecuted for sharing information about classified foreign policy issues to members of the media, analysts, and officials of a foreign nation, though neither man worked for the government or had a security clearance. The lawyers who prosecuted Rose and Weissman successfully established their broad interpretation of the Espionage Act before Judge TS Ellis III; though he ruled in their favor, he also warned that “the time is ripe for Congress to engage in a thorough review and revision of [the Espionage Act of 1917] to ensure that they reflect ... contemporary views about the appropriate balance between our nation’s security and our citizens’ ability to engage in public debate about the United States’ conduct in the society of nations.

And, when I was court-martialed for providing government documents and information that I felt were in the public interest to a media organization, the government charged me with “aiding the enemy” – a treason-related offense under the US constitution and military justice system that even civilians may be charged with. During one of my pre-trial hearing in January 2013, the military judge in my case, US Army Colonel Denise Lind, asked the government lawyers: “Does it make any difference – if we substituted Wikileaks for The New York Times, would the government still be charging this case in the manner that it has and proceeding as you’re doing?” An assistant trial counsel for the government answered a straightforward “Yes, Ma’am”; the lead trial counsel elaborated with a reference to a US Civil War era court-martial, in which the soldier was sentenced to six months imprisonment without a trained lawyer representing him, or any post-trial appeals process: “This isn’t the first time that Article 104 has been charged for a service member providing information to the enemy through a member of the news media.”

The government further argued that there was no distinction to be made between any media organizations that provided information to the public, if the government felt would “aid” the enemy: whether such information was published by a small-time blog, a controversial website like Wikileaks, a national newspaper like the Washington Post, or an international one like the Guardian, to the government, they can all be “aiding the enemy”.

After 9/11, a dedicated office of lawyers specializing in novel applications of law for national security issues, the National Security Division (NSD), was created and now, with a small caseload and an enormous amount of resources, this division of the Department of Justice has been waging a quiet war against the media, their sources and the right to free speech and a free press, using the growing national security and surveillance apparatus to prosecute various cases and, occasionally, target the media.

Consider the Department of Justice’s admission in May 2013 that they had secretly seized sensitive office, home and cellular telephone records from more than 20 reporters working for the Associated Press while investigating a leak leading to a 2012 AP news story reporting on an operation foiling a terrorist plot. The president of the AP, Gary Pruitt, called the actions a “massive and unprecedented intrusion” and noted that the government’s actions were creating a profound chilling effect on sources and members of the press. The president personally defended the actions of the Department of Justice, saying: “I make no apologies”.

The US needs legislation to protect the public’s right to free speech and a free press, to protect it from the actions of the executive branch and to promote the integrity and transparency of the US government.

We need to create a media “shield” law with teeth and substance that creates an effective federal privilege for communications between a journalist and her sources, preventing the government from compelling testimony from the journalist and to protect the documents, records and other information created by the journalist and the actual communications between the journalist and her sources. The privilege should be in effect unless the government can prove with clear and convincing evidence that very clear and dangerous circumstances should merit an exception.

We also need to narrow the murky and awkward military offense of “aiding the enemy” into a time of war

offense and restrict its application to military personnel. It can be replaced through the creation of an explicit “treason” and “misprision of treason” offense under military law – based on existing US civilian law – for those who openly wage war and attempt to overthrow the US government.

It is also long past time for the government to live up to its commitment to transparency by enacting the changes to the Freedom of Information Act (Foia) and records retention rules that were in the Foia Improvement Act of 2014, which nearly passed in the US Congress at the end of last year and were re-introduced this year. It should also amend the Espionage Act and the Computer Fraud and Abuse Act to require that the government prove a clear intent to harm the government or anyone else and to make the motive of the accused relevant at trial.

These changes would go far – but certainly not all the way – toward ensuring that future citizens under future administrations can continue to be able to question and criticize their government without fear of being publicly humiliated and prosecuted by their government. It would also set a clear example to the rest of the world that, in a truly modern democratic republic, the suppression of the press and sources by criminal prosecutions cannot be tolerated. Then the US could no longer be used as an excuse by repressive governments around the world to say: “Well, they do it in America, too.”

### **7 May - Reformation of PrisonArt.org**

*News from the newly formed Prison Art Collective, a project born out of the 2014 North American Anarchist Black Cross Conference.*

#### **MORE:**

Inspired by Ed Mead and one of his numerous ventures, we are seeking to revive the website PrisonArt.org. For those unfamiliar with PrisonArt.Org, the website featured hundreds of pieces of art from prisoners all over the country for sale, with the profit going into the prisoners commissary. Ed had to shut down the website for personal reasons, but we are excited to get it up and running again.

We are now accepting submissions from prisoners that your group has a relationship with. If you know of a prisoner who is an artist and you'd like to have their art up on our website, please get in touch with us so we can figure out the details. Our email address is [prisonartcollective@riseup.net](mailto:prisonartcollective@riseup.net)

While in the past the amount the piece of art sold for went directly into the prisoners commissary account, it is not the only option. We are expecting that at the time of sale we'll know the best place that money should go, such as a legal fund, a post-release fund, a kids college fund, etc.

This email is going out to many prisoner solidarity groups. Once we have a significant amount of artwork we will launch the website that is currently being built and will continue to push the project forward. We look forward to working with all of you who get in touch with us now and those who get in touch with us in the future in this capacity.

Art has proven to be a powerful medium through which prisoners can express their experience within prison. We look forward to this proving to be more than a fundraising effort for these prisoners we are in solidarity with. While that aspect is very important to us, it is just as important that these expressions that are created within the prison walls be seen and talked about beyond those walls and all over the world. With each piece of art that is exhibited and sold, and with all that may accompany it we hope to push forward the talk of the oppressive nature of the prison itself, and encourage the conversation of prison abolition.

### **8 May - New Writings by Jalil Muntaqim**

*We've included the latest by Jalil Muntaqim, including a poem titled “Elephants vs. Tigers.”*

#### **MORE:**

### **May 8<sup>th</sup> - Elephants vs. Tigers**

Made in 400 years of racist suppression,  
now only 150 years of Black decompression,  
a mental time machine envisioning a future  
after this seemingly endless war.

I emerge from the black-hole of  
white supremacy in a quantum leap,  
Dark Matter into an atomic  
fusion of ancestral revolutionary  
determination.

Black Lives Matter! Opposing the white  
noise of indifference and cultural  
ambience of dominance that some  
continue to believe is inherited like  
a genetic aberration. The dialectics  
of our existence, the unity and struggle  
of opposites, forges magnetic polarization  
as humanity seeks the universal norm  
bridging a new reality from a violent  
past.

I do not damn the heavens, being blessed  
with tragedy testing my resolve like an  
Afrikan elephant defeating the hunger of a  
Bengal tiger. An elephant who remembers  
the triumphs of revolutions defeating  
the avarice of capitalist-imperialism.

Finding solace within the madness,  
grappling with the contradictions  
like a mathematical equation solution  
formulaic revelation putting theory  
into practice as did Che, Castro,  
Cabral and Carlos.

Just one hundred and fifty years since  
the Thirteenth Amendment, Reconstruction  
and the Black Codes, followed by Jim Crow  
and COINTELPRO, now Racial Profiling and  
Mass Incarceration, Police Violence a reminder  
of Slave Patrols, how long will this war go  
on?

### **May 9<sup>th</sup> - Proposal for Open Discussion**

As we witness the growing frustration of young people to police profiling and terror and economic injustice in urban cities across the country, it is extremely important for activists to recognize the potential for building a revolutionary determination. However, in order to do so, we need to recognize a revolution is not a series of events or insurrections. While young people vent their anger, and emotional outlet and expression of defiance to racist repression, it is not necessarily a progressive determination. It is incumbent on seasoned activists to be able

to shape and mold these emotional responses into defined tactics and strategy with the capacity to forge long-term vision that seeks to create the capacity to build a new country.

More specifically, based on my last two blogs, "Future Focus <<http://www.freejalil.com/blog33.html>>" and "Towards a National Coalition for a Changed America <<http://www.freejalil.com/blog34.html>>," the interest cultivated by some activists in building the Million Youth Independence Day March 2016 (MY-ID March), requires more definitive debate. In fact it is hoped soon activists will officially announce the national mobilization to organize and build MY-ID March 2016.

In some of my correspondence on this task, broadening the potential for a successful national determination, it has been suggested it would be a three day program. The first day will be a march and rally demanding the three principle issues raised in Future Focus <<http://www.freejalil.com/blog33.html>> blog; the second day, a plenary session and strategy meetings held at Howard University, the theme being "A Changed America 2020"—to further consolidate discussion for the National Coalition and the agreement on a national agenda; on the third day, Cultural Events and the reading of the agreed Statement of Points of Unity for building the National Coalition, etc.

My thinking is this objective would be a way for activists of the 60's and 70's era to pass the torch to the next generation leading into the 2020 election year, etc. If there is to be a "last hurrah" for the former generation of activists (some disagree with this notion) and revolutionaries, I believe it is appropriate for us to create a political environment conducive to a vision of the future that supports a revolutionary determination, having passed on lessons learned.

Therefore, I am requesting all folks out of the woodwork in a generational effort to support the Million Youth Independence Day March for 2016. Also, as part of the organizing process, activists will be demanding the issues we intend to rally around are made part of the national debate during the election year. Just as Climate Change and Same-Sex Marriage are expected to be contending issues during the election year, we want to make sure our concerns and issues are made part of the national debate. In this way, we empower the youth in demanding the government be responsive to this organizing agenda. Naturally, when the government/elite fails to be responsive and resists substantial institutional change, it gives credence for the need to build the National Coalition with the theme "A Changed America for 2020." I am confident the majority of long time and young activists will recognize the potential for this national mobilization to be a deciding historical course of action, subject to establishing a mass and popular movement.

Needless to say, it is time for us to pursue a more politically forceful national determination. Naturally, if we can get as many of the "old heads" to support this initiative, to at minimum enter dialogue with others across the country about building a National Coalition for a Changed America, to evolve out of the Million Youth Independence Day March (MY-ID March) 2016, it would be a huge accomplishment with revolutionary significance. Therefore, as part of this organizing determination, it would be necessary to divide the country into organizing regions, with each region forming coalitions building toward the national mobilization. Each region will be responsible to discuss the issues and develop points of unity on the issues presented in Future Focus <<http://www.freejalil.com/blog33.html>>, to be formalized during the plenary sessions and strategy meetings on the second day of the Million Youth Independence Day March to form the national agenda of "A Changed America 2020."

Needless to say, our ultimate goal is to envision and manifest the Power of the People encompassing our collective humanity. To live in a world absent of class exploitation and racist divisions forging the mass and popular movement for a Changed America.

## **9 May - Federal Appeals Court Reverses Nun & Army Veterans' Sabotage Act Convictions**

*A federal appeals court has reversed convictions in the case of an 85-year-old nun and two Army veterans, who broke into a United States government facility holding weapons-grade uranium, and called for nuclear weapons to be transformed into “real life-giving alternatives to build true peace.”*

MORE:

by Kevin Gosztola (*The Dissenter*)

The activists’ sentences were vacated, and the appeals court ordered a lower court to re-sentence them.

On June 28, 2012, Megan Rice, a nun, and Greg Boertje-Obed and Michael Walli, both veterans, cut through multiple fences around the Y-12 National Security Complex in Oak Ridge, Tennessee.

The activists were able to get to a Department of Energy building with enriched uranium. “There the trio spray-painted antiwar slogans, hung crime tape and banners with biblical phrases, splashed blood, and sang hymns,” according to the Sixth Circuit Court of Appeals’ decision.

The activists struck the building with small hammers, and their action effectively delayed a shipment that was supposed to arrive that afternoon.

Initially, the government charged the activists with trespassing and “injuring government property. When they refused to plead guilty, prosecutors essentially made a vindictive move and charged them with “violating the peacetime provision of the Sabotage Act,” which “Congress enacted during World War II.”

“That provision applies only if the defendant acted ‘with intent to injure, interfere with, or obstruct the national defense,’ and authorizes a sentence of up to 20 years,” the appeals court explained. “A jury convicted the defendants on the sabotage count and the injury-to-property count.”

The activists argued that they had no intent to violate the Sabotage Act and could not have violated this law. The federal appeals court agreed.

By using the Sabotage Act to prosecute a nun and two Army veterans who dared to engage in an act of nonviolent resistance against nuclear weapons, the government sought to accuse them of planning to interfere with the ability of the government to maintain national security.

“No rational jury could find that the defendants had that intent when they cut the fences; they did not cut them to allow al Qaeda to slip in behind,” the appeals court declared. “Nor could a rational jury find that the defendants had that intent when they engaged in their protest activities outside the [Highly Enriched Uranium Materials Facility].”

*True, their ultimate goal in engaging in those activities was to advance the cause of disarmament, by persuading Y-12’s employees to abandon their pursuits there. But “the ultimate end” that “compel[s] the defendant to act . . . is more properly labeled a ‘motive.’” Kabat, 797 F.2d at 587. And the defendants’ immediate purpose in hanging the banners themselves, and in otherwise erecting their shrine outside the HEUMF, was simply to protest.*

Such a conclusion is a huge victory for activists, because it means the government cannot stand in court and equate an act of protest with sabotage without evidence of motive.

The appeals court also rejected the idea that the defendants meant to interfere with the national defense by creating “bad publicity” for the facility.

“First Amendment issues aside, it takes more than bad publicity to injure the national defense,” the appeals court concisely declared.

What is remarkable is that in this case the government argued the activists had entered Y-12 ‘to further their goal of nuclear disarmament[,]’ which if realized would interfere with the national defense.” The same government that has both belligerently and sternly pressed for Iran to not even consider the development of nuclear weapons capabilities argued this in court.

If an empire like the US does not think it can keep itself “secure” without enriching uranium for nuclear weapons, then how does the US expect Iran to maintain its national security? How does it expect any country, for that matter, to maintain national security? Is this not some kind of message to various other countries that they might want to maintain their own nuclear arsenals?

Such a position on the national defense of the United States would seem to fuel a very dangerous world filled with nuclear weapons that could threaten the lives of millions.

The government had to prove that that the activists’ actions “consciously meant” or were “practically certain to impair the nation’s capacity to wage war or defend against attack.”

There was little to no evidence for the government to make such a claim:

*Y-12 houses not a single weapon of any kind (other than the guards’ firearms, presumably), much less any weapons whose brief incapacitation would affect the nation’s ability to wage war or defend against attack. Nor does the facility manufacture any weapons. Instead it manufactures only components for them; and the government does not even venture to assert that the 15-day shutdown that resulted from the defendants’ actions—much less the brief shutdown that was the foreseeable result of those actions—had any effect upon the size or effectiveness of the nation’s nuclear arsenal. Nor, so far as the record reveals, were there any military units stationed at Y-12, much less any “fast reaction” ones whose distraction for an afternoon would have impaired the national defense.*

The reasons for this protest were made clear by Rice on August 2, 2013.

“We were doing it because we had to reveal the truth of the criminality which is there, that’s our obligation,” Rice stated. “We have the power, and the love, and the strength and the courage to end it and transform the whole project, for which has been expended more than 7.2 trillion dollars. “The truth will heal us and heal our planet, heal our diseases, which result from the disharmony of our planet caused by the worst weapons in the history of mankind, which should not exist. For this we give our lives — for the truth about the terrible existence of these weapons.”

The three are part of a group called Transform Now Plowshares.

These individuals are Christian pacifists, not terrorists, who carried out an action in the best tradition of anti-nuclear protest in the United States. Fortunately, the court understood that when they heard their appeal and reversed their convictions under this antiquated law.

### **13 May - Buses to MOVE Anniversary**

**WHAT:** 30<sup>th</sup> Anniversary of MOVE bombing

**WHEN:** 8:30am, Wednesday, May 13<sup>th</sup>

**WHERE:** Riverside Church (120<sup>th</sup> Street and Claremont Avenue) and SEIU 1199 (West 43<sup>rd</sup> Street, between 8<sup>th</sup> and 9<sup>th</sup> Avenues)

**COST:** Bus tickets for May 13 for the full day of activities in Philadelphia can be obtained by contacting the hotline at 212.330.8029 (leave a message with your name, phone number, and mention your interest in a bus ticket).

**MORE:**

May 13, 2015, is the 30<sup>th</sup> anniversary of the horrific fire bombing of the MOVE family home, along with 65 nearby houses, by the City of Philadelphia with the collaboration of the FBI. The bombing resulted in the murder of 11 members of the MOVE family, 5 children and 6 adults.

We urge everyone who can to come to Philadelphia on that day to express our continued outrage at the genocidal strategy represented by that event. While the lives of those lost cannot be brought back, this is an opportunity to demand the release of the MOVE 9, now unjustly incarcerated for 37 years as a result of a police assault on MOVE only a few years earlier. In that earlier 1978 confrontation, where the Philadelphia police and the FBI attacked the MOVE home with deadly weapons, a police officer, James J. Ramp, was killed, shot in the back at an angle that was impossible for the bullet to have come from MOVE members who were barricaded, in self-defense against the assault, in their basement. All indications are that the killing of the police officer came from friendly fire, the side of the street where the police were positioned. Even the judge in the case admitted, after the trial, that he had no idea who killed the policeman. Yet the Commonwealth of Pennsylvania refuses to allow the MOVE 9 to go home. Two of those MOVE members have now died under rather suspicious circumstances, with no rational explanation and very sudden deaths, causing even greater alarm about their continued incarceration. Merle Africa died on March 13, 1998, and Phil Africa on January 10 of this year. Is there a plan to gradually kill them all while in prison?

**16 May - Herman Ferguson memorial**

**WHAT:** A Celebration of the Life of Baba Herman Ferguson

**WHEN:** 3:00-6:00pm, Saturday, May 16<sup>th</sup>

**WHERE:** House of the Lord Pentecostal Church - 415 Atlantic Avenue, Brooklyn

**COST:** FREE

**MORE:**

A Revolutionary Change in Our Life Time

Herman Ferguson was born in Fayetteville, North Carolina on December 31, 1920. He was an educator and leading figure in the Ocean Hill-Brownsville struggle for community control of NYC public schools, and Assistant Principal at P.S. 40 in Queens and P.S. 21 in Brooklyn.

Herman was a long distance runner in the battle for national liberation. He served as a judge and District Representative of the Republic of New Afrika, was a member and Chairman of the Education Committee of brother Malcolm X's Organization of Afro-American Unity (OAAU), and was present on that fateful February 21, 1965 day at the Audubon Ballroom when Malcolm was assassinated. He vowed to carry on Malcolm's teachings as best he could, organizing the Black Brotherhood Improvement Association in Jamaica, Queens, holding street corner rallies, political education classes, martial arts classes and forming the Jamaica Rifle and Pistol Club, Inc.—all of which made him a target of the u.s. government's Counterintelligence Program (COINTELPRO).

In 1967, Herman chose exile rather than go to prison on the false charges he was convicted of. He, along with his life partner Iyaluua Ferguson, spent nineteen years in Guyana, South America, where he participated in Guyana's nation-building, rising to the rank of Assistant Director General in its National Service, joined the Guyana Defense Force (GDF), and retired with the rank of Lt. Colonel.

In 1989, Herman voluntarily returned to the United States and was immediately sent to prison. Upon his release, he immediately stepped back into work in the nationalist community, co-founding the Malcolm X Commemoration Committee (now Chairman Emeritus), the National Jericho Movement for Amnesty & Recognition of u.s. held P/POWs, publishing NATION TIME, serving as Administrator of the New Afrikan Liberation Front and co-chairing the Queens chapter of NCOBRA (National Coalition of Blacks for Reparations in America).

In 2009, Herman and Iyaluua relocated to North Carolina, where they collaborated on his bio/memoir, “Herman Ferguson: An Unlikely Warrior, Evolution of a Black Revolutionary Nationalist.”

On September 25, 2014, Herman Ferguson made his Transition. He leaves to cherish his life and legacy his wife, Iyaluua and a long line of family, friends and comrades in the struggle.