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Updates for February 2nd

16 Jan - Interview with Kojo Bomani Sababu

Below is a self interview from Kojo Bomani Sababu, currently incarcerated in the federal system in West Virginia. This interview was conducted a few years ago, but only recently published.

MORE:

1: How did you come by your current name and how old are you?

The name Kojo comes from my comrades in arms. It means unconquerable, my full name is Kojo Bomani Sababu which means “unconquerable warrior, one who takes the people to heart”, our names, derived from African roots were adapted as inspiration. I was born May 27, 1953 in Atlantic City New Jersey.

2: What caused you to accept revolution in a country where so much is offered?

I grew up in a turbulent time in America where racist oppression and repression of New Africans was in vogue, and a great deal of political agitation occurred in the New African communities. Thus I heard speeches by Malcolm X, Elijah Mohamed and so forth and listened intently to their words. As a result I made a transition in my young life as I began to understand what was taking place around me from a nationalistic perspective. The deeds of the Black Panthers pushed me to act.

3: Was your life hard or difficult?

With the exception of the loss of my parents, life was not so difficult. In 1962 my father died coming home from work, in 1964 I was devastated with the murder of my mother. She was a guide for me, emphasizing education as a tool with which to change society, so her death caused me a pain I still experience. However her advice, that I learn all that I can, still resides within me.

4: How long have you been incarcerated?

I was captured on December 19, 1975 along with the anarchist Ojore Lutalo during a bank expropriation, subsequently other charges were added in relation to the elimination of social parasites from New African communities, ie drug dealers were killed, so I have been interned since that time. The war on drugs was started by New African liberation forces not the US government.

5: Your incarceration over all these years has lead you to see many changes in the struggle, what do you now think of the struggle in America?

The struggle lost its popularity because the contradiction between the oppressed and their oppressors became blurred; people think everything is resolved by having money, so it was made available by the oppressor. Now the torch bearers who articulated the logic of struggle against the oppressor nation have either been confined in prison cells for a long time or have a comfortable job. This is no indictment against the movement itself, because just as rapidly as it declined, it can experience a great resurgence given the right opportunities. However we must make great strides, reorganizing ourselves to embrace the difficulties we face. I have no solutions but I will say this: There are some great political minds contained in America's prisons, which are growing old as their era of life departs, this resource needs to be tapped before it expires. Do not abandon the political prisoners and POWs, they are still insightful with their knowledge and experience.

6: Is there a statement or message you would like to pass on?

Yes! Immerse yourselves in learning to apply current technologies to organizing. Your problems, your advances, your struggles can become international in seconds so blog constantly, equip our movement with a new voice, use admirably what is used against you. We have had setbacks due solely to our arrogance,

our refusal to change and modify our approach. We have to rebuild our resources by seeking effective new ideas, if we commit to that, I believe we will be successful.

7: Would you do it all over again?

Of course, anytime. Free the land, build to win!

21 Jan - Parole Board Drags Its Feet on COMPAS

In order to address the tragedy of mass incarceration, we must include in the conversation the issues of parole and release for incarcerated people.

MORE:

by Robert J. Boyle, Rukia Lumumba, Moira Meltzer-Cohen, Eve Rosahn, Susan Tipograph, and Michael Tarif Warren (*New York Law Journal*)

New York State and the entire country are engaged in a serious public conversation on the meaning of justice and how it is applied in our communities, courts and prisons. Issues of particular importance to the legal community enter into that discussion, including sentencing reform, mandatory minimums, wrongful convictions and the ways in which racism shapes the application of justice. As lawyers with many decades of experience representing people caught up in the criminal justice system, we welcome that conversation. Whether in the media, including the *New York Law Journal*, in courtrooms, or in legislatures, there is a growing recognition that our justice system has too often been unfair and its punishments vengeful and draconian.

From this conversation has emerged a national consensus that we have relied too much on incarceration to solve social problems and enhance public safety. The incarceration of huge numbers of people has not lowered our crime rate. It has, however, separated families, contributed to the impoverishment of entire communities, and returned literally millions of people to the community burdened with statutory and social obstacles to successful lives.

Recognizing the importance of rehabilitation and reentry, a 2011 change to the New York State Executive Law mandated that discretionary release to community supervision be governed by evidence-based "needs and risk assessments" rather than disproportionately focusing on the nature of the crimes committed perhaps decades before.

New York has adopted an actuarial assessment model called COMPAS to guide the Board of Parole in its decision-making. This approach creates an individualized picture of how the incarcerated person has changed since the original crime, what risks there are for future criminal behavior, and what support is necessary for the individual's successful reentry, and critically, what kinds of skills, attitudes and capacities the individual has developed during their incarceration. Risk assessment is intended to replace subjective decision-making with science, and standards that reflect the needs of public safety, and honor the rehabilitative goals of the penal system. At least 24 states have adopted similar models.

But the Board of Parole has dragged its feet in applying these more reliable and transparent methods. Instead of placing proper emphasis on the careful risks and needs assessment, the board's decisions almost uniformly stress the "nature of the offense," a fact that can never change, no matter the growth, remorse, or transformation of the individual who now stands before the parole board.

Even though the best criminal justice thinkers (and many community members) support the use of forward-looking assessments like COMPAS, one powerful group continues to stand in the way: the New York City Patrolmen's Benevolent Association (PBA). It clings to the view that no one who has been convicted in the death (or attempted killing) of a police officer should ever be released on parole. Note that we are not talking about those people convicted and sentenced to life without parole, but rather those given a life sentence with consideration for release on parole after a minimum term (generally 15 or 25 years), as required by New York State law.

To enforce their hold on any Board of Parole decisions, the PBA has a link on their website. With one mouse-click, form letters are sent to the board opposing the release—ever—of anyone so convicted, no matter how old or sick, how insightful and changed, and no matter the likelihood that they will ever commit another crime.

We know that the sheer volume of these letters matters because parole commissioners have said so. They have relied on thousands of form letters from people who know nothing about the person seeking release other than the crime of conviction—something that in many cases occurred more than 40 years ago. Rather than rely on science and fairness, recognized by New York law and the experience and practice of those people, the board has allowed their actions to be held hostage by the PBA, seeking decision-making by political popularity. ("Ex-Parole Commissioners Decry Rescission of 'Cop-Killer's' Release," NYLJ, Nov. 26, 2012).

In 1974, then Appellate Division Justice Lawrence H. Cooke dissented in a matter wherein a prisoner was challenging the denial of his release on parole. *Hamm v. Regan*, 43 A.D.2d 344 (3d Dept. 1974). While "negative community reaction," was not an issue on the appeal, it had been part of the record which Cooke felt compelled to address: "The instant case is an example of how impermissible considerations might possibly enter into parole board deliberations and improperly affect their decisions.

[B]y stating its 'reason' for rescinding petitioner's parole the board has indicated that the 'negative community' reaction' was deemed controlling. If such a consideration, in and of itself, can properly enter parole board deliberations, let alone control the exercise of their discretion, few prisoners would ever be paroled as it can reasonably be assumed that communities rarely welcome offenders into their midst. Parole is not to be granted solely on the basis of community approval; rather, the board must consider whether there is a reasonable probability that, if released, the prisoner will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society."

With the increasing awareness of the tragedy of mass incarceration and of the dangers of allowing police forces to function without oversight and constitutional control, Cooke's remarks are as insightful now as they were over 40 years ago. An unchecked Board of Parole, under the influence of the PBA, cannot be permitted to make decisions contrary to law.

22 Jan - Last Incarcerated Member of 'NATO 3' May Die in Prison

Jared Chase is the last member of the "NATO 3," who remains in prison. Chase suffers from Huntington's disease and faces additional charges for alleged aggravated battery against a prison guard. He is set to go on trial in April. If convicted, there is a significant chance Chase could die in prison because of how his imprisonment has compounded the effects of this neurodegenerative disease.

MORE:

by Kevin Gosztola (*Shadowproof*)

In May 2012, Chicago hosted a North Atlantic Treaty Organization (NATO) meeting to discuss policies in the Afghanistan War. A number of activists traveled to the city to protest NATO, including Chase, Brian Jacob Church and Brent Betterly. They became known as the "NATO 3" after they were targeted by undercover Chicago police and arrested on May 16. The state of Illinois accused the "NATO 3" of making explosives.

The Illinois State's Attorney Office quickly labeled the young men "terrorists" in a criminal complaint and charged them with state terrorism offenses. On February 7, 2014, after a lengthy trial in which the key role of undercover cops became even more apparent, a jury acquitted the "NATO 3" of all terrorism charges. But they were found guilty of arson-related offenses and "mob action" charges.

In April 2014, a judge sentenced Church to five years in prison, Betterly to six years, and Chase to eight years for arson offenses. The judge allowed prosecutors to present evidence against Chase related to the alleged aggravated battery incident involving the spraying of urine and feces on a guard, even though the state intended to pursue a separate trial.

“He’s Dying Before My Eyes”

Betterly, who was released from prison in April 2015, was last with Chase while they were beat up by guards during their arrival at the Stateville prison’s receiving center. After sentencing, they were put on the same bus and moved to the prison. Guards from the Illinois Department of Corrections awaited their arrival, which resulted in a “pretty violent interaction,” according to Betterly.

During a recent pretrial hearing on December 7, 2015, Chase showed up to court with a black eye and a swollen face. Betterly said he’s lost a considerable amount of weight, perhaps fifty pounds. Supporters are terribly concerned about his health.

“He’s dying before my eyes. That’s not embellishment at all,” Betterly declared. “The charge he carries now—it carries a minimum of three years. He won’t survive it.”

Betterly noted the prisons are not capable of taking care of diseases “that are generally serious but treatable.” A disease like Huntington’s is “probably something they don’t encounter much. They completely have no idea how to care for somebody with Huntington’s. They’re not equipped to do it. He’ll die. If he’s found guilty and sentenced to even the minimum, he won’t make it. That’s my opinion.” Chase is in solitary confinement at the Pontiac Correctional Center, a facility where a number of violent and/or mentally ill inmates are incarcerated.

State prosecutors allege that on October 4, 2013, Chase sprayed “human waste” on a Cook County prison guard, Officer Trevor Hapanionek. He was charged with four different charges for one alleged act. Multiple Cook County guards testified during sentencing about the basic details of what they claim happened on October 4, but Dr. Kathleen Shannon, a neurologist who had assessed Chase, testified that his misconduct against guards was likely a result of Huntington’s disease.

Shannon informed the court the disease makes it difficult for a person to avoid outbursts. It makes one easily irritable and can lead to mania. On average, a person who develops the disease can die in 17 years. A person usually goes through multiple stages of disability until spending the final 8 years of their life in a nursing home or hospice care.

It is hereditary. Chase’s dad died from the disease, and according to Shannon’s best estimate, the onset of Huntington’s disease began in 2008.

A Letter Describing an Outburst and Brutal Abuse by Guards

The Nuclear Resister newsletter has been published since 1980. It supports people in jail for anti-nuclear activism. Around the Persian Gulf War in 1990, the newsletter expanded to support people in jail for anti-war activism. It reported on all those arrested in Chicago in relation to NATO meeting protests, including the “NATO 3.”

Jack Cohen-Joppa of the Nuke Resister has corresponded with Chase since 2012. He has contacted doctors and informed them that Chase is not getting the proper diet someone with Huntington’s should receive. In a letter dated September 21, 2015, Chase describes in great detail an outburst against guards as well as the brutal manner in which prison guards responded to him:

On the last day that I wrote you 8/22/2015, after flipping out because I didn’t get my diet tray again, I flooded my cell that morning and threw shit and piss out in the gallery. After the workers finished cleaning, the C.O’s started running

showers, while the C.O Gross was next door at my neighbor's cell. I threw more feces and piss under my door, but it didn't make it so to get it out of my cell I threw water behind it to push it out of my cell and it washed out on the gallery. C.O. Gross was so pissed the workers just left, he went to the Lt., Lt. Bennett, and lied and told him I had assaulted him with feces.

Lt. Bennett and a gang of C.O's came to my cell, opened up my chuck, and told me to cuff up. I refused and told him to call Orange Crush [an elite guard unit in Illinois prisons]. He looked at the other C.O's and asked them if they just wanted to run in my cell so to stop them I took the empty milk cartons I had used earlier to throw the piss and shit with, and I pretended like they were full of shit and I backed up and told them to come in and I'd throw it at them. Lt. Bennett told me once to put the cartons down and I refused.

Without any warning at all he pulled out his mace and sprayed me in the face through the open chuck. My first reaction was to drop the cartons, turn around, and try to protect my face. After about 30 seconds of coughing and pain, I decided they had won that battle and I backed up, told them I was cuffing up. I stuck my hands out the chuck and they cuffed me. They told me to kneel down and I did, and they rushed in and tackled me. They started beating me. After they shackled my feet and picked me up, they pushed me down the gallery all the way to the stairs. They pushed me violently down the stairs causing me to fall down several times. When we got to the first floor around a corner where there was a blind spot in the cameras, they started punching me in the ribs and back, they shoved me into a cage and pushed me on my knees, they chained my feet to the floor and my hands to the bench. I was in so much pain from the shackles and mace. I started banging my head against the ground trying to knock myself out. Then they put a suicide smock in front of me so I couldn't.

I had so much mucus coming out of my nose I kept spitting, and they put a spit mask over my head, making it hard to breathe and keeping all the mace on my face. 1 Sgt and 4 C.O's sat there watching me thrashing and they laughed for 2 hours until a nurse came and put drops in my eyes. She examined my neck looking for marks because the C.O's lied and told the psych and medical people I tried to hang myself. A psych doctor came in. I was placed back on suicide watch. I was strip searched and dressed in a suicide smock and brought to cell N-107. I spent 72 hours on suicide watch and the doctor took me off. My property was returned. Everything was destroyed. They threw it all on the floor in the water. All my books, clothes, legal, work, letters, and cards were all destroyed. Every thing had mold and mildew all over it. I was pissed! I was written up for attempt/assault. I was under the impression it was a minor thing so I refused to go to my hearing.

According to the letter, Chase was given one year in solitary confinement, lost his phone call privileges, lost one year of his good conduct credit, and received three months of yard restriction, nine months of audio/video restriction, and six months of contact visit restriction.

Chase is far from the only individual to face additional punishment for outbursts caused by their deteriorating health. For example, in 2011, the Belleville News-Democrat reported Anthony Gay had his prison term "increased because of mandatory consecutive sentences for throwing urine and feces at guards," which added up to a sentence of 99 years. His "mental state" had deteriorated because of his seven-year stint in solitary at Tamms supermax prison, which is now shut down.

Assistant Appellate Defender Scott Main argued Gay's mental state had diminished "to the point he shouldn't be held criminally responsible for throwing body wastes, acts he claims were induced by mental illness." The Uptown People's Law Center in Chicago organized mental health and prisoner advocates to support Gay, because he was constantly smearing urine and feces and needed proper medical treatment instead of a lifetime in prison. And, in 2014, the State conceded his sentence was illegal and reduced it so he would be released in 2018.

"The State of Illinois is trying to turn this into a life sentence for him," Rachel Allshiny, an activist and supporter of Chase's told Shadowproof. "He's obviously deteriorating both in terms of what he writes to us

or what I've seen in court. He doesn't have as much control over his speech and movements as he used to. So, the deterioration is obvious and he's not in a place that's conducive to getting any better."

Allshiny has written letters to Chase in the past, but she says her letters have had difficulty getting through to Chase. She also is one of the few people to have visited Chase in prison, and she has been present at most of his court dates.

During her visit in July 2012, she recalled how Chase wanted updates on activism and demonstrations. He was "trying very much to stay connected, but I could also see it was really difficult in many ways to have a visit."

"He stopped seeing people after that, and I think it was just he said he didn't want people to pity him. I could tell he was having an emotional time. He wanted to stay connected to the outside but he was finding it tough to be in that position where he's behind glass," Allshiny added.

Unable to Shake Off Stigma of Terrorism Offenses

On top of the Huntington's disease, Chase has had to deal with the stigma of being charged with terrorism offenses.

"When we were in the county, we were all treated pretty brutally by some of the guards just because of our case," Betterly shared. "It got even worse around the time of the Boston Bombing because we were still incarcerated pre-trial. [We were] automatically associated with that sort of thing, and they brought it up over and over again at trial."

"I actually had a C.O. show up and testify against me in my sentencing because of an interaction we'd had when I was in the county after the verdict but before the sentencing," Betterly recounted. "He was somewhat new. He was a rookie. He had gone through the academy and just started working on my deck and came up to my cell and refused to let me out (because you get like one hour a day in max to go out and use the phone and take a shower, etc). He refused to let me out and put his face right up against the bars and told me the jury might have bought your shit but I didn't. I hope you fucking rot. He wouldn't let me out of my cell."

"Most of them were really sure we were terrorists and done all the ridiculous things that they said they did. Even after the verdict proved that was all bullshit and not just the verdict but everything that came out during trial—some of them were even more bitter that we [weren't found guilty]." It was like they were angry the system had failed them, according to Betterly.

Betterly never had to deal with problems getting medical treatment for any serious illnesses while he was at Stateville, but he said he had been in prison with someone who had cancer, and tried to get treatment for a small cyst in his mouth.

"It took years to finally get him to a doctor, and by that time, they had to remove his entire jaw and upper palate because of the amount of time that it took to get in there and take care of a tiny little cyst," Betterly recalled. "You know, that's pretty standard. That's pretty standard, especially for [Illinois Department of Corrections]. It's one of the worst."

Guards are not trained to take care of a person with a serious disease like Huntington's. The prison is both unprepared medically and disciplinarily. The only answer the prison has, as Betterly argued, is to lock Chase in a "solitary cage away from everybody. Let him die quietly."

Staying Connected to the Outside World

Yet, despite what prison is doing to him, Chase continues to try and hold on to his sanity. Allshiny said he is now trying to learn new languages. She remembered they spoke about books when she visited him in prison years ago. He mentioned someone had sent him a book by Philip K. Dick that he really liked. Allshiny sent him some classic science fiction books.

Allshiny believed Chase was a science fiction fan, but about a year after the visit, he told her in a letter that he had never read these books before. It had opened up a "whole new world."

One of the reasons it has been difficult for Chase in prison is because he is not very compliant. He is always trying to stage "some kind of a hunger strike" to get his needs met, according to Allshiny. Cook County or Illinois State correctional staff do not appreciate that. "He's very much rubbing them the wrong way."

Even if it seems unlikely Chase will ever see the outside of a jail cell again, his supporters remain committed to freeing him. Allshiny feels particularly responsible. She organized with Occupy Chicago and helped Chase, Church, and Betterly find housing during the NATO meeting. She has spent the last years making sure everyone who traveled to Chicago is able to return home. As Allshiny put it, "We have one left. We're not quite there yet."

22 Jan – New Poetry From Eric King

We have a couple of new poems from pre-trial anarchist prisoner Eric King.

MORE:

January 22nd – how did McDavid handle it when the judge said 19?

This is a feeling you can't escape
its an empty loneliness, I know it
me by myself despite a strong team
back in the boxing ring
keep hoping that i'll wake from this
how did McDavid handle it when the judge said 19?
This is fear I can feel it
eating through my stomach
like a starving lion lurking
I float in the warm blood below
that puddles beneath my cold carcass
nothing I have to say, sadly
is worth the struggle for a last breath
when all there is to eat is poisonous plants
do you skip a meal or go for broke?
Vomiting up the last of my hopes
torn between defiance and defeat

battle cries and fate's cruel jokes
all of my heroes have records
my internal infrastructure sparks riots
when I wake the smokes scattered
and I have to face reality
survival is a must
acceptance then progress
it hurts though

January 31st – Am I angry or hungry?

Am I angry or hungry
starving and shaking
throw a punch
or take a bite
cook a meal
or start a fight?
In what world does
canned spoiled fruit and beans
count as a meal?
How hard does bread need to be
before it is a rock?
Do I fight for something more
or swallow my dignity and food?
CCA you corrupt fucks
where's the Oregon militia
when you need it?
I ate much better on the streets
when I was homeless & free
can I even complain
do I have ground to stand on
or thin air?

25 Jan - Chelsea Manning interview: DNA, big data, official secrecy, and citizenship

Artist Heather Dewey-Hagborg creates portraits from DNA samples, usually working from found samples - chewing gum, cigarette butts -- of people she's never met. But this year, she's done a pair of extraordinary portraits of Chelsea Manning, the whistleblower currently serving a 35-year sentence in Fort Leavenworth for her role in the Wikileaks Cablegate publications.

MORE:

Dewey-Hagborg's first portrait was a still image, but she followed this up with a full-sized, color 3D model called "Radical Love: Chelsea Manning," that debuted at Davos, as part of the Victoria and Albert exhibition Future Design.

The title of the piece, "Radical Love" comes from Chelsea's resistance to the idea that she or her ideas are radical - a term she sees as polarizing and alienating. Instead, she points to how incredibly common it is to love and to simply want to be oneself. "Radical Love" points to a hope of moving past divisive political boundaries, to build community and new forms of knowledge and policy guided by compassion and empathy.

The work is generated using the technique of “forensic DNA phenotyping,” to create a 3 dimensional life sized "portrait mask" that is printed in a 3D printer. This "forensic DNA phenotyping process" is a problematic, yet increasingly common police practice of generating a likeness of a suspect from their DNA alone, based on traits it contains, such as eye color and skin color.

I interviewed Ms Manning in Fort Leavenworth through an intermediary, coordinated by her support network.

Tell me your thoughts on the exhibit. Why did you consent to it? What do you think it says about our society? What is the role of DNA in art? If you could undertake your own genetic art, what would it be?

Heather was asked to analyze my DNA for a portrait of me for Paper Magazine last year. I was already somewhat familiar with some of Heather's previous projects involving DNA, so, when I was asked whether or not I wanted to do this project, I immediately said yes!

A sculpture based on a portrait is the natural progression of this project. It projects a presence that I don't think very many three dimensional artworks are able to do. Our society's dependence on imagery says a lot about our values. Unfortunately, prisons try very hard to make us inhuman and unreal by denying our image, and thus our existence, to the rest of the world. Imagery has become a kind of proof of existence. Just consider the online refrain "pics or it didn't happen."

The use of DNA in art provides a cutting edge and a very post-modern—almost "post-post-modern"—analysis of thought, identity, and expression. It combines chemistry, biology, information, and our ideas of beauty and identity. I would love to do some DNA art that examines the other people who are cast aside from society's visibility—like prisoners, or victims of genocide. There are some ethical and moral questions that this might raise—but, I think it would be very important for us to ask these questions.

Where are you at now? What are your prospects as you understand them?

I am still appealing my court martial conviction before the Army Court of Criminal Appeals, which is the first court that hears appeals for military convictions in the U.S. Army. I have hired a stellar appeals team out of Albuquerque, New Mexico—Nancy Hollander and Vince Ward of Freedman Boyd Hollander Goldberg Urias & Ward, P.A. I have also been appointed a military lawyer by the Army. They have gone through thousands of pages of the records in my case in order to map out its most serious flaws.

Due to several complications in this process, we have been delayed in filing our brief before the court. However, it is almost certain that we will be filing before summer of this year.

The U.S. Government has refused to confirm or deny that there is any ongoing investigation in to your matter, but it looks like they spilled some beans to you? Can you explain what happened, and what it means?

Nearly two years ago, I requested a copy of the FBI files related to their role in the investigation of my case. After going through a lengthy FOIA process, I finally filed a lawsuit to compel the FBI and the Department of Justice to turn over these records.

The basis of their denial is that there is still an ongoing investigation into my case. They have admitted as such before the court in a joint filing. This is the reason that they won't turn these records over. However, their response is still vague. The government has not acknowledged who they are investigating, or why—just that it is directly related to my case and court martial.

What are your views on big data, data mining, transparency, and fairness? What role do algorithms have to play in society — criminal justice, war fighting, finance, etc.?

The ability to collect and store vast amounts of information is the predictable result of exponential increases in automated data output; the storage capacity of information mediums, such as memory cards and hard drives, the number of connections between connections of computers on networks, and the bandwidth over these networks.

Algorithms are used to try and find connections among the incomprehensible "big data" pools that we now gather regularly. Like a scalpel, they're supposed to slice through the data and surgically extract an answer or a prediction to a very narrow question of our choosing—such as which neighborhood to put more police resources into, where terrorists are likely to be hiding, or which potential loan recipients are most likely to default. But—and we often forget this—these algorithms are limited to determining the likelihood or chance based on a correlation, and are not a foregone conclusion. They are also based on the biases created by the algorithm's developer. These biases can be further reinforced by a feedback loop created by the algorithm itself—because without a careful meta-analysis, these algorithms can strengthen future results without considering their own impact on the outcome.

We should consider the lesson of the discovery of Google's own "racist algorithm." In this case, people with "racially associated names" in America, would pull up ads related to criminal records, while other names' results lack such ads. This was not a benign discovery. Such subtle biases in results can slowly nudge an advantage or disadvantage of the daily lives of large numbers of people over time.

These algorithms are even more dangerous when they happen to be proprietary "black boxes." This means they cannot be examined by the public. Flaws in algorithms, concerning criminal justice, voting, or military and intelligence, can drastically affect huge populations in our society. Yet, since they are not made open to the public, we often have no idea whether or not they are behaving fairly, and not creating unintended consequences—let alone deliberate and malicious consequences.

Your own hearings before the disciplinary board were held in secret, without access to counsel. I understand that you have been doing research toward "secret justice." What have you found—is it on the rise? If so, how?

Last year, in the run up to and during my disciplinary hearing over four charges by the prison, I requested that the hearing be made available to the public. Yet, what I encountered was a system that thrives on opacity and secrecy. For many weeks, I did not know what I was being charged with. Later, I was surprised by the prison with charges that I didn't fully understand. I then found out that the prison had recently changed the rules to disallow people access to an attorney to explain the charges, or to prepare a case for the board. Worse still, this is increasingly the case in prisons all across the country.

In the last half century, the entire justice system has been nudged further and further into secrecy. New court rules have been imposed requiring ever-more documents to be sealed. Prisons are more closed to outsiders than ever before. New and draconian communication rules and laws have been passed barring prisoners—even prisoners that haven't been convicted of anything—from being able to speak with or write to the outside world.

The rise in secrecy has created a number of legal and political black holes for the public consciousness. Prosecutors, judges, and prisons have been viewed more favorably simply because there are fewer chances for members of the public—let alone prisoners—to examine their decisions. These systemic problems are starting to come into the foreground of the public consciousness only now, following a rise in the understanding of solitary confinement, and the number of police shooting incidents that have been

scrutinized and found to be nothing more than high tech executions. But, this is only after the system has become so vast and complicated that it is nearly impossible for the public to comprehend.

This is why we need laws that actually promote openness. We need transparency laws. Such laws would not be the Orwellian, ironically named "Freedom of Information" laws that local, state, and the federal governments regularly use to deny information. Instead, these would be open records laws that would allow the public to quickly and efficiently examine what is going on in their government in their own neighborhoods, towns, cities, and states.

What's your call to arms for people who care about the issues that sent you to jail? What should they be doing? What would you be doing, if you were free?

Read everything. Ask your own questions. Be your own filter. Nobody is going to look at the world around you and tell you what important things are happening that affect you and the ones you love.

They will sell you things. They will ask you to vote for them. They will offer their services to you. They have an ambiguous agenda that doesn't really involve your interests as a citizen. There is a difference between a consumer—who passively receives the information that they are spoon fed—and a citizen—who engages with society, asks questions, does research, and works towards making a difference in their neighborhood, city, and country. This is what I try to be—whether I'm in prison or outside—I keep reading and asking questions as a citizen.

What gives you cause for optimism, or at least hope from where you are?

I receive tons of letters and cards and online messages from people all over the world, every single day. I wish I could answer every single one. I want to tell people how much I love and appreciate their well wishes and support. I am endlessly grateful for the fact that, even so long after my trial—nearly three years ago now—I still get the same love and support that I had on day one. This gives me more optimism and hope than anything else ever could. I am so thankful.

27 Jan - Angola 3 Newsletter: Solitary Under Attack as 2016 Begins

Albert Woodfox's support crew want to send thanks from Albert to Amnesty activists for December's Write for Rights campaign.

MORE:

Albert enjoyed receiving the thousands of letters and postcards which were delivered to him in sacks! We kept him up to date with photos of the country activities including his "cut out" in front of London's landmarks, the first screening of the documentary *Cruel and Unusual* in the Louvre Paris and the art event in New Orleans.

On the legal front, Albert's legal teams have filed their appeal of the overturning of Judge Brady's unconditional Writ with the U.S. Supreme Court. They continue to prepare for Albert's retrial, though no date has been set. The civil trial is still scheduled to begin June 27th of this year.

In St. Francisville, still behind solitary walls, Albert awaits the status of a slate of appeals of rulings pending in Louisiana's 1st Circuit Court of Appeal from September that began to set up the legal and procedural landscape for the retrial.

Unfortunately, the first of these decisions came a few days ago and served to overturn Judge Carmichael's decision requiring Albert's retrial jury to be unanimous. Despite the fact that he was afforded a unanimous jury in both of his first two trials, only 10 of 12 jurors will be required to convict or acquit him in the third.

Louisiana is one of only two states that allow non-unanimous juries to hand down life sentences. Many think eventually the law will be declared unconstitutional, but not in time for Albert. His legal team is appealing this decision to the Louisiana Supreme Court.

Message from Albert about Eric Brown

Albert has been asking us to bring some attention to another case of dreadful injustice, the case of Eric Brown. This is an unusual request for Albert, as he knows how hard everyone is working on his case and rarely bothers supporters for any special requests.

In August of 1994, when Eric was 16 years old, he was wrongfully convicted and sentenced to life without parole plus 30 years for the murder of a known adult white drug dealer although there was no murder weapon, no witnesses and nothing tying Eric to the crime. The District Attorney told the all white jury that he thought that Eric knew who killed the drug dealer but refused to say.

In spite of a Supreme Court ruling that made it unconstitutional to sentence a juvenile to life in prison, Eric and too many others, sentenced to life as juveniles remain in prison.

Albert hopes that some of our supporters might write to Mr. Brown and see if they can help him bring his case to public attention.

Upworthy and UK Guardian cite Albert Woodfox while reflecting on the significance of Obama's new solitary confinement policy

Recent articles by the UK *Guardian* and *Upworthy* examine Albert Woodfox's continued incarceration and placement in solitary confinement in the context of recent developments in US prison policy by reporting. *Upworthy* reports:

In July, President Obama ordered the Department of Justice to review the use of solitary confinement in U.S. prisons. He showed skepticism for the practice, calling it "not smart." The review has been completed, and the president is adopting its recommendations. In an editorial from *The Washington Post* on Jan. 25, the president outlined exactly what that means:

- Banning solitary confinement for juveniles
- Banning solitary confinement as a punishment for "low-level infractions"
- Reducing the amount of time inmates in solitary must stay in their cells
- Expanding on-site mental health resources

By the president and Department of Justice's estimate, this will affect somewhere around 10,000 inmates...The president's move doesn't go so far as to eliminate the use of solitary confinement, but it does set the framework for future reviews of the system, which could in turn bring an end to the practice.

For now, though, Woodfox remains in solitary, awaiting yet another trial and, perhaps, freedom.

28 Jan - Herman Bell Parole Letters Needed

Herman Bell will be appearing before the Board in March 2016. We are in need of parole support letters from people in the New York City area.

MORE:

Of particular importance are letters from people who have visited with Herman and/or know him.

If at all possible the letters should be individually written, not form letters. There are samples on Herman's website: freehermanbell.org.

The letters should be sent/mailed to the office of Bob Boyle no later than February 15, 2016.

Bob Boyle

277 Broadway

Suite 1501

New York, New York 10007

30 Jan - Take Action: Political Prisoner Zolo Azania Denied Work Release!

In February 2017, political prisoner Zolo Azania will finally be released from prison. He will have served 35 years, 27 were on death row. During his final year inside, Zolo wants to participate in the Indiana Dept. of Corrections (IDOC) Work Release Program.

MORE:

As Zolo says: "I want to be moved into some type of viable program so that I can gain additional life skills in preparation for my re-entry into the community."

The IDOC should grant Work Release to Zolo based on the person he is today, his record of good behavior, his re-entry needs, and Indiana's commitment to rehabilitation. However, the IDOC has denied Work Release for Zolo, apparently based on the fact that he was convicted of murder-- 34 years ago. The IDOC 's denial of access to Work Release for Zolo is unfair and unwarranted!

PLEASE CALL, EMAIL OR WRITE TO COMMISSIONER BRUCE LEMMON, INDIANA DEPARTMENT OF CORRECTIONS AND SAY:

- (1) Offer Zolo the kind of re-entry plan he deserves: Work Release (WR)
- (2) After 34 years Zolo needs WR to gain skills and money necessary for re-entry
- (3) Zolo is a model prisoner and has shown a commitment to better himself
- (4) Evaluate Zolo based on who he is today, not on his 34-year old conviction

COMMISSIONER BRUCE LEMMON

Phone: 317.232.5711

Address: 302 West Washington Street, Room E-334

Indianapolis, Indiana 46204

Email: blemmon@idoc.in.gov

A sample form letter is below, but *original letters carry more impact*. Be respectful, but firm, remembering what you write can negatively as well as positively impact Zolo. This letter is about getting Zolo into a work release program, not about airing grievances we may have with the state or its prison functionaries. Once you have completed your letter, please either print and mail or email it to the address above.

To help us keep track of the progress of the campaign, please tell us you contacted Mr. Lemmon. Message us at <http://www.zoloazania.org> or call 773.425.6716.

Let's Win This For Zolo!

SAMPLE LETTER

Commissioner Bruce Lemmon

Indiana Department of Corrections

302 West Washington Street Room E-334

Indianapolis, Indiana 46204

Commissioner Lemmon,

In February 2017, Zolo Azania, (registration #4969), will finally be released from prison. He will have served 35 years, the first 27 years on death row.

Mr. Azania has a strong desire to participate in the IDOC's Work Release Program during his final year in prison. However, Mr. Azania has been denied participation in the Work Release program, apparently because of his 34-year old murder conviction. This is unfair and unwarranted.

As Mr. Azania says: "I want to be moved into some type of viable program for these last few months so that I can effectively gain additional life skills in preparation for my eventual re-entry into the community."

I ask that you offer Work Release to Mr. Azania because of the person he is today, his re-entry needs after 34 years in prison, his record of good conduct, and Indiana's commitment to rehabilitation. I ask that the IDOC reverse its decision to deny Mr. Azania access to the Work Release Program.

Mr. Azania has been a model prisoner. He has shown a commitment to better himself, taking paralegal and college courses and becoming a self-taught artist and writer.

Mr. Azania needs to make some money so he doesn't leave prison penniless and he needs experiences that prepare him for life on the outside. Isn't this what the Work Release Program is for?

I urge you to grant Mr. Azania participation in the IDOC Work Release Program.

Sincerely,

6 Feb - International Day of Solidarity With Leonard Peltier

WHAT: Day of Solidarity

WHEN: 2:00-5:00pm, Saturday, February 6

WHERE: Dr. Martin Luther King Jr. Labor Center - 310 West 43rd Street New York, New York

COST: Suggested donation: \$5-10; no one turned away due to lack of funds

MORE:

Native American political prisoner Leonard Peltier's only hope for freedom is Executive Clemency from the President of the United States. Since President Obama will be leaving office in less than a year, the coming months are crucial in the fight for Leonard's freedom. Please join us for this important event in that fight.

FEATURED SPEAKERS:

MARTIN GARBUS, prominent trial lawyer and head of Leonard's legal team. Mr. Garbus represented Peter Matthiessen and Viking Press in the successful battle to publish *In the Spirit of Crazy Horse*. He was also an attorney for Gerardo Hernández, one of the now free Cuban Five.

CYNTHIA K. DUNNE, a former Federal Prosecutor who advocates for Leonard's freedom. Now a director of Lakota Children's Enrichment, a nonprofit corporation at Pine Ridge Reservation, Ms. Dunne has stated "It is now time for President Obama to grant Clemency to Leonard Peltier."

FEATURED PERFORMERS:

FRANK MENUSAN (Muskogee) Native Flute
LAURA ORTMAN (White Mountain Apache) Instrumentalist
RED STORM DRUM AND DANCE TROUPE

There will be a statement from Leonard himself, as well as updates and announcements about: Mumia Abu-Jamal, The Move 9, Oscar Lopez Rivera and Palestinian Political Prisoners, among others.

Light refreshments will be served.

Sponsors: NYC Free Peltier, NYC Jericho, ProLibertad
For more information: NYC Free Peltier - nycfreepeltier@gmail.com 646.429.2059

12 Feb – Solidarity For MOVE 9 Parole

WHAT: Solidarity Event

WHEN: 6:30pm, Friday, February 12

WHERE: Malcolm X & Betty Shabazz Center – 3940 Broadway New York, New York

COST: Free, but donations greatly appreciated

MORE:

NYC ABC is an endorser of this event and will be on hand with a table full of books, t-shirts, and free literature.

Join the MOVE organization along with our friends and supporters in the New York City area for an evening of solidarity for parole for MOVE political prisoners.

The main focus will be the upcoming May 2016 parole hearings for Janet, Janine, and Debbie Africa.

We have a great line up, including:

Ramona Africa

Pam Africa

Mumia Abu Jamal

Amina Baraka

Caleb Maupin

Suzanne Ross

James McIntosh

Harabic Tubman

Imam Al Talib Abdur Rashid

All will be part of a panel discussion. We will also have updates on the parole campaigns for political prisoners Jalil Muntaqim, Herman Bell, Robert Seth Hayes, Abdullah Majid, and others.

There will be performances throughout the night, featuring:

RAW

LC The Poet

The New York City Premier of "Life"

as well as surprise performances

For more information, visit onamove.com or move9parole.blogspot.com