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Updates for June 7th

20 May - In Appeal, US Military Whistleblower Chelsea Manning Challenges Constitutionality Of Espionage Act

United States military whistleblower Chelsea Manning has filed an appeal and argues a military judge's decision to convict her of seven Espionage Act offenses violated her due process and First Amendment rights.

MORE:

by Kevin Gosztola (*Shadowproof*)

Nearly three years ago, Manning was convicted of offenses, which stemmed from her decision to provide WikiLeaks with over a half million U.S. government documents and a video of an Apache helicopter attack in Baghdad now known as the “Collateral Murder” video. She exposed war crimes, diplomatic misconduct, and other instances of wrongdoing and questionable acts by U.S. officials.

The appeal submitted to the Army Court of Criminal Appeals (ACCA) challenges numerous aspects of her conviction, sentence, and the entire court martial itself. One of the most significant parts of the appeal is the challenge against the Espionage Act.

The Espionage Act is “unconstitutionally vague and overbroad,” the appeal argues. More specifically, it suggests how Judge Denise Lind defined the elements of the Espionage Act offenses did not fix the law’s “defects.” The law did not give Manning “fair warning of what is or is not unlawful.”

How Lind chose to interpret the offenses did not change how the law infringes on a “broad swath of protected speech—speech that goes to the very core of our democratic system.”

“The government will argue the Act concerns national security, an important issue to be sure,” the appeal states. “But the military’s national security interests should not trump two of our Constitution’s most cherished rights, the right to due process and the right of free speech.”

The appeal notes Lind relied on three cases: the case of Samuel T. Morison, a Navy civilian analyst who leaked photographs of Soviet ships to alert America to what he perceived as a new threat, the case of Lawrence Franklin, a Defense Department employee who leaked information on Iran to the American Israel Public Affairs Committee (AIPAC), and the case of Stephen Kim, a State Department employee who communicated with a reporter about North Korean plans for missile tests.

“No military court has ever decided this issue so these cases are at best only persuasive,” the appeal states.

It asserts the Espionage Act is “abstract and written in a manner that gives no assurance that it relates to ‘real world’ conduct, and for that reason, it violates due process.

What it meant to cause “injury” to the United States” or “advantage” a foreign nation is “even less clear.” Lind merely decided “injury must not be remote, hypothetical, speculative, far-fetched, or fanciful,” which the appeal insists did not even begin to explain what constituted an injury.

In the case against Morison, the judge “confined” national defense to matters, which were directly or reasonably “connected with the defense of the United States.” The appeal maintains that Lind defined the term much more broadly. Anything that had to do with the “military” or “activities of national preparedness” constituted “national defense.”

“Morison did not go this far. When a court interprets a statute so broadly as to bring virtually any speech within its sweep, then as a matter of law it is unconstitutional,” the appeal contends.

“We have no way of knowing whether the military judge would have found Pfc. Manning guilty of all the Espionage Act specifications had she correctly applied a more limiting standard.”

It requests the military affirm “lesser-included offenses,” which Manning already pled guilty to committing during her trial.

The Espionage Act is a law from 1917 that was intended to criminalize individuals who engaged in spying, not leakers or whistleblowers. It was not initially used to prosecute government employees who passed on information to a reporter or a media organization.

However, under President Barack Obama, the Justice Department has exercised wide discretion and interpreted the law as one that can be used to criminalize government employees who blow the whistle on corruption or share information on operations, policies, or programs with the press. The administration has used the law to prosecute whistleblowers or leakers, as if they are “insiders,” “informers,” or “spies.”

Those prosecuted—in addition to Manning—include Kim, Jeffrey Sterling, a CIA whistleblower, John Kiriakou, a CIA whistleblower, Thomas Drake, an NSA whistleblower, Shamai Leibowitz, an FBI linguist, Donald Sachtleben, an FBI agent, and James Hitselberger, a Navy linguist. NSA whistleblower Edward Snowden, who is living in exile in Moscow, was also charged with violating the Espionage Act.

As the American Civil Liberties Union argues in its amicus brief [pdf] filed in support of the appeal, “The Espionage Act is unconstitutionally vague because it provides the government a tool that the First Amendment forbids: a criminal statute that allows the government to subject speakers and messages it dislikes to discriminatory prosecution.”

“The military judge’s application of the Act to Pfc. Manning violated the First Amendment because the military judge did not permit Pfc. Manning to assert any defense that would allow the court to evaluate the value to public discourse of any of the information she disclosed,” the ACLU asserts. “The military judge, therefore, failed to weigh the public interest in the disclosures against the government interest in preventing them, as required by the First Amendment.”

The ACLU also maintains “no person in the history of this nation had been sentenced to decades in prison for the crime of disclosing truthful information to the public and press.”

It took nearly three years for Manning’s attorneys, Nancy Hollander and Vincent Ward, to compile her appeal.

Back in April 2014, when Hollander first began to put together an appeal, she said at an event at Georgetown Law Center, “It is frightening that the Espionage Act has essentially become a strict liability crime, that intent required is the intent to disclose and we simply cannot let that continue.”

Hollander added, “The lack of criminal intent is frankly horrifying to me as a lawyer, that Chelsea was convicted and is going to spend 35 years in jail without any burden on the government whatsoever to prove that she intended or had reason to believe that this disclosure would harm the United States or advantage a foreign government.”

May 27th - Six Years Today Since Chelsea’s Confinement

Today marks six years since whistleblower Chelsea Manning was put in military custody on May 27th, 2010. Still in the midst of her unjust, unprecedented 35 year sentence in military prison in Fort

Leavenworth, KS, Chelsea reflects on what these 6 years have taught her, and what's next for her now that her legal appeal is finally underway.

Six Years So Far

What I Have Learned Being in Prison These Last Six Years

“Photo of me being a stereotypical 20 something, on the coolest rooftop in Cambridge, Massachusetts, September 2009”- Chelsea Manning

Sometimes it is difficult to make sense of all the monumental events that have occurred in my life over the past six years.

I have faced many struggles: my pre-trial time in solitary confinement, the charges against me under the Computer Fraud and Abuse Act and the unconstitutionally vague Espionage Act, the lack of proof by the government that the disclosures actually harmed the United States' national security or diplomatic interests in any significant way, and my eventual conviction and sentencing to an unprecedented 35 years in prison.

And through it all, one thing has remained clear: It is important to read everything. To absorb everything. Act as your own filter for information. Search for your own answers to questions. If we rely on others to digest information for us, than we can't say that we truly understand why we have done what we've done and where we will be going. We cannot, and will not, understand the world looking at information filtered through one lens.

This appeal is about more than just me personally. It's about the chilling precedent set for future truth-tellers, journalists, and whistleblowers. It's about free speech and a free press. It's about your right to know the truth — to have access to enough information to allow us as a society to make informed decisions.

Because of the incredible support that I receive from my friends, my family, and countless people from all over the world, I manage to not only survive, but to grow, learn, mature, and thrive as a better, more confident person. Because of your support, esteemed lawyers Nancy Hollander, Vincent Ward and my detailed counsel, Capt. Dave Hammond, were able to take the time to compose and file a thorough, compelling brief. Because of your voice, we also received the support of well-known civil liberties groups.

Thank you to all of the amazing people and groups who have supported me in the past, and who are continuing to support me today, as we now prepare for the next vital stage in our legal fight: The reply brief and oral arguments to be presented in my appeal.

You can work towards improving my situation, by donating to my defense fund, writing me a letter , and following my accounts on Twitter and Medium.

Twitter and social media have been ablaze today in honor of Chelsea. Sean Ono Lennon, Susan Sarandon, Molly Crabapple, Saul Williams, Pamela Anderson, Glenn Greenwald, Jeremy Scahill, Amnesty International, Jesselyn Radack, the American Civil Liberties Union and Margaret Cho have all tweeted messages of support.

May 31st - Chelsea Manning Received Same Sentence As Soldier Who Tried To Sell Information

by Kevin Gosztola (*Shadowproof*)

Attorneys for United States military whistleblower Chelsea Manning argue her sentence was “far and away the most severe sentence ever adjudged” in the appeal filed at the Army Court of Criminal Appeals (ACCA). It challenges the Army for sentencing Manning to around the same amount of time as a soldier who sold classified information to someone he believed was a spy.

Manning was convicted of offenses nearly three years ago. The charges stemmed from her decision to provide WikiLeaks with over a half million U.S. government documents and a video of an Apache helicopter attack in Baghdad, widely known as the “Collateral Murder” video. She exposed war crimes, diplomatic misconduct, and other instances of wrongdoing and questionable acts by U.S. officials. She is serving her sentence at Fort Leavenworth.

Bryan Martin, a Navy intelligence specialist, pled guilty in 2011 to 11 charges, which stemmed from selling classified information to an undercover FBI agent. He paid for information four times at motels nearby Fort Bragg in North Carolina. He thought the FBI agent was a Chinese spy.

“By all measures, Pfc. Manning received the same sentence as a service member who wished to sell classified information for money,” her appeal declares [PDF].

Another case, which is much more well-known, involves General David Petraeus. He pled guilty to disclosing “highly classified information to his former mistress and biographer. He apparently disclosed the materials for sex.” Yet, for his crime, he pled guilty to one misdemeanor and was only sentenced to two years of probation.

The information, which Petraeus improperly possessed, included “Black Books” containing the identities of covert officers, war strategy, intelligence capabilities, and notes from his discussions with President Barack Obama. He also lied to FBI special agents about leaking to his biographer. But his defense was able to convince prosecutors to back off and avoid charging Petraeus with a felony that would make it impossible for him to work as an adviser on matters of war in Washington again.

According to the appeal, “The trial counsel in Pfc. Manning’s case claimed her crime was worse than any soldier in history. He obviously did not have the benefit of knowing about General Petraeus’s misdeeds when he made the statement.”

Manning’s attorneys distinguish Martin and Petraeus’s from three whistleblower prosecutions pursued in federal court.

The appeal highlights Thomas Drake, an analyst for the National Security Agency, who blew the whistle on fraud, waste, and abuse involving a program called Trailblazer. He was accused of retaining classified information in violation of the Espionage Act. The Justice Department zealously pursued him, but ultimately, the case collapsed. Drake pled guilty to a misdemeanor and was sentenced to a year of probation—all because he spoke to a Baltimore Sun reporter about corruption at the NSA.

(*Note: A top official from the Defense Department inspector general’s office, John Crane, came forward to publicly affirm Drake’s claims that the IG office, which is supposed to back up whistleblower claims, sold him out to the Justice Department and revealed his identity to prosecutors, who used information provided to the office to criminalize him.)

CIA whistleblower Jeffrey Sterling is in federal prison in Littleton, Colorado, serving a sentence of three and a half years. A jury found him guilty of providing information on a botched operation in Iran to New York Times reporter James Risen, even though there was only a scant amount of circumstantial evidence to prove he leaked details to Risen. Federal sentencing guidelines advised prosecutors to sentence Sterling to more than twenty years in prison.

Stephen Jin-Woo Kim, who was a State Department employee who provided classified information to Fox News reporter James Rosen about the nuclear capabilities of North Korea, was sentenced to thirteen months in federal prison.

As the appeal states, “In the pantheon of cases involving disclosures motivated by whistleblowing, Pfc. Manning’s is far and away the most severe sentence ever adjudged. In the last five years alone, federal prosecutors have prosecuted more whistleblowers than at any time.”

The nearly 200-page appeal was submitted to ACCA on May 18. Manning’s attorneys, Nancy Hollander, Vincent Ward, and Captain Dave Hammond, her detailed counsel, spent years meticulously and methodically going through the vast array of records from her court martial to put together what they

believed would be a robust appeal. Manning also took the time to raise over a hundred thousand dollars in funds for what is expected to be a costly challenge.

Shadowproof previously covered the significance of the appeal, such as how it alleges the Espionage Act was unconstitutionally applied to Manning and how Manning's sentence became one of the "most unjust" sentences in military justice history.

Manning completed her sixth year in military custody on May 28.

"I have faced many struggles: my pre-trial time in solitary confinement, the charges against me under the Computer Fraud and Abuse Act, and the unconstitutionally vague Espionage Act, the lack of proof by the government that the disclosures actually harmed the United States' national security or diplomatic interests in any significant way, and my eventual conviction and sentencing to an unprecedented 35 years in prison," Manning wrote on her blog at Medium.

She said one thing she had learned is to act as her own "filter for information" instead of relying on others to "digest information" for her.

"This appeal is about more than just me personally. It's about the chilling precedent set for future truth-tellers, journalists, and whistleblowers. It's about free speech and a free press. It's about your right to know the truth—to have access to enough information to allow us as a society to make informed decisions," Manning added.

Her attorneys requested the appeals court reduce her sentence to ten years.

23 May - Prisoners' Voices Blocked and Censorship in U.S. Prisons

The following was written by United Freedom Front prisoner Jaan Laaman.

MORE:

The United States is often called the country of prisons because we are five percent of the world's population, but the U.S. holds 25 percent of all the prisoners in the world. Recently we have heard talk from the White House and Congress about the need to reduce this huge prison population, which is costing the taxpayers billions.

Occasionally you might hear a prisoner's voice on some media platform, usually a Human Rights or community outlet. These present words are written by Jaan Laaman. I am a long held political prisoner presently locked up in the U.S. Penitentiary in Tucson, Arizona. Let me be very clear, prisoners have a hard time getting our words and thoughts out from behind America's many, many prison walls. While prisoners do have a legal right to express their thoughts and report on issues and abuses, actually getting your words out is often very hard or impossible.

All incoming and outgoing prisoner communication, postal mail, phone calls and some restricted email services that some prison systems allow, are all opened and monitored. This is authorized by regulations and law. Further censorship and outright blocking of communications and publications, also routinely occurs in prisons throughout this country.

Letters, magazines and books critical of government policies and wars are often not delivered, even if official policy states that prisoners are allowed these materials. Sometimes a prisoner has all his or her phone or email communications arbitrarily shut off for months. While an official appeal channel is usually available, these are biased at best and could easily be labelled a kangaroo court process. Communications would be shut down for months, even if the prisoner ultimately wins appeal and has his or her communications restored.

Censoring, restricting and flat out blocking communications, especially of political prisoners, is a harsh and dangerous reality going on now, in prisons all across this country. My own voice, which has previously been heard on radio and in print over many years, has been almost totally cut off since February. No official explanation has been given, other than, that prison authorities do not like my commentaries and essays. Freedom of speech---Freedom of expression, for America's prisoners is a constant struggle!

These words are from Jaan Laaman and I hope I can, once again, speak more directly to you in the future.

25 May - Bureau of Prisons releases 177 pages on Barrett Brown under FOIA

Roger Hodge, Barrett Brown's editor at The Intercept, filed a Freedom of Information Act (FOIA) request with the Bureau of Prisons (BOP) for documents concerning Brown, who is federal prisoner #45047-177.

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After a long wait he received back 177 pages, 58 of which were redacted. The files contain news stories about Brown, as well as documents related to intake, administrative, and disciplinary matters.

After having examined the files, Brown himself notes:

The inmate report signed by Vanderlinden and Guterrez on August 30 2015 say I'm wonderful and play well with others and have good sanitation and am participating in GED (I had to sign up because in alternative federal universe I am not a high school graduate), and then another letter to the regional office written 12 days later and signed by same two people and written for purpose of getting me transferred out of there before I can finish digging into financial wrongdoing by employees claims I have "poor living skills" and poor "program participation." That's pretty solid in terms of showing how things worked at Fort Worth. The other thing is that, in DHO report on my hooch thing, one of the documents is entirely redacted. That would almost certainly be report from another inmate whom they had watching me and who informed a certain high-ranking staff member that I had the hooch – which would of course show that the cop who wrote up the "PRISON MADE INTOXICANT" report lied when he said it was a "random breathalyzer test," something that was already obvious since I passed it but nonetheless had my locker searched, and since the report didn't explain why the cop suddenly "decided" to search my locker, and as an SIS agent later came by and bragged about how they'd been told about it, which of course I noted in an Intercept column shortly afterwards. None of this is going to shock anyone, I suppose, but people might find it interesting to look at BOP documents.

In terms of getting a judge to make them reveal others, might be worth pointing out that if it's supposedly so important that they keep first names of BOP staff blocked out due to "reasonable belief" that they might otherwise be put in danger, then it would seem that one might reasonably believe that their negligence has endangered the half a dozen guards whose full names are left in on the bottom half of one of the last documents, the SHU staff sign sheet, among other slip-ups.

Other agencies, such as the Federal Bureau of Investigation, have previously stonewalled FOIA requesters on documents relating to Brown. Requests filed by Kevin Gallagher via MuckRock, once in 2013 and again in 2015, were rejected as exempt from disclosure due to "pending law enforcement proceedings".

All pages released by the Bureau of Prisons may be downloaded at <https://www.documentcloud.org/documents/2843081-BarrettBrown-BOP-FOIA.html> in PDF format.

25 May - NATO Protester Denied Medical Care In Prison After Officer Broke His Nose

The last incarcerated member of the "NATO 3" says the Pontiac Correctional Center, where he is being held, refuses to give him treatment for a broken nose and will not provide him access to medication for his Huntington's Disease or Hepatitis C.

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 Jared 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. However, they were each 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 accepted a plea deal in relation to charges stemming from this incident on April 11 and was sentenced to another year in prison.

The “Free the Nato 3” support organization published letters from Chase on their website. One of the letters from Chase recounts how he was assaulted by an officer at the Pontiac facility in Illinois.

The incident occurred on December 3, 2015, in the morning. Chase says he was called for a “healthcare pass.” An officer demanded he put his cell in “compliance” or he would not be allowed to get his pass. Chase argued with the officer until another officer in the facility was called to his cell. Chase argued with that officer.

Chase spit out in front of his cell. According to Chase, the officer said “nice try.” Two officers came later to have him cuffed and taken downstairs. The facility moved him to another cell. When he was moving, one of the two officers followed him into his cell as Chase knelt down to take his shackles off.

As Chase recounts in his letter:

...X tackled me from behind into the ground face first. He repeatedly smashed my face into the concrete so hard and so many times he broke my nose, smashed my front teeth through my lip, splitting my lips. I had two black eyes, my face was completely swollen, my cheek bone was broken and there was blood coming from my mouth, nose and ear. My nose did not heal, my cheek is still broken and my teeth are now loose and crooked.

The facility has apparently refused to give Chase medical attention for four months. He has been unable to see a nurse, doctor, or a psychiatric worker, who could further evaluate him.

“I am denied my basic right to health care,” Chase asserts. “I also have Hepatitis C and Huntington’s Disease and am receiving no medical care or attention at all.”

This letter is dated April 2016. In another letter dated May 12, 2016, Chase quickly updates a “pen pal.”

“I am still not receiving any medical treatment,” Chase shares. “It’s been six months since my nose was broken. I am still being denied treatment. Now I have a sinus infection, my nose is infected, and I am getting terrible aches and migraines.”

The Illinois Department of Corrections (IDOC) has taken away “good time,” which Chase has served. His release date has been pushed to November 6, 2017.

Back in April, after Chase’s sentence, Betterly told Shadowproof every time he sees Chase he feels like he is watching him die a little more right before his eyes.

Betterly said Chase looked horrible. He was in a brown jumpsuit, which indicated the prison was keeping him in solitary confinement. He could barely speak, and when he did, it was like he was “trying to speak through a wired jaw.” He twitches and is “struggling physically.”

“It’s obviously no secret the severe deficiencies that IDOC has in medical care for its inmates,” Betterly added. “They certainly don’t have the resources nor the inclination to treat a disease like Huntington’s, and it’s pretty evident just by looking at him just how much more rapidly he is deteriorating.”

Plus, Betterly addressed the context in which all this abuse and mistreatment of Chase has happened and how the state still wants citizens to believe they were “terrorists.”

“This is a vindictive prosecution,” Betterly declared. “They set up this grand scenario of how they have captured these real live terrorists in Chicago. They boasted and asserted lies for two year and then a jury cleared us of those charges—especially in this day and age, this is such a fear-mongering word, terrorism—a jury cleared us.”

“And then, after they cleared us, they still had the audacity to go up during sentencing and ask for near the max,” for a sentence. The state did not get that, so at this point, what the state is doing to Chase is “justification for the waste of resources, for the lies, for the two years of prosecution.”

In fact, during the hearing where Chase pled guilty, the courthouse cleared the room of supporters and reporters, and forced everyone to go through an additional security check. It effectively meant Chase had no one in the room showing solidarity with him when the state hit him with another year of time in prison.

There are previous letters in which Chase has extensively described brutal abuse from guards in prison, as well as incidents where he acted out. Individuals suffering from Huntington’s disease often engage in this kind of behavior, according to medical experts.

Chase’s supporters argue his loss of good time is “based on incident reports or ‘tickets’ Jay received while vigorously and persistently demanding treatment for the terminal illness [Huntington’s] and Hepatitis C.”

“It is a cruel irony that the Illinois Department of Corrections not only medically neglects its own prisoners but then punishes anyone for speaking out and demanding treatment. This is about neglect and indifference that is bigger than Jay’s specific case—a point he makes clearly in letters sent out from solitary, which brings us to the reason for this dispatch.”

His supporters put out a call to anyone sympathetic to contact the acting warden of the Pontiac facility and demand Chase be given access to proper medical care.

25 May - Kevin Olliff is out of prison!

On May 25, Kevin Olliff was released from MCC Chicago and is now in a halfway house in California. Kevin has been looking forward to this moment for almost three years, and he is excited to be starting his next step towards being done with his sentence.

MORE:

Although Kevin is moving closer to home, we must remember that this is not the end to his need for community support. The impacts of prison unfortunately last far after when people step beyond their walls, and lasting support for former prisoners must be integral to our movement. We must take care of each other always.

And we must celebrate when our friends get out of prison! So, celebrate and continue to show Kevin the amazing support he’s received the last few years. He is forever grateful for all the support, and he looks forward to being home.

You can now write to him at the halfway house at:

Kevin Johnson

**c/o Beit T'Shuvah
8831 Venice Boulevard
Los Angeles, California 90034**

You can also donate to support Kevin and Tyler as they continue to move forward with completing time in halfway houses and then adjusting to life back home.

28 May - Please Help Fundraising Effort for Jericho Movement Annual Retreat

We need your help to fund Jericho's annual retreat. Donations can be made online right now on their Gofundme campaign <<https://www.gofundme.com/25fdx68g>>.

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National Jericho chapters and affiliates meet once a year for strategic planning. This year will take place in Richmond, Virginia on July 23rd & 24th, 2016. As our members are scattered throughout the states, we are seeking to raise funds to help cover food, lodging and airfare. Any amount you may be able to contribute, is greatly appreciated. Jericho is a grassroots organization with no paid organizers.

Our core initiatives, which will be advanced at the Retreat, are:

- Establishing a Truth & Reconciliation Committee through Congress to review the political climate of the 60s and 70s, and to call for the release of those incarcerated as a result of their beliefs and actions during that time;
- Collaborations with other organizations that address the issues of human rights, political incarcerations, aging people in prison, medical neglect, parole reform, restoring the rights of those released from prison, and mass incarceration;
- New leadership & youth involvement;
- Outreach & education;
- Lobbying strategies;
- Providing medical oversight and support for political prisoners;
- Coordinating legal oversight and support for political prisoners before the parole board and on their post litigation;
- Strategic use of social media; and
- Fund Raising

We look forward to an engaging retreat with progressive planning and discussions to push forth new ideas, strategies and successes. Any amount you may be able to contribute, is greatly appreciated. Your support and solidarity for our work is vital towards the recognition and freedom of our beloved freedom fighters/political prisoners.

Check us out at www.thejerichovement.com. We thank you in advance and anticipate continued progress in 2016!

28 May - Cove Point Defender Convicted of Making False Statement to Police

A jury found an activist who has opposed the Dominion Cove Point project guilty of making a false statement to police. Judge Marjorie Clagett of Calvert County Circuit Court sentenced Heather Doyle to three months in jail (all but 15 days suspended), 240 hours of community service, two years of supervised probation and \$165 in court costs.

MORE:

by Anne Meador (DC Media Group)

Doyle pulled off a climbing feat on a crane with fellow activist Carling Sothoron in February 2015 to draw attention to the detrimental effects of Dominion Cove Point's gas export terminal in Lusby, Maryland. Following her conviction for trespassing on Dominion's construction site, she filed a complaint alleging assault and unsafe conduct by some of the officers on the scene. After an internal investigation found no

wrongdoing, the County pursued a charge against Doyle and Sothoron for making a false statement. Sothoron's case was placed on an inactive docket last November.

Why the County would take the unusual step of turning a complaint made by someone alleging to be the victim of police brutality into a nearly yearlong, extensive and vigorous prosecution of the complainant has been somewhat of a mystery. During sentencing today, State's attorney Michael Gerst offered one explanation. He said that a false accusation of police brutality and incompetence is not only a crime, it has the effect of causing distrust of the police department.

But Richelle Brown of SEED Coalition, the grassroots fossil fuel resistance organization Doyle works with, called Calvert County's choice to prosecute Doyle "vindictive." They intended to intimidate opponents of Dominion Cove Point, she said, and "anyone who might even think about trying to hold the police accountable for abuses of power."

Moreover, she believes the County has an interest in quelling opposition to Dominion Cove Point because of its financial dependence on it, and serious charges against an activist put a damper on the opposition movement. "Ensuring that Heather got the help she needed to fight this charge has been a six-month, all-out effort by SEED and its allies," Brown said, while on the other hand, the prosecution drew on taxpayer funds.

Nevertheless, Brown says SEED activists will "continue to fight on behalf of affected communities to oppose Dominion Cove Point."

Doyle thanked her supporters in her sentencing statement, saying that she was "so ready to move on in my life from this situation." She has been admitted to start a graduate program in modern dance at the University of New Mexico in the fall. However, she remains "very concerned for people in the community who experience numerous incidents of harassment and intimidation [by police] as they go about their daily lives."

In statements supporting Doyle's actions and credibility, some community members communicated similar concerns to Judge Clagett. Leslie Garcia of Lusby said that because Dominion pays Calvert County Sheriff's deputies to provide security for them, she and her neighbors have experienced a "corporate takeover of a small rural town."

"My peaceful bayside community is disappearing: our lovely stretches of beach are monitored and walkers confronted, police SUVs zoom up and down our single paved road in frenzied searches," she said.

She regrets that she will no longer be able to grow tomatoes in her garden because of ground-level ozone, she told DC Media Group. But what she really dreads is being forced to breathe air containing some of the 21.5 tons of carcinogenic pollutants which will be emitted from the liquefaction train and the onsite power plant at Dominion Cove Point once it is fully operational.

"We object to the unexamined health and safety risks the LNG refinery and export plant exposes us all to," Garcia explained to Judge Clagett. "The lines have been blurred, police protection has been bought for a million dollars."

After sentencing, Doyle was taken into custody to serve 15 days in the Calvert County Detention Facility.

29 May - Letter from Oscar López Rivera to his daughter Clarisa On beginning his 35th year in US prisons

For the international Day of Solidarity with Oscar López Rivera, June 20, 2016, projected to take place in 35 countries around the world.

MORE:

What is freedom? Freedom, especially when politicians talk about it, is often stripped of its essence and meaning and is left as inane as the minds and hearts of those individuals who have the power to define it for their convenience. But for me freedom is the most important goal to be achieved by human beings who are victims of colonialism, neocolonialism and slavery because they have never had the opportunity to enjoy freedom and to exercise their inalienable and most fundamental right of self determination.

During the 73 years i've lived in this world i've been a subject of u.s. colonialism. The u.s. government has kept Puerto Rico under its colonial yoke and chains since it decided to invade and occupy PR militarily in 1898. From that moment on it has used every means at its disposal to make sure that Puerto Rico will not be an independent and sovereign nation. Any Puerto Rican who has dared to struggle to eradicate colonialism and to make Puerto Rico an independent and sovereign nation has been considered a mortal enemy of the u.s. government and treated as such. It has persecuted, criminalized, imprisoned, exiled and even assassinated them without any qualms or respect for their rights, their dignity and life. To see how true this is, every Puerto Rican and every freedom and justice loving person should read the history of the courageous women and men who have come under the attacks of the u.s. government, especially of the ones who spent years in prison and lived to talk and write about their experiences.

i have never experienced freedom. But i yearn and hope for it. The yearning and hoping have been part of the energizing force that has kept me going and continuing to struggle and resist. i have been able to follow some of the struggles of colonized people, resisting and gaining independence for their country. i have images of some of them celebrating their victories. Two images that are most vivid in my mind are of Patrice Lumumba—one when he was struggling and delivering a speech as President of the Congo, and the other of his brutal and barbaric assassination. In his speech he criticized the Belgian King Baudouin and his people for the brutal and criminal practice of their colonialism of the Congo. The King in 1961 couldn't take the criticism of an African man who dared to tell the truth, and with the aid of the u.s. government ordered the assassination of Pres. Patrice Lumumba. That horrific image of his assassination, all tied up and with the papers of his speech stuffed in his mouth, has always reminded me of how barbaric and criminal colonizers are.

Of course i would love to experience freedom. But if i don't, i hope that someday you, Karina and your generations will get to enjoy freedom and to exercise to the fullest the inalienable right of self-determination. Hopefully your generations will transform Puerto Rico into the nation it has the potential of being an edenic garden in the Caribbean for the enjoyment of Puerto Ricans and of all humanity.

With much love, my little world, and in RESISTENCIA Y LUCHA

June 12th - Join the Oscar Lopez Contingent for the PR Day Parade

WHAT: Sunset Park (Brooklyn) Puerto Rican Day Parade

WHEN: 4:30pm, Sunday, June 12

WHERE: 59th Street and 5th Avenue

Bring your flags, panderetas, placards, signs, banners, and whistles! Let's bring the spirit of Oscar López Rivera to this parade!

30 May - Native American activist jailed 40 years fights for clemency

The same high-security prison holds two men with vastly different lives, both shaped irrevocably by the same federal agency: The FBI.

MORE:

by Ginger Adams Otis (*NY Daily News*)

One of them terrorized the Northeast for nearly 30 years, an Irish-American mobster named Whitey Bulger who ruled Boston with unparalleled brutality and oversaw a sprawling organized crime enterprise.

He also, according to the Federal Bureau of Investigation, acted as an FBI informant for decades — even as he executed competitors and murdered innocents.

When the FBI finally decided to move on Bulger in 1995, one of its own agents tipped him off — allowing the notorious crime lord to disappear for 16 years.

Nabbed at a California beach bungalow in 2011, convicted two years later of 31 crimes — including 11 murders — Bulger, 86, now inhabits Coleman 2, a hulking yellow cinderblock federal penitentiary.

Next door, in Coleman 1, sits Leonard Peltier, another inmate whose life was upended by the FBI.

For Peltier, it took only a single run-in with law enforcement to determine his destiny.

While Bulger ruled the Boston underworld and lived on the lam, the 71-year-old Native American activist in the adjoining lock up has called a prison cell home for four decades.

Peltier insists he didn't fire the fatal shots that put him behind bars — the shots that felled FBI agents Jack Coler and Ronald Williams during a June 26, 1975 shootout on the Pine Ridge Indian Reservation in South Dakota.

"I was at Pine Ridge that day. I did exchange fire with the authorities who were shooting at us — but I didn't kill those agents," Peltier told the Daily News during a visit last week to his high-security facility.

"Of course I feel remorse," he added. "Nobody should have died that day, the whole thing should never have happened. It was a terrible tragedy."

His refusal to admit guilt has a price. His prior parole requests were denied for that reason.

"I've given the same answer for 40 years. I didn't do it and I won't say that I did. I won't betray my people like that, I won't betray my culture," said the activist.

Now a 71-year-old grandfather, Peltier is next up for parole in 2024, when he will be 79. He suffers from diabetes, prostate problems, and complications with his jaw from childhood tetanus and botched prison surgeries.

But the most worrisome ailment is a new one — an abdominal aortic aneurysm.

"It's currently 5 centimeters by 4.5 centimeters," he said of the potentially deadly bubble on his aorta. "They told me it must be 5 by 5 before they can operate."

Convicted of killing Coler and Williams in April 1977, Peltier long ago gave up on getting a new trial — despite the prosecutorial missteps, some acknowledged by judges, that his defense teams have presented at numerous appeals.

"I am prepared to die here. I would prefer it be back at my home, but I'm realistic about my chances," he said.

"I have my funeral all planned, I want a full ceremonial burial, with drumming, everything. Traditionally, it should be about three days," said Peltier.

An Indian of Anishinabe, Dakota, and Lakota heritage, Peltier grew up among the Turtle Mountain Chippewa and Fort Totten Sioux Nations of North Dakota.

He wants to be buried next to his father's grave on the ancestral land that he roamed as a boy, fishing its many lakes for perch and trout to sell in the winter, four for \$1.

Peltier holds out some hope that he may get clemency — "I'll do it with house arrest, whatever they want," he says. But bids for mercy haven't worked for him in the past.

He got close in 2001, when outgoing President Bill Clinton was on the verge, Peltier's lawyers thought, of issuing him a pardon.

But the FBI held a protest demonstration in downtown D.C. Some 500 agents and retired G-men took to the streets to show their outrage at the possibility of clemency for a man convicted of gunning down two of their own.

On his last day in office, Clinton chose to pardon a man who was among the FBI's Ten Most Wanted — fugitive financier Marc Rich. He was living in exile in Switzerland to avoid prison for his slimy financial dealings with a host of American enemies, including Ayatollah Khomeini's Iran, the apartheid regime in South Africa, Khadafy's Libya, and many, many more.

In 2009, President George Bush denied Peltier clemency.

Despite those setbacks, the gray-haired and bespectacled prisoner remains a cause célèbre.

While Bulger received the Hollywood treatment, portrayed by Johnny Depp in last year's "Black Mass," Peltier has had the backing of Marlon Brando and Robert Redford, Archbishop Emeritus Desmond Tutu and numerous members of Congress. Even Soviet leader Mikhail Gorbachev - at the height of the Cold War - denounced his incarceration as an abuse of power by a vengeful FBI.

But the attention hasn't done anything to free Peltier - and, in certain circles, he believes, may even have hurt him.

"It makes it easy for some people to dismiss what happened to me, that I got railroaded into prison," he said. "They look at all the attention and say, 'There go those liberals, trying to get someone off again.'"

Now his supporters are trying once more — this time with President Obama.

A petition for clemency was sent to the White House in late March. Letters asking for support are making the rounds in Congress.

The FBI and the Department of Justice declined to comment to The News on Peltier and his quest for release.

But the FBI still has Coler and Williams on its "Hall of Honor" page. They're listed as having died while "attempting to serve arrest warrants for robbery and assault with a dangerous weapon on the Oglala Sioux Indian Reservation," aka Pine Ridge.

Missing from the official version, however, is an acknowledgment of the questionable tactics used by the FBI on Indian reservations before and after the fateful shooting — and agency's determined crackdown against various protest groups it viewed as a sinister threat to American democracy.

Only later would the FBI admit to illegally surveilling and infiltrating some of those groups — such as Weather Underground, Black Panthers, the Black Liberation Army and others — through its controversial counter-intelligence program, known as COINTELPRO.

Peltier, like many Indian activists, was already on the FBI's radar long before June 26, 1975, in part because of his involvement with the American Indian Movement, or AIM.

Started in Minneapolis in 1968, AIM was a militant organization like many in the 1970s. Its members occupied Alcatraz Island in 1969 and later marched to D.C. to take over the U.S. government's Bureau of Indian Affairs building — where it went public with shocking documentation of forced sterilization of young Indian women and the relocation of Indian children in English-only boarding schools for assimilation.

AIM pushed for a renewal of traditional Indian culture, autonomy of its tribal areas and the reclaiming of lands it felt had been illegally seized.

That set it up for a series of ongoing clashes with BIA-employed agents that policed native lands — often with unwanted and unwarranted force.

The FBI and other law enforcement agents had already displayed their willingness to shoot first and ask questions later during the 1973 shoot-out at Wounded Knee on the Pine Ridge reservation. The siege lasted 71 days and left two Indians dead and a federal marshal seriously wounded.

When Coler and Williams entered the Pine Ridge land two years later, tensions were at an all-time high. Since 1972, its residents had been caught in a bloody and protracted power struggle between BIA and AIM members.

According to internal FBI documents obtained years after Peltier's conviction — when his lawyers filed numerous Freedom of Information Act requests — the agency viewed AIM as armed and dangerous.

One memo dated April 24, 1975 was titled: "The use of Special Agents of the FBI in a paramilitary law enforcement operation in Indian Country."

It outlined the agency's plan to deploy FBI agents "in a paramilitary law enforcement situation" in the event of a major confrontation on Pine Ridge.

The FBI also thought there were armed bunkers on the Pine Ridge reservation around the buildings known as the Jumping Bull Ranch — where the shootout occurred.

In a June 1975 memo — three weeks before the deadly shootings — the FBI had written it would "literally require military assault forces" to overcome the "pockets of Indian population which consist almost exclusively of American Indian Movement members and their supporters on the Reservation."

But what the FBI thought were bunkers would later turn out to be collapsed root cellars.

As wrong as the FBI was on some things about Pine Ridge, it was correct in noting that the violence there was extreme.

It stemmed from a faction-driven fight around tribal leader Dick Wilson, president of the Oglala Lakota Sioux. Many residents complained that he gave the best BIA jobs to friends and family and terrorized his naysayers with his own private militia, Guardians of the Oglala Nation, also known as GOONS.

Between 1972 and 1975 there were dozens of suspicious deaths, assaults and late-night shootings. Pine Ridge was a war zone, with locals afraid to turn their lights on at night for fear bullets would spray their home.

AIM members were called in by residents who didn't support Wilson and were being bullied by his GOON squad, according to Oneida Nation member Dorothy Ninham, who was an early supporter of AIM.

But others felt AIM brought its own type of threats to the reservations.

"We were the resisters, that's what we called ourselves. There were resisters and there was BIA," said Peltier.

"We knew we were more than just feathers and buckskin, the way most people saw us. Indian culture has contributed great things to the world ... we wanted to be recognized," he added.

When Coler and Williams rolled onto the reservation just before noon June 26, 1975 it was already a powder keg ready to explode.

The official reason for their presence was to find a man named Jimmy Eagle. They claimed he had stolen some cowboy boots in an earlier drunken brawl.

But many AIM members and Pine Ridge survivors have always believed the FBI, BIA and other law enforcement were planning an all-out assault on the Jumping Bull Ranch — and Coler and Williams made their move too early.

The FBI has insisted that the agents were fired at first — but those claims were hard to substantiate without any firsthand eyewitnesses.

Nobody knows who pulled the trigger that launched the shootout. But the agents soon found themselves pinned in their cars by Indians firing from a distance. The agents returned fire while calling for back up. Both were seriously wounded.

Coler and Williams were eventually killed by someone who moved much closer and shot them at fairly close range.

A raging shoot-out followed between roughly 40 armed Indians — including Peltier — and a mix of federal and local law enforcement.

In the melee, a young Indian man named Joseph Stuntz — who was wearing a jacket taken from one of the dead FBI agents — was cut down by a sniper bullet between the eyes.

Stuntz' death was chalked up to a shot from a BIA officer's carbine, although there was also an FBI agent also at the scene with a scope rifle in a nearby tree. There was never a formal investigation into Stuntz' death.

"Did Stuntz life not matter? What about him?" Peltier said. "That's what we were always fighting to change — the idea that Indian lives weren't worth anything."

The FBI charged three men with killing the agents: Peltier, and Bob Robideau and Dino Butler. Prosecutors also flirted with the idea of charging Jimmy Eagle, but realized that wouldn't stick.

Peltier fled to Canada.

In his absence, Robideau and Butler were charged with aiding and abetting in the agents' deaths. They argued to their Cedar Rapids, Iowa jury that they were returning fire in self-defense — and they were acquitted.

The FBI stepped up its hunt for Peltier, and eventually he was extradited — illegally, as it would turn out — and brought back to stand trial alone.

By the summer of 1976, the FBI was lining up its legal strategy.

An internal FBI memo dated Aug. 10, 1976 — obtained much later by his defense — detailed a meeting with prosecutors where everyone agreed the "full prosecutive weight of the federal government could be directed against Leonard Peltier."

By the time Peltier got hauled into a courtroom in 1977, the FBI had solidified its approach. Peltier was charged as the shooter in the murders. His trial was moved to Fargo, North Dakota — far away from the Cedar Rapids jury pool that acquitted his co-defendants. The judge also barred presentation of the same self-defense arguments used by Robideau and Butler.

"The evidence...indicates that Leonard Peltier was not only the leader of this group, he started the fight, he started the shootings and that he executed these two human beings at point blank range," said prosecuting attorney Lynn Crooks during his closing arguments.

Peltier was found guilty by an all-white jury — and given two life sentences.

A year later, in Peltier's first appeal, 8th Circuit Court Judge Donald Ross found "clear abuse of the investigative process by the FBI," especially in the coercion of witnesses and manipulation of evidence.

The U.S. Attorney's Office was also chastised for withholding evidence. At a 1984 evidentiary hearing, the prosecutor had to concede that the FBI lab's ballistics link between Peltier and the alleged murder weapon was flawed.

But still, the judge refused to reconsider Peltier's conviction.

At another appeal in 1986 — after FOIA requests from defense attorneys unearthed more questionable information about Peltier's original conviction — prosecutors changed some of their arguments.

They could no longer say for a certainty who shot Coler and Williams, they said. They admitted the affidavits they used to extradite Peltier from Canada were fabricated, and reversing their position at trial, they admitted there was more than one rifle on the compound of the caliber that could have fired the rounds that killed Coler and Williams, according to transcripts and defense lawyer Bruce Ellison.

But none of that should lessen Peltier's life sentence — or overturn his conviction, they argued.

"It's legally, factually and morally irrelevant. To me, the law looks at [Peltier] in exactly the same way, whether he handed the gun to someone else and had them do it or whether he did it himself," Crooks told CNN in a later interview.

Despite the changing story from prosecutors at Peltier's 1986 appeal, the panel of judges hearing his case ruled against him — using a twist of logic that one of them would later come to doubt.

The panel said that while there was a "possibility" a jury would have acquitted Peltier at his initial trial if they'd seen all the records and data "improperly withheld from the defense," the panel had to be convinced it was a "probability."

The judge who wrote the ruling, Judge Gerald Heaney, said "We are not so convinced."

After many more years of legal wrangling, Peltier ran out of options. His team switched to trying to get him parole, and then clemency.

In 1991, Judge Heaney — who admitted in an interview he was troubled by his 1986 appeals decision — wrote a letter to a U.S. Congressman asking for clemency for Peltier.

The U.S. government "over-reacted" at the Pine Ridge shoot-out, with a response that "was essentially a military one that culminated in a deadly firefight on June 26, 1975," Judge Heaney wrote.

"The U.S. government must share the responsibility with the Native Americans for the June 26 firefight," he added, calling it a "mitigating circumstance" in the deaths of Coler and Williams.

Heaney also concluded that "more than one person was involved in the shooting of the FBI agents" and cited the "improper tactics" of the agency in Peltier's case.

Finally, Heaney stressed that Peltier had served 14 years in a federal prison.

"At some point, a healing process must begin. We as a nation must treat Native Americans more fairly," wrote Heaney, who died in 2010.

Twenty-five years after Heaney wrote his letter, Peltier is one of the oldest inmates at his high-security prison.

Flashes of the streetfighter he once was still remain - a necessary survival tactic at Coleman.

"Some of the guys still try to hustle me, they think I'm soft because I'm old now," he said.

But these days, he'd rather paint than fight.

"I only feel free when I'm painting. I've got 20 years good behavior on my record now," he said.

For him, the question of his guilt or innocence is no longer relevant.

"Whether people believe I did or didn't do it, the fact remains I have served 40 years," he said.

31 May - Support Janye Waller!

Take some time to learn about Janye Waller by reading the text. You can find Janye's address at Santa Rita County Jail at the bottom of this post, so send him a letter , and let him know that he is not forgotten!

MORE:

SUPPORT JANYE WALLER! Janye is an outspoken young Black revolutionary from the San Francisco Bay Area. He is an wonderful, kind, and generous friend and comrade. He has been sentenced to 2 years, serving half time, for incidents related to the Mike Brown and Eric Garner protests in 2014.

We tried to fight against this white supremacist system that sends one in every 3 Black men to prison at some point in their lives, we tried to KEEP JANYE FREE, but he is going in for at least a year, and that means we CANNOT SLEEP on our support of him and his loved ones! The struggle continues.

We need consistent money for commissary, phone calls, and transportation for visitations. That is why we ask, if you can, to sign up for MONTHLY RECURRING DONATIONS for one year (or up until May 2017). Even if it's just \$3 or \$5 or \$15 per month (or \$30 if you can do it!) if a bunch of us pledge that, we can keep this support steady throughout Janye's time. One of the biggest issues during incarceration is that support falls off as the months pass, and we won't let that happen to Janye.

We will also need people who want to send letters, books, and visit Janye! More info on that coming soon.

MORE INFO ON JANYE'S CASE

Janye was arrested in 2015 in an obvious case of racial profiling, in which the cops said he “fit the description” of a crime he did not commit. A witness to the “crime” immediately confirmed that Janye had nothing to do with it, but Janye was still taken into custody where he was questioned and then leveled with serious charges related to last year’s protests in Oakland against the non-indictments for the murders of Michael Brown and Eric Garner.

Janye is a young Black activists, a local of the San Francisco Bay Area. He lives and works in Oakland, providing financial support to his mother, his two younger brothers, and his cousin. He attended Berkeley Community College where he planned to major in Accounting, but had to take leave in order to help support his family, and he hopes to return to college soon. Janye also volunteers at a social center in West Oakland that works to empower black and indigenous people living in the Bay Area through education and mutual aid. Within this space Janye works tirelessly, helping coordinate and administer programs focusing on skills like urban farming, which foster both community and individual autonomy.

JANYE IS THE ONLY PERSON WHO IS CURRENTLY SERVING TIME STEMMING FROM THE EVENTS OF THE FALL OF 2014 WHERE THOUSANDS OF PEOPLE FLOODED THE STREETS DURING THE WAVE OF PROTESTS IN THE BAY AREA DURING THAT WINTER. After several high profile police killings of young black men, the Bay Area, like much of the rest of the country, surged into a wave of protest and resistance. The state responded by using the legal system as a tool of repression, threatening incarceration and steep fines for some of those involved in these actions. It is sad but obvious that the one person getting targeted for that beautiful moment of protest is a strong and politicized young black man.

JANYE HAS BEEN CONVICTED AND SENTENCED. He needs support, money, and contact.

Please give whatever you can and let others know. Let us know if you’d like to write to Janye or find other ways of supported. email – freejanye@gmail.com

letters of support can be sent to :

Santa Rita Jail
Janye Waller #BKO688
5325 Broder Boulevard
Dublin, California 94568

2 Jun - Action on Mumia Abu Jamal’s Medical Case in the Court!

Judge Robert Mariani of the U.S. District Court has issued an order in Mumia’s case, granting Mumia’s lawyers Bret Grote and Robert Boyle’s motion to supplement the record.

MORE:

New medical records documenting Mumia’s deteriorated condition from February and March, will be presented June 6th. Judge Mariani has also instructed the Pennsylvania Department of Corrections to provide any updates and changes in DOC hep C treatment and policies which affect the plaintiff’s treatment.

Calling into Prison Radio, Mumia noted:

“My friends, my brothers, it ain’t over ‘til it’s over, but there is some motion. It means that we’re moving closer to hopefully some real treatment not of my symptoms, but of my disease. I thank you all for being there. And freedom is a constant struggle. I love you all. From what used to be death row, this is Mumia, your brother.”

Mumia remains quite ill. While stable, his curable hepatitis C is still active and progressive. The only treatment Mumia has received over the last 14 months to this day is skin ointment and photo therapy. He has not received the medically indicated treatment for hep C, the very condition that put him in the Intensive Care Unit in March 2015.

Hepatitis C is a progressive disease that attacks Mumia's organs, skin and liver. Unless the court orders the new hepatitis C treatment – one pill a day for 12 weeks, with a 95% cure rate – Mumia's health will remain at serious risk.

Before the court is the preliminary injunction motion, which demands immediate medical care.

The exhaustion of administrative remedy and the procedural hurdles make it extremely difficult for people in prison to actually get their grievances heard through the review process. The Prison Litigation Reform Act was passed specifically to create these very almost insurmountable barriers to access to the courts.

Please read the *New Yorker* article, Why it is Nearly Impossible for Prisoners to Sue Prisons
<<http://www.newyorker.com/news/news-desk/why-its-nearly-impossible-for-prisoners-to-sue-prisons>>.

In *Abu-Jamal vs. Kerestes*, one very telling point was when the DOC's Director of Medical Care, Dr. Paul Noel, took the stand. He said that he had never testified before in court! He has worked for the DOC for over a decade.

That meant that no prisoner had access to adversarial cross examination. Before Mumia's day in court in late December 2015, no prisoner ever had the opportunity to expose the PA DOC's blatant lies. Lies so bold that Dr. Noel disavowed his own signed affidavit, and in court he stated that he "did not sign it and it was false and misleading". The knowingly false and fabricated document was put in the record by Laura Neal, Senior DOC attorney.

2 Jun - Missing FBI reports on Ed Poindexter

FBI inspection reports on the Omaha office during COINTELPRO-era are missing and contained details of counterintelligence actions against Black Panther Ed Poindexter.

MORE:

by Michael Richardson (*The Examiner*)

The admission by Federal Bureau of Investigation Section Chief David Hardy of the Records Management Division that seven years of annual inspection reports of the Omaha field office are missing raises significant questions about who removed them, when, and for what purpose. The missing reports from 1967-1973 may have exonerated Edward Poindexter, a prisoner serving a life sentence at the Nebraska State Penitentiary. Poindexter was Omaha head of the National Committee to Combat Fascism, a Black Panther affiliate.

Ed Poindexter and Wopashitwe Mondo Eyen we Langa, former David Rice, were targets of a secret and illegal counterintelligence operation code-named COINTELPRO. The Omaha Two, as Poindexter and Mondo became known, were convicted in April 1971 for the murder of an Omaha policeman. Poindexter remains imprisoned and denies guilt in the crime. Mondo died at the prison in March.

The missing FBI reports span the tenures of Paul Young and Fletcher Thompson as Special Agents in Charge of the Omaha field office. Young conducted at least three counterintelligence actions against Poindexter, two forged letters and the withholding of a FBI Laboratory report at Poindexter's trial.

George Moore, head of the Racial Intelligence Section at FBI headquarters, approved of Young's clandestine operations and help secure the approval of J. Edgar Hoover. George Moore testified in 1975 to the Senate Select Committee on Intelligence, better known as the Church Committee for Chairman Frank Church.

"This was a program, and whenever the Bureau had a program, you had to produce results because it was scrutinized by the inspectors, not only during your own inspection on a yearly basis, but also scrutinized in the field during field inspections."

The Church Committee investigated Moore's testimony about the Inspection Division and determined FBI inspectors were overseeing illegal counterintelligence operations.

The Church Committee final report stated: "The Inspection Division attempted to ensure that standard procedures were being followed. The inspectors focused on two things: field office participation, and the mechanics of headquarters approval. However, the Inspection Division did not exercise oversight, in the sense of looking for wrongdoing. Rather, it was an active participant in COINTELPRO by attempting to make sure that it was being efficiently and enthusiastically conducted."

Omaha's missing FBI inspection reports detailed the COINTELPRO actions against Poindexter and may have provided direct proof of Poindexter's innocence. National inspection reports from the same era have been released under Freedom of Information and do detail clandestine operations in major cities. The FBI has been unable to say when the Omaha reports disappeared. Meanwhile, Ed Poindexter is caged in a lonely cell in his forty-fifth year of imprisonment where he continues to maintain his innocence.

3 Jun - Longtime Prisoner Mohaman Koti Dies at 89, 2 Months After Release

And an elderly New York prisoner who won wide support for his freedom has died just two months after he was released to a nursing home in Staten Island. Mohaman Koti was 89 years old.

MORE:

from Democracy Now!

In 1978, Koti was convicted of attempted murder after he shot a New York City police officer during a traffic stop in which he says the officer drew his gun first. The officer later recovered, and Koti was offered a plea deal of seven-and-a-half years. When he demanded a trial, he was sentenced to 25 years to life. He spent the next several decades mentoring young male prisoners. A corrections officer at Sing Sing said he had never met anyone so well respected on both sides of the bars. Ten years after Koti was eligible for parole, he was profiled in a 2013 New York Times column about prisoners over the age of 60 who are denied release based on their original crime, instead of an accurate assessment of the threat they pose. It described a parole board hearing where commissioners had to repeat questions to Koti because he was hard of hearing. He suffered from several medical problems and used a wheelchair, but he was still found to be at risk of committing another crime. Koti was ultimately granted parole in September 2014, when a judge ruled the previous denials were irrational and called for a new hearing. Then, because of a pending bank robbery charge from the time of his arrest, he was ordered to serve an additional year in prison at a federal medical center in Butner, North Carolina. Koti was finally freed in March. His longtime lawyer and friend Susan Tipograph told Democracy Now!, "The kind of life Koti lived when he got out—confined to a nursing home because he was not able to care for himself—shows that it was ludicrous to think he would have posed a threat to society all these years."

5 Jun - Janet and Janine Africa Denied Parole Take Action This Tuesday 6/7/16

We received word late last night from our sister Janet Africa that her self and Janine Africa were both denied parole and given a two year hit.

MORE:

We do not have all of the specifics into why they were denied parole as that will be released in the next couple of days but in the meantime we will continue with our course of action. As we made it clear in January officials will no longer be allowed to get away with this as the pressure over the issue of parole has picked up. we are urging people to take action this Tuesday June 7th as we will continue to keep the pressure on Pennsylvania Governor Tom Wolf the same man who said that much needed changes are needed with the Pennsylvania parole board and we will now focus our attention to The Attorney General Of Pennsylvania Kathleen Kane as we are now calling for a criminal investigation into the illegal actions of The Pennsylvania Parole Board and their questionable working relationship with The Fraternal Order Of Police.

From 9:00am to 12:00 Noon
Call , Fax, Email , or Tweet Pa Governor Tom Wolf at
(P) 717.787.2500
(F) 717.772.8284
(Email) pa.gov (contact page)
Twitter @GovernorTomWolf

Reach out to Governor and inquire into why Janet (Holloway) Africa 006308 and Janine (Phillips) Africa 006309 were both denied parole and why has he allowed these continued illegal denials to continue when he oversees and has responsibility over the same parole board in which he himself has called for reform over.

From 1:00pm to 4:00pm
Call or tweet the office Of Pennsylvania Attorney General Kathleen Kane
(P) 717.787.3391
Twitter @PaAttorneyGeneral

Reach out to her office and inquire why from a period of 2008 thru 2016 have former police officers and former law enforcement officials been allowed to review a case that revolves around the murder of a police officer and how can an outside organization like The Fraternal Order Of Police have a say so over the parole review of Move Political Prisoners.

We are demanding a complete criminal investigation into the illegal parole denials of The Move 9 Janet (Holloway) Africa 006308 Janine (Phillips) Africa 006309 William (Phillips) Africa am4984 (now deceased) Delbert (Orr) Africa am4985 Edward (Goodman) Africa am4974 Michael (Davis) Africa am4973 From 2008 to the present.

We have yet to receive word on a decision for Debbie Africa but we expect the same outcome as well as we continue our fight against the Pennsylvania Parole Board we we are still pushing for the United States Justice Department to investigate the unjust and ongoing imprisonment of The Move 9. To sign the petition people can go to <https://www.causes.com/campaigns/92454-free-the-move-9>

This System is under a tremendous amount of pressure over this issue and we are not going to let up this is a fight that we are determined to win and will win by no means is this recent parole denials of our two sisters a setback. It's giving us more energy and fire to keep fighting The Parole Board and Fraternal Order Of Police.

10 Jun - NYC Free Peltier Film Series: Incident at Oglala

WHAT: Flicks For Freedom
WHEN: 7:00pm, Friday June 10
WHERE: Freedom Hall - 113 West 128th Street, Harlem
COST: FREE

MORE:

We will be showing "Incident at Oglala," a film by Robert Redford and director Michael Apted, a riveting examination of the case of Leonard Peltier, the real story of what may be one of the most outrageous abuses of justice in American history.

11 Jun - Sacco and Vanzetti Film Screening in Solidarity with Anarchist and Eco Prisoners

WHAT: International Day of Solidarity with Anarchist and Eco Prisoners
WHEN: 8pm, Saturday, June 11th, 2016

WHERE: The Base – 1302 Myrtle Avenue Brooklyn, New York 11221 (directions below)

NOTE: The Base is on the ground floor, is wheelchair accessible, and has a gender neutral toilet.

COST: FREE , but we will pass the hat as a fundraiser for prisoners.

MORE:

“The revolutionary project of anarchists is to struggle along with the exploited and push them to rebel against all abuse and repression, so also against prison. What moves them is the desire for a better world, a better life with dignity and ethic, where economy and politics have been destroyed.

There can be no place for prison in that world.

That is why anarchists scare power.

That is why they are locked up in prison.”

Alfredo M. Bonanno

Rebibbia prison, 20 March 1997

Join The Base and NYC Anarchist Black Cross here in New York as a part of the celebration of resistance. We will be harkening back to the history of anarchism and repression in the US, by screening an excellent documentary about anarchist revolutionaries Sacco and Vanzetti who were notoriously railroaded by the US state. The Italian heritage and anarchist political leanings of these two men spurred on the witch hunt against them, so that even though no evidence could be found, newspapers ran headlines such as ‘Hang Them Anyway!’

Sacco and Vanzetti, just like Luigi Galliani, were all anarchist victims of the first Red Scare, which set the stage for the continual anti-communist rhetoric and policy that still influences the US state to this day. From the Palmer Raids to the Green Scare, anarchists have fought against the repressive appendages of the state; and on this day of solidarity we want to celebrate the thrust towards liberation and the rebellious actions of anarchist prison rebels internationally.

We’d like to celebrate the anarchist revolutionaries in the past who we draw inspiration from, and who’s traditions we are carrying to the present. From the insurgent heart of Kuwasi Balagoon or Nestor Makhno, or the oratory of Emma Goldman, or the zeal of Johann Most, we recognize the tradition we are espousing and understand the necessity of struggle.

Today we see the same passion from comrades in Revolutionary Struggle in Greece, the anarchist prisoners in Chile and Spain, the daily war going on in Alabama prisons with Michael Kimble, or the growth of a new International Brigades with anarchist fighters on the frontline in Rojava. In these struggles our traditions continue and we will struggle until the trappings of capitalist society and world of states crumbles.

In this struggle prison is always potentially around the corner. As Alfredo Bonanno warned us, you’re not doing your actions right if you don’t go to prison occasionally. Prison is not to be taken lightly. It is the threat of ultimate oppression and a reality that is all too real for revolutionaries. The anarchists serving prison sentences for their contributions deserve our complete engagement in the struggle.

As the call for this day has stated, “In the weeks since we put out our text for this year, anarchists in Chile, the Czech Republic, Spain, Poland, Azerbaijan, and elsewhere have faced repression by the state for their refusal to submit to this world of exploitation and hierarchy. For us, this only makes more clear the importance of solidarity. If we hope for our comrades to not fall into the oblivion of prison, we must manifest daily, and in every way, our complicity with their struggles.

More info at: june11.org

17 Jun - Democracy or Freedom?

WHAT: Anarchist Discussion with CrimethInc. ex-Workers’ Collective

WHEN: 8pm, Friday, June 17th, 2016

WHERE: The Base – 1302 Myrtle Avenue Brooklyn, New York 11221 (directions below)

NOTE: The Base is on the ground floor, is wheelchair accessible, and has a gender neutral toilet.

COST: FREE

MORE:

What's the difference between democracy and anarchy? In an election year, the failings of the political system are obvious enough. But is the problem too little democracy, or too much?

From the Democratic People's Republic of Korea to David Graeber and Noam Chomsky, nearly everyone claims to be democratic. In this provocative presentation, we will discuss what ties all these different understandings of democracy together and what sets anarchism apart. Reviewing how the movement of the squares, Occupy, Nuit Debout, and other recent upheavals have been shaped by democratic rhetoric and practices, we'll discuss other ways to understand what we are doing together when we make decisions.

This discussion builds on a series exploring the anarchist critique of democracy, recently published by CrimethInc.

<http://www.crimethinc.com/blog/2016/03/16/series-the-anarchist-critique-of-democracy>

<http://crimethinc.com/texts/r/democracy>

18 Jun - I'm Off Probation! Celebration & Benefit for Eco Prisoners

WHAT: Daniel McGowan's Getting Off Paper Party

WHEN: 7:00-11:00pm, Saturday, June 18th, 2016

WHERE: Silent Barn - 603 Bushwick Avenue, Brooklyn, New York 11206

COST: \$10 to benefit political prisoners held in the United States.

MORE:

Our comrade Daniel McGowan is getting off probation in June [UPDATE: he's off!] and wants to throw a party to thank everyone for all they have done to support he and his codefendants for the past 10 years!

Music by DJ Counterfeit

The Silent Barn has a cafe/bar with beer/wine, kombucha, ginger brew (non-alcoholic), sodas, seltzer, hot tea, cold brew coffee, pastries, dumplings etc. This is an all ages event and venue. Bring the kids! There will be piñatas! This event is NOT Bring Your Own Beer (BYOB). Please do not bring your own drinks

*DJ Counterfeit is Nebraska Mozell, a Philly transplant from North Carolina, a bottom-feeding collector of garbage producing heavily in the remix genre who mostly DJs house parties and fundraisers for violent criminals, irrational queers, and other enemies of the state.