



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for August 30th

12 Aug - Eric King Has a New Address!

Eric was picked up from Grady County Jail in Oklahoma at midnight August 11th and taken on a plane to the prison he was designated.

MORE:

We just received a phone call and he has been placed at FCI Englewood! Over the past two years pre-trial, all of the fights and horrible experiences, seeing the Rocky Mountains was a moment in which he knew he could finally breathe. Tonight he looked out his window and watched the sunset over those mountains just 30 minutes away from his partner and many friends. In all of the shittiness, this is one thing that we can be thankful that for tonight. While there is a long road ahead, tonight we know that Eric can find some peace as he closes his eyes.

August 24th - "Two poems about white crosses on Mountain tops" a poem by Eric King

There's a cross across the road

To me it looks more like an X

to mark the fucking spot

where they dump those who are forgot

It doesn't give hope or inspire faith

It's a tragedy and a human waste

those were people, with love and fear

and now their dust on the mountains

Which isn't where I'd want to be

to get as fucking far away from here

They didn't get released,

no compassionate freedom

They will forever overlook the last place

they ever existed in human form

the fences can't hold energy

and dust can fly fucking free

but it's a reminder, that they'd rather burn your dead body

I need a shovel

I need a shovel to dig up the corpses

those who never got to choose

those who were burnt to a crisp

those who can't and never could

say get me from this place

I want to take a baseball bat

and smash that cross

that mocks the dead and pretends that forgiveness
is something they've obtained

People die every day

still wrapped in society's chains

It haunts me every night that I sit in front
of this fucking window

Its the give and take cause if you want the moon
then you have to deal with hell also...

"White crosses on Mountain tops,

I wanna smash them all"...

Than set you free...

I don't have time for your white pride

I think you're fucking lame as hell
and Thor is a child's game
I don't have time for petty race pride
plus I feel its all a sham
You're cops, or you would be if you could
and I'm not interested in your Nordic theory
Thor is just as bogus to me as the white Christian god
So i'll take Loki and Jesus Christ
and tie them all up with Christmas lights
and we can pretend that you aren't just pathetic
We can imagine a world where you aren't insecure
Because hiding behind heritage to cover up your shame
seems pretty childish to me
So fuck thor, I'll use his hammer to nail him to the cross
Now will you please get lost...
I don't have the time
for your white pride
It all means garbage to me.

16 Aug - Update on MOVE's Fundraising Activity from Ramona Africa

MOVE are in fundraising mode for the 3 day conference planned for May 2017.

MORE:

One of our main expenses is the \$1500.00 rental fee for the venue for the 3 days. We have raised \$1350.00 so far through our gofundme campaign (minus the fee taken by gofundme).

Many of you have already contributed to this campaign and we are not asking you for more, as we're sure that you have given what you can. We sincerely thank you for your contributions. We are calling on those of our supporters that have not yet contributed to do what you can, no more, no less.

MOVE sees this 3 day conference as very important given the decades of misinformation circulated about us by the media and many others. If you are willing and able to contribute to this activity, you can do so by going to www.gofundme.com/2fty4j8 or you can go to our website and make a donation through our paypal account.

Finally, you can mail a check or money order made out to MOVE and mail it to me, Ramona Africa, at 4506 Kingsessing Avenue Philadelphia, Pennsylvania 19143. Thank you for all your support and MOVE really hopes to see your face at the conference in May 2017.

17 Aug - Spreading the Strike: Solidarity Actions Across North America for September 9th

People are organizing across the United States and the world in order to stand in the streets in solidarity with those locked behind bars who will strike on September 9th against prison slavery.

MORE:

Already, a wide range of actions have taken place in the run up to the strike. This includes large scale flyering and street propaganda campaigns, banner drops, noise demonstrations outside of jails and detention facilities, and informational events. All of this activity helps to build the capacity of the strike to bring in more people who can take an active role, as well as spread information about the struggle being waged by prisoners on the inside. These actions also bring many organizations, crews, and individuals together that before have previously never worked together and helps expose white supremacy as both a system of social control and racial apartheid and an apparatus of management that facilitates the creation of billions of dollars of profits.

In order to better prepare for the strike, here we are going to create a regularly updated page that includes a diary of actions and a list of events and mobilizations leading up to and around the 9th. Also, for the first time, you can comment on the page and leave us information about an event or action happening in your area. In this way, we hope to build a large, multi-faceted, and extremely diverse resistance movement that can support and expand the strike against prison slavery that will continue to take shape on September 9th and beyond.

Diary of Actions (July – September 2016)

Mid-July: Hunger strike breaks out at Ely State Prison in Nevada. Call-in campaign organized in solidarity.

Late-July: Hunger strike breaks out at Lucasville Prison. Call-in campaign organized in solidarity.

Late-July: Hunger strikes at Waupun grow in Wisconsin.

Early-August: Two rebellions break out in Indiana jails.

August 2nd: March and rally in support of prison strike in Durham, North Carolina.

August 2nd: Holman prison erupts in a riot again as a dorm is taken.

August 6th: Pro-strike graffiti found in Downtown Oakland, California.

August 7th: Pro-strike graffiti found on Frank Rizzo mural in Philadelphia, Pennsylvania.

August 8th: Pro-strike and IWOC graffiti found in rural Indiana.

August 10th: Noise demonstration organized in support of prison strike in Atlanta.

August 10th: Noise demonstration organized in Durham, North Carolina in support of prison strike.

August 10th: Banner drop in Austin, Texas in support of strike.

August 10th: Freeway demonstration organized in Houston, Texas.

August 10th: Pro-strike graffiti found in Denver, Colorado.

August 10th: Mass flyering and street team outreach in Kansas City, Missouri.

August 11th: Pro-strike graffiti found in Philadelphia, Pennsylvania.

August 12th: Call-in campaign organized for Holman prisoners involved in latest riot.

August 13th: Mobilization in Milwaukee, Wisconsin in support of Dying to Live hunger-strike.

August 13th: Banner drop in solidarity with Waupun hunger-strike in Portland, Oregon.

August 14th: Pro-strike graffiti found in Houston, Texas.

August 14th: Phone zap organized in solidarity with Dying to Live hunger-strike in Wisconsin.

Events Leading Up to September 9th and Beyond

Portland, Oregon:

August 25th: Info-night and presentation on prison strike at Anarres Infoshop.

September 9th: Rally and march on corporations profiting from prison labor and in solidarity with prison strike.

Oakland, California:

September 9th: BBQ to make banners, discuss strike, and watch films.

September 10th: Rally and march on corporations profiting from prison labor and in solidarity with prison strike.

Los Angeles, California:

September 9th: Noise demonstration in solidarity with the prison strike.

Chicago, Illinois:

August 18th: Envelope filling and open discussion on prison strike. .

Columbus, Ohio:

August 26th-28th: Bend the Bars Conference. Midwestern Convergence in support of prisoner struggles.

August 27th: March and demonstration in connection with Bend the Bars Conference. .

Houston, Texas:

September 10th: Prison strike solidarity speak out and noise demonstration. .

Wildwood, Florida:

September 10th: Noise demonstration outside of Coleman Correctional Complex. and social media event here.

Rochester, New York:

Rally and noise demonstration.

Brooklyn, New York:

August 20th: Prison letter stuffing party.

September 9th: Prison strike solidarity and noise demonstration out of jail.

19 Aug - Meet Marius Mason, the first trans man to transition in federal prison

In a long-awaited decision by administrators at FMC Carswell, a federal correctional institution, Marius Mason has been approved to begin hormone treatment for medical gender transition.

MORE:

by Natasha Lennard (*Fusion*)

A lot of people want to write to Marius Mason. Since the environmental activist and anarchist was sentenced to 22 years in prison in 2009 for arson and property damage, his case has been a cause celebre in the fight against politically motivated, excessive carceral punishment. Support networks and prisoner letter writing groups are dedicated to getting letters to activist inmates like Mason.

But if you write to “Marius Mason” at the federal prison in which he is held in Fort Worth, Texas, it’s likely that the letter won’t reach him. You’ll have to address the mail to “Marie Mason” instead. This is the name Mason went by before coming out as a trans man to friends and family two years ago. “Marie” is his birth name, his dead name, the name he is fighting to have officially changed while incarcerated in a federal women’s prison.

There’s reason for hope. In the coming week, Mason will become the first trans man to begin transitioning while in federal custody (as far as his prison warden knows). He was approved to begin hormone treatment last week and expects to receive his first testosterone injection next week. It’s a major step in a long journey to have his gender fully affirmed even as his freedom will be denied for years to come.

The prison’s approval of Mason’s hormone therapy reflects a growing recognition for trans lives that has even permeated prison’s walls. “We should remember that he is in the most restrictive part of a federal prison on a military base in Texas,” said Moira Meltzer-Cohen, a New-York based attorney representing Mason for his transition process. “So it feels like a win.” Mason has described to contacts the two-year effort for approval of gender-affirming health care as a series of procedures he has “slowly and painfully wended [his] way through.”

Mason is not the first person to transition in a U.S. prison, nor the first prisoner to be approved for medical treatment with a gender dysphoria diagnosis. But he is believed to be the first trans man to transition with medical care in federal custody. Thanks to LBGTQ activism and organizing, and in small part to “Orange is The New Black,” the struggle of trans prisoners has garnered visibility. The brutality meted out to trans

women held in men's facilities has received some much-needed attention. A study by California-based human rights organization, Just Detention, found that 60% of transgender women inmates housed in men's prisons reported being sexually assaulted.

Mason, who hopes to complete gender re-assignment surgeries while in a women's prison and then transfer to a men's facility, will face different hurdles and discriminations than trans women. He treads a little-walked path, hoping to carve it out for other trans prisoners who are punished by a system that still organizes housing according to anatomy. There has even been a delay in getting the "T" to Mason, because the Bureau of Prisons didn't have access to the hormone in its formulary—this is how uncharted Mason's journey is within the prison system.

For LGBTQ communities, the question of treatment in prison is not a fringe issue; 16% of transgender adults have been in a prison or jail, compared to 2.7% of all adults. These figures aren't borne of accident any more than is the justice system's discrimination against black lives. Trans individuals are stigmatized, marginalized, and profiled by law enforcement, only to be imprisoned in institutions historically cleaved into a gender binary.

The right to transition-related health care in prison has been established (and only recognized in recent years) through arguments based on medical need and constitutional protections against cruel and unusual punishment. Last year the U.S. army approved hormone treatment for imprisoned private Chelsea Manning, deeming it "medically appropriate and necessary." The Department of Justice weighed in for the first time in 2015 to affirm that it was constitutionally required that all state and federal prisons treatments meet the medical needs of every trans prisoner individually.

The DoJ's guidelines aligned with a lawsuit brought by Georgia prisoner Ashley Diamond against the state after the prison officials at the men's facility in which she was held cut off the hormone treatment she had been taking for 17 years. The guidelines asserted that Diamond's Eighth Amendment rights (against cruel and unusual punishment) had been violated in the termination of care, which had been deemed medically necessary before incarceration. But the DoJ went further, stating that the Constitution mandates "individualized assessment and care for gender dysphoria" in all trans prisoners—not just those who had received treatments prior to incarceration.

These federal guidelines consolidated policies established by the Bureau of Prisons since 2011, which demand "individualized assessment and care." But on both state and federal levels, these policies have often been ignored or applied at a snail's pace with resistance or confusion. Meltzer-Cohen told me her and her client's sense is that "the facility had a directive...but no accompanying protocol." The painstaking delay in Mason's case, she said, is "part bureaucratic inertia" and "part anxiety" about the fact that Mason is likely the first trans man to transition in federal custody.

Still, even if they've dragged their feet, Mason's path to getting "T" shows that prison administrations are willing to honor the rights of trans prisoners. His lawyer did not have to litigate—only, as she put it, "shepherd them to right conclusion." She had the prison send her all of Mason's medical records, which she passed on to an outside medical expert, who wrote a report affirming the medical necessity for gender-affirming treatment—including hormones—and that there were no impeding health risks.

Though the majority didn't have much experience with trans patients, "the providers caring for Marius believed what he had to say," explained the author of Mason's external report, Ronica Mukerjee, a family nurse practitioner working on a doctorate at Yale on ethical care of trans patients. But at one point, she

said, the providers put an incorrect mental health diagnosis on his chart—a common occurrence for trans people seeking clinical care. Mason’s attorney said her client had found the misdiagnosis “hurtful.”

But even the correct diagnosis raises some uncomfortable issues. In order to get the right treatment, trans people need to be deemed sufferers of an official condition—gender dysphoria—as defined in the Diagnostic and Statistical Manual of Mental Disorders. Treatments are provided on the condition of a medical necessity, which presumes an inherent sickness attending trans identity. As legal theorist Silpa Maruri notes, “while it allows access to hormone therapy, it does so by describing transgender individuals as somehow sick or infirm” without leveraging a challenge to the world of strict gender binaries in which dysphoria is produced. But for prisoners suffering in their assigned gender and held in America’s behemoth prison system, having the material need for gender affirming treatments recognized can be a matter of life and death. Suicides and attempted suicides are especially common within the incarcerated trans population, discriminated and marginalized as it is.

For Mason, his supporters, and his legal advocates, the next challenge is having his new name be officially recognized along his chosen male pronouns. It’s a central aspect of gender affirmation, and a reminder that gender is not just biological and easily changed medically. As Mukerjee, who has worked in trans care for nine years, said, “The logic is the same [as with hormone therapy]. It is unethical for patients’ basic human rights to be ignored when they are in carceral custody. This attention to human rights includes respecting the identity of the patient.”

Unfortunately, a medically necessary name change will be harder to achieve than hormone treatment. The states of Texas and Michigan, where Mason could be said legally to reside, forbid name changes for incarcerated people, based on laws designed to prevent convict identity fraud. The old law remains on the books even in this age of totalized surveillance, when the risks of slipping under the state’s radar via an official name change are slim to none. Mason, who has chosen to keep his last name and the same initials, and who will be findable by an inmate number for many years to come, is clearly not attempting identity fraud. Quite the opposite: He is seeking to have his identity affirmed, and a time at which he will no longer receive letters addressed to a dead name.

22 Aug - Stand up and take some action for Leonard Peltier

With the clock ticking before Mr. Obama leaves office and Leonard Peltier's bid for clemency hanging in the balance, Leonard needs your help like never before.

MORE:

The International Leonard Peltier Defense Committee will be in Washington, DC, in December 2016. Help us fund a media forum, a human rights conference, trips to Capitol Hill and much more. Please make a tax-deductible donation of \$5 or more today! Make Peltier Week happen!

Donate: <http://www.plumfund.com/crowdfunding/2016-Peltier-Week-DC>

Alternatively, you can mail a check or money order made payable to the ILPDC to Post Office Box 24, Hillsboro, Oregon 97123. Write "Peltier Week" on the comment line.

What You Can Do

We're asked all the time: "What can I do to help?"

With only 150 days left before Mr. Obama leaves office, it's imperative that we each take action every day:

- Call President Obama for Leonard Peltier: 202.456.1111 or 202.456.1414, and send a text to these numbers if your cellphone provider allows for text-to-landline service (a fee may apply);
- Email President Obama: <http://www.whitehouse.gov/contact/submit-questions-and-comments>;
- Post a comment on Obama's Facebook page at <https://www.facebook.com/potus> or message him at <https://www.facebook.com/whitehouse> (or <https://m.me/whitehouse>);
- Send a tweet to President Obama: @POTUS or @WhiteHouse and use hastags #FREELEONARDPELTIER, #FreePeltier, #LeonardPeltier; and/or
- Write a letter: President Barack Obama, The White House, 1600 Pennsylvania Avenue NW, Washington, DC 20500.
- You also can send a post card to the President via <http://www.whoisleonardpeltier.info/home/store/send-a-postcard-to-the-white-house>
- Watch the calls to action by our friends at the Human Rights Action Center. Then please urge President Obama to grant clemency.
- Also visit the 2016 clemency campaign for Leonard Peltier hosted by Amnesty International – USA and take action. <http://www.amnestyusa.org/FreeLeonardPeltier>
- The Office of the Pardon Attorney (OPA), DOJ, welcomes communications regarding clemency matters. Express your strong support of Leonard Peltier's application for clemency in a letter, email and/or phone call to the OPA. Make reference to Leonard Peltier #89637-132 and his application for clemency dated February 17, 2016. Urge the OPA to recommend to President Obama that he grant clemency to Leonard Peltier: Honorable Robert A. Zauzmer, Acting Pardon Attorney, U.S. Department of Justice, 950 Pennsylvania Avenue, Washington, DC 20530; Telephone: 202.616.6070; Email: USPardon.Attorney@usdoj.gov.

22 Aug - The 2017 Certain Days: Freedom for Political Prisoners Calendar is now available for pre-order

The Certain Days: Freedom for Political Prisoners Calendar is a joint fundraising and educational project between outside organizers in Montreal, Toronto, and New York, in partnership with three political prisoners being held in maximum-security prisons in New York State: David Gilbert, Robert Seth Hayes and Herman Bell.

MORE:

*For orders of 1-9 copies (\$12 each): see

<https://www.leftwingbooks.net/book/content/certain-days-calendar-2017>

*For bulk orders of 10 or more copies (\$8 each): see

<http://www.certaindays.org/?q=welcome>

Your group can buy 10 or more for the rate of \$8 each and then sell them for \$12, keeping the difference for your organization. Many campaigns, infoshops and projects do this as a way of raising funds and spreading awareness about political prisoners.

This year's theme is Sustaining Movements, and features art and writings by Farha Najah, Sekou Odinga, David Gilbert, Daniel McGowan, Oscar Lopez Rivera, Sophia Dawson, Chris Dixon, Emory Douglas, Laura Whitehorn, Mumia Abu-Jamal, Xinachtli, Micah Bazant, Capital Area Against Mass Incarceration, South Asian Women's Community Centre, Mazatl, Marius Mason, Eric King, Kevin "Rashid" Johnson, Jennifer Meeropol, Leonard Peltier, Amanda Priebe, the Termite Collective, Ali Cat Leeds and more.

The proceeds from Certain Days 2017 will be divided among these groups: Addameer Prisoners Support and Human Rights Association (Palestine), Release Aging People in Prison (RAPP) and the Unist'ot'en camp.

Our calendar project was suggested by Herman in 2001, and has been shaped throughout the years by all of our ideas, discussions, and analysis. All of the current members of the outside collective are grounded in day to day organizing work other than the calendar, on issues ranging from migrant justice to community media to prisoner solidarity. We work from an anti-imperialist, anti-racist, anti-capitalist, feminist, queer- and trans-liberationist position.

And if you are in NYC, be sure to come out to our Calendar Launch Party on November 12th, Interference Archive, 7pm. More details at <https://www.facebook.com/events/631708823654677>

22 Aug - Appeals Court: Prisoners Have 'Liberty Interest' In Not Being Put In Secretive Prison Units

A federal appeals court in the District of Columbia circuit reinstated a case challenging the Bureau of Prisons' (BOP) use of secretive and experimental prison units known as communications management units (CMUs).

MORE:

by Kevin Gosztola (*Shadowproof*)

However, it rejected claims alleging plaintiffs held in the units were “stigmatized” as “terrorist inmates” and concluded a now-deceased former official did not retaliate and infringe upon First Amendment rights.

The BOP set up CMUs in 2006 and 2008, in Terre Haute, Indiana, and Marion, Illinois, to restrict the communications of prisoners it considered to be higher-risk, such as individuals convicted of terrorism-related offenses. But the Center for Constitutional Rights (CCR) describes the units as experimental because the BOP initially did not establish any meaningful procedures or criteria for placing prisoners in CMUs. The lack of procedures and criteria led to “haphazard and retaliatory” designations.

According to CCR, prisoners in CMUs are segregated from general population and only permitted to have non-contact visits. They cannot touch hands or hug their spouses or children and are separated from family by thick plexiglass. They talk to family over a telephone. Visits to CMU prisoners may be limited to four hours with “immediate family members” each month. Until January 3, 2010, CMU prisoners were only allowed “four hours of social visitation per month and could only schedule visits on weekdays.” After January 3, BOP increased visitation to “eight hours per month, in two four-hour blocks, excluding Saturdays.”

Inmates in CMUs are required to speak English with family unless the prison has scheduled translation for the visit.

On March 16, 2015, the district court in the D.C. Circuit dismissed a case brought by Yassin Aref and Kifah Jayyousi, who were convicted of terrorism-related offenses, and environmental activist Daniel McGowan, who was convicted of conspiracy, arson, and attempted arson. CCR argued Jayyousi and McGowan were placed in CMUs on the basis of false and incorrect information about their past history.

Jayyousi was kept in a CMU for leading a Jumah prayer sermon in 2008, and McGowan was put in a CMU for his writings from prison on environmental issues. CCR alleged Jayyousi and McGowan faced

retaliation in violation of their First Amendment rights. However, the district court did not believe Aref, Jayyousi, or McGowan had a “liberty interest” in avoiding placement in CMUs.

The D.C. Circuit Court of Appeals disagreed [PDF].

“Because we find the duration and atypicality of CMU designation sufficient to give rise to a liberty interest, we reverse the district court and remand for further proceedings to determine whether appellants were afforded sufficient process,” the appeals court concluded.

Jayyousi reacted, “Today’s ruling proves that the years of abuse my family and I, along with many other Muslims, have suffered from the BOP was well worth the sacrifice. This decision finally restores our constitutional and human rights.”

CCR senior staff attorney Rachel Meeropol suggested the ruling made clear “the BOP cannot simply send anyone they want to a CMU, for any reason, without explanation, for years on end.”

Both Aref and Jayyousi were moved from CMUs to general population. McGowan was released from prison in December 2012, and since 2013, he is no longer under BOP supervision.

The government insisted Aref, Jayyousi, and McGowan have no valid claims because there are no “current injuries” for which the courts can provide relief. However, the appeals court acknowledged Aref or Jayyousi could be re-designated for a CMU at any time. CCR also argues the BOP relied on “flawed information” to designate them for CMUs in the first place, and that information remains in prison files.

Voluntarily ceasing a violation of due process rights, according to the appeals court, only cancels the case if the violation is unlikely to occur again or if relief has been provided to get rid of effects of the violation. The appeals court stated the government bears the “heavy” burden of making it absolutely clear “wrongful behavior” could not happen again.

While the appeals court revived a case against the BOP for violating due process rights, which is significant, it shut the door on other critical issues.

CCR contended placement in the secretive prison units can stigmatize a person. The appeals court rejected this idea as “irrelevant” because not every CMU inmate is “associated with terrorist activities,” which is questionable given the fact that the units were established for the express purpose of preventing inmates with “terrorism-related convictions” from communicating with “extremist groups outside the prisons.” If inmates not associated with terrorist activities are held in the units, it would seem to be inappropriate and relevant to allegations of constitutional rights violations.

On the issue of due process, the appeals court forebodingly noted, “Appellants are challenging fundamentally predictive judgments in an area where administrators are given broad discretion, and the government’s legitimate interests in maintaining CMUs must be accorded substantial weight.”

This can be read as an instruction to the district court to acknowledge Aref, Jayyousi, and McGowan had rights but that BOP officials had the discretion to justifiably impede or constrain those rights.

Leslie Smith, the former chief of BOP’s Counter-Terrorism Unit (CTU), died on March 16, 2015. The government did not notify the appeals court of his death until December 22, 2015, after the appeal started. It insisted Smith’s death extinguished the allegations brought by the plaintiffs because he was the one responsible for the decisions that led to the alleged wrongdoing. The appeals court disagreed.

But the appeals court decided Smith is entitled to “qualified immunity.” He could not have known his actions would violate any clearly established rights.

The appeals court agreed with the district court that Smith could rationally interpret Jayyousi’s prayer as an attempt to “radicalize” other prisoners, which made him a “security risk.”

“Although appellants claim Smith exaggerated the contents of the remarks, several portions rationally could have been considered troubling, particularly when Jayyousi stated ‘you are here because you are Muslim, not because you are a criminal’ and cautioned ‘it is not U.S. versus Jayyousi; it is U.S. versus Islam,’” the court argued.

“Jayyousi also asserted the CMU was created from evil, and that the suffering faced by Muslim inmates is ‘why we martyr.’ Prison staff were concerned about the sermon at the time it was given, as evidenced by the several emails and follow-ups that ensued.”

“That Jayyousi was cleared of any wrongdoing through the prison disciplinary process does not render it unreasonable for Smith, as the head of BOP’s CTU, to consider the content of Jayyousi’s statements in evaluating his CMU placement,” the court stated, “especially the portions that indicated Jayyousi may have been continuing some of the same actions that led to his incarceration.”

The appeals court treated McGowan’s claims of rights violations similarly. It took no issue with his placement in a CMU in 2008 because his conviction involved “domestic terrorist activity and that he continued to communicate with individuals outside the prison involved in extreme environmental advocacy.”

“While the First Amendment may protect this sort of speech and association generally, those protections are less robust in the prison context,” the appeals court contended. “Moreover, placement in the CMU did not force McGowan to give up all methods of communication; it merely limited the frequency and amount. Even assuming McGowan could make out a First Amendment violation (an unlikely prospect), he certainly cannot show Smith violated any clearly established right when he recommended designation to the CMU.”

It further disagreed with the allegations that McGowan was put back in the CMU in 2011 in retaliation for protected political speech.

“After being returned to the general population, McGowan asked his wife to have his attorney send him law enforcement sensitive documents, in an apparent attempt to circumvent communications monitoring. It was reasonable for an officer in Smith’s position to consider this attempted end-run around the prison’s monitoring systems when deciding whether re-designation would be prudent.”

Both Jayyousi and McGowan were never informed of what led to their move to prison units, which would isolate them from the population as well as their families. They were not told to stop conduct or else they would be punished. It was only during discovery that McGowan learned he was moved from a federal facility in Sandstone, Minnesota to a CMU at the facility in Marion because he corresponded with “numerous associates” of radical environmental and anarchist groups.

“Through his communications, McGowan continues to provide guidance, leadership, and direction for activities, publications and movement practices in order to further the goals of radical environmental groups,” a secret March 22, 2010 memo quoted in the appeal stated.

Jayyousi's "Notice of Transfer" indicated his "offense conduct involved use of 'religious training to recruit other individuals in furtherance of criminal acts in the country.'" It included "significant communication, association, and assistance to al Qaeda." But none of Jayyousi's sermon specifically encouraged inmates to join al Qaeda, and the appeals court never suggested in its decision that he was acting as an al Qaeda recruiter, as the BOP contended to justify placement in a CMU.

As a result of CMU placement, "Jayyousi was not able to hug his young daughters for almost five years," and, "McGowan was unable to embrace his wife for nearly four years." Aref was unable to make physical contact with his children for 47 months, while he was in the CMU, and called it a "kind of torture."

Meeropol believes the appeals court's decision finally opens the door for a decision on "previously-secret information" disclosed through the lawsuit. Particularly, "Documents that show a pattern of discrimination and retaliation in CMU placements made possible by systemic due process violations."

Previously, Meeropol described these documents in an interview on the "Unauthorized Disclosure" podcast. They showed the BOP initially had no process for deciding who should be placed in CMUs. Prisoners would receive a one-page notice that did not describe why they were to be sent to this unit. Instead, the notice reflected why another office in the BOP thought the prisoner should be transferred to a CMU.

It did not include all the reasons an office considered it necessary. Often, the reasons were incorrect or incomprehensible. Prisoners attempted to challenge their placement. They used the processes setup by BOP to challenge their placement and find out why they were in restrictive conditions. The BOP would merely restate information prisoners had already seen, which Meeropol called "truly Kafkaesque."

23 Aug - Transcript of Robert Seth Hayes Parole Denial

Robert Seth Hayes had his scheduled parole board hearing on June 14, 2016. For the tenth time, the NYS Parole Board has denied Robert Seth Hayes parole, for all the same reasons they have denied him the prior nine times.

MORE:

Seth had a great parole packet with housing, employment, volunteer opportunities, college opportunities, medical support, VA support, family and friends support, financial support. He is a model prisoner, over 65, very low risk rate based on the DOCCS own COMPAS test; he has multiple chronic and incurable health issues and has been locked up for almost 45 years.

Despite this, the parole board decided to waste more life, money and resources to incarcerate this man and deny him access to his family and community, who are waiting for him with open arms. Thank you to everyone who has supported Seth and written letters, signed petitions, spread the word, donated money, made calls.

We are not going to stop. Seth is resolute and we are going forward with appealing this decision and creating a campaign to reverse this decision. If you know Seth please send him a card or be prepared to support some movement in the coming months!

You can read the extremely biased parole board decision at http://jerichony.org/images25/2016_Seth_Parole_Denial.pdf

Also, we have received the transcript of Seth's parole hearing. We highly recommend that you read the transcript at http://jerichony.org/images25/2016_Seth_Parole_Hearing_Transcript.pdf

23 Aug - Anarchist Prisoner Casey Brezik in the Hole

Anarchist prisoner Casey Brezik is currently being held in the hole and is in need of support.

MORE:

Casey has been held there since July 17th for reasons that are as of yet unknown to his supporters.

As of August 23, his case managers are still saying they have no idea how long he will be held in segregation.

Casey does not have access to his property at this time; therefore, he may not have access to his friends and supporters' addresses and maybe unable to write. If you haven't heard from Casey in a while, please consider writing him so he has your address.

Casey is unable to receive books while in the hole, but he can receive letters, cards and articles. Since he has been in the Ad-Seg unit for 5 weeks now, he is almost certainly getting bored with the few items he was able to take with him. Please take a moment to print out an article of some sort to send to him in the mail to help him pass the time. Make sure the article's content is non-inflammatory and only send five sheets of paper (printed front and back is fine) per envelope.

Keep an eye on the Kansas City Anarchist Black Cross site <<https://kansascityabc.wordpress.com>> for updates.

23 Aug - Virgin Islands 3 Case Moves to the U.N. Commission on Human Rights

We are writing to update you on the latest strategic developments in the matter of the Virgin Islands 3, which has been a Black grassroots strategic challenge to expose the racist political imprisonment of not only these three men, but of at least 140 others by the U.S.

MORE:

Having now legally boxed the U.S. judiciary and executive into default, I am now filing to the U.N. Commission on Human Rights a complaint that meets all the criteria required to be heard against the U.S., but that is far from being enough. Our position is not to trust the U.N. to act on its own to enforce international law, especially when it comes to the U.S. and Europe.

The link below is to the complete package I am submitting to the U.N. on behalf of the VI3, and all others similarly situated. We set forth an irrefutable case of not only 15-plus years of illegal detention, but a century of continuing pirate rule over the people of the islands by the U.S. government, which the U.S. is in the process of celebrating in 2017, what it calls "Transfer Day." At issue here is the same issue, which is the illegal "transfer" of islanders to federal prisoners, to colonial prisoners, and now to prisoners of a private American prison corporation. None of this is "legal," but is all political, We show here that the U.S. system and particularly its relationship with the "Natural Inhabitants" of its "Paradise," is criminal, genocidal in using incarceration as a means of de-populating the isles of its natural inhabitants.

The U.S. has now been shown to be in default of the Human Rights of these three men and all those similarly situated, but those of their entire people. We have legally challenged and exhausted the U.S. judicial system, which defaulted. So has the executive branch, and the colonial administration. We prove

that the U.S. is nothing more than a racist pirate state, which believes that it is not bound by any law, as a pirate would think.

We need you all to help in building capacity to move this beyond the paper-trail, I do not have a great deal of confidence in the United Nations, so it is not about just filing papers. We have been asking for months that people please go to Free the Virgin Islands 3, where we have set forth steps of action, one of which is generating awareness and support in your personal circles. We have sought financial support for this work, for it is work, not a hobby. Months ago we projected a base amount of \$6,000 to launch the on-ground ultimately essential to building the type of pressure necessary to win. I am not interested in any compromise, or sell out. Very few people have contributed to the effort, which does not work, we need to raise the amount requested quickly in order to be effective.

26 Aug - Barrett Brown comments on his early release date

We are very excited about the announcement that Barrett Brown is officially scheduled for early release on 29 November 2016.

MORE:

Upon release, Barrett will have to report to a halfway house in Dallas, Texas, but other details of his post-release conditions are yet to be determined.

In response to the announcement, Barrett said, “Well, I certainly know when I’m not wanted.”

The announcement comes after a lengthy back and forth with prison officials about potential release dates. As noted on Twitter, there was a possibility that Barrett could have been released as early as May 2016, but the BOP has repeatedly pushed the date back.

Barrett has used his recent writings to document various administrative and bureaucratic abuses he’s endured.

In his 9 July column, *The Fact of Sisyphus*, Barrett wrote about his time in ‘the hole’, noting that he has “spent a total of five months over the past few years of incarceration being held in 23- to 24-hour-a-day Special Housing Unit confinement cells.”

Indeed, we have written about the many times the BOP has gone after Barrett, including placing him in solitary, confiscating his privileged legal information, and placing him on a watchlist.

On 31 March 2015, Barrett’s email access was revoked for speaking to the press. Access has since been restored, but the BOP has repeatedly stonewalled Barrett’s attempts at redress. In July, he produced a “timeline of BOP malfeasance.”

We’re very pleased at the prospect of a free Barrett Brown taking the BOP to task.

4 Sept - Running Down the Walls 2016

WHAT: Running Down the Walls – 5k Run/Walk/Jog/Bike

WHEN: 2:00-7:00pm, Sunday, September 4th

WHERE: Prospect Park– Lincoln Road/East Lake Drive, east of the Terrace Bridge (see the below map for exact location)

COST: Prospect Park– Lincoln Road/East Lake Drive, east of the Terrace Bridge (see the below map for exact location)

MORE:

Every year, prisoners and supporters of political prisoners organize solidarity events with Running Down the Walls. In the last few years, we've had runs in Albuquerque (NM), Arcata (CA), Ashland (OR), Bellefonte (PA), Boston (MA), Denver (CO), Elmore (AL), Inez (KY), Los Angeles (CA), Marion (IL), New York (NY), USP Navosta (TX), Pelican Bay (CA), Phoenix (AZ), Tucson (AZ), and Toronto, Ontario. This year we hope to expand the amount of runs in prisons and other cities, as well as increase the amount of funds raised for community projects. NYC ABC's goal with this year's run is \$3,000. You can donate online by going to gumroad.com/nycabc

This year's run will take place on Sunday, September 4th at 2:00pm in solidarity and conjunction with runs that will take place in cities and prison yards across the country at the same time.

REGISTER AS, OR SPONSOR, A PARTICIPANT

To raise our goal of \$3,000, we need your support:

* Promote – print and distribute this poster and/or this flyer to friends and local businesses, your doctor's office, laundromat, food co-op, wealthy benefactor, et cetera.

* **Run/walk/bike/roll** in the 5k – We need participants who can run/walk/bike/roll the 5k and are able to collect financial pledges to offer as donations to the run. Download the brochure, complete with registration and sponsor form right here.

* **Volunteer** for the run – We need folks who are willing to staff a registration/literature table, hand out water, bike the route as street medics, and help chalk the route beforehand.

* **Donate online** at gumroad.com/nycabc

* **Donate to the run/sponsor a participant** – If you are not able to attend, but want to support this fundraising effort, please mail donations to:

NYC ABC

Post Office Box 110034

Brooklyn, New York 11211

Your donation of \$10 or more entitles you to the celebratory picnic after the event.

Each year, we split proceeds between the Anarchist Black Cross Federation's Warchest Program and a local organization. This year's partner group will be the Queer Detainee Empowerment Project (QDEP).

The Warchest Program:

The Anarchist Black Cross Federation (ABCF) has initiated a program designed to send monthly checks to those Political Prisoners and Prisoners of War who have been receiving insufficient, little, or no financial support during their imprisonment. The Warchest program was initiated in November 1994. Its purpose is to collect monthly funds from groups and individual supporters, and send that money to Political Prisoners and Prisoners of War (PP/POW) via monthly checks. Over the last two decades, the ABCF warchest has dispensed over \$75,000 to political prisoners in the United States. Currently, there are ten imprisoned comrades who receive a monthly stipend as part of the program; they are:

Joseph Bowen

Xinachtli (FKA Alvaro Luna Hernandez)

Herman Bell

Robert Seth Hayes

Maliki Shakur Latine

Ruchell Magee

Sundiata Acoli

Hanif Bey
Oso Blanco

For more information, visit: abcf.net/warchest-program

Queer Detainee Empowerment Project (QDEP):

The Queer Detainee Empowerment Project (QDEP) is a collective Alternative to Detention (ATD), detention center visitation, direct service, and community organizing project that works with Lesbian, Gay, Bisexual, Queer, Two Spirit, Trans, Gender Non-Conforming, and HIV+ detainees and their families currently in detention centers, those that are recently released from detention centers, and undocumented folks in New York City. For more information, visit qdep.org

Directions:

From the Q train, get off at the Prospect Park stop. Walk to Lincoln Road and turn right into the park. We'll be about 700 feet away.

The event will be one lap around what is known as the Main Loop, and will total five kilometers.

9 Sept - Noise Demo In Solidarity with Nationwide Prison Strike

WHAT: Noise Demo

WHEN: 7:00pm, Friday, September 9th

WHERE: Metropolitan Detention Center (MDC, the federal prison in Brooklyn); meeting at the corner of 2nd Avenue and 30th Street, Brooklyn, New York 11232 (D/N/R to 36th Street or R to 25th Street)

COST: Noisemakers, air horns, drums, anything that is loud!