



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for October 25th

23 Sept - 21st Century Trade Union Conspiracy Trial

It's fitting that the return of the trade union conspiracy trial would take place in Philadelphia, the city of the infamous Philadelphia Cordwainers Trial of 1805, the first known trade union conspiracy case in America.

MORE:

by Michael Hough (*Insurgent Notes*)

12 Men of Local 401

Beginning with the genesis of the first combinations of wage laborers in eighteenth-century England, trade unionism has been perceived and prosecuted as a conspiracy against private property—and rightly so. What is a trade union but a permanent conspiracy against private property and the inviolable right to private property? Engels designated trade unions as schools of war in *The Condition of the Working-Class in England* in 1845, and the processes underlying workers' control and workers' power made manifest in trade unionism then remain in operation today.

A car bomb erupts in the parking lot of the Pittston Coal Group's Lebanon, Virginia headquarters in 1989. A scab UPS driver in Florida is stabbed multiple times with an icepick when he attempts to defend a delivery truck from having its tires punctured in 1997. Ten thousand tons of grain in Longview, Washington, are dumped from hoppers onto railroad tracks and rail cars have their brake lines cut by longshoremens in 2011. While the various sections of the political left were enamored with the promise of the September 2012 Chicago Teachers Union strike and its dissident rank-and-file leadership, community coalition-building and grassroots mobilizations, three months later over Christmas 2012, members of Ironworkers Local 401 in Philadelphia were sabotaging the active construction site for a Quaker Meeting House that was being built with non-union labor by cutting steel beams and bolts, setting fire to a crane and carving up set concrete with an acetylene torch.

Lacking all of the ideological pretenses of the Chicago teachers' strike, the actions and fate of the Philadelphia ironworkers were ignored by all but labor's enemies. According to the FBI, "the indictment charges RICO conspiracy, violent crime in aid of racketeering, three counts of arson, two counts of use of fire to commit a felony, and conspiracy to commit arson. Eight of the 10 individuals named in the indictment are charged with conspiring to use Ironworkers Local 401 as an enterprise to commit criminal acts. Joseph Dougherty, 72, of Philadelphia, the financial secretary/business manager of Local 401, was one of the eight individuals charged with racketeering conspiracy." [1] One night of sabotage in December 2012 garnered the full attention of the Federal government's repressive apparatus.

Tools like wiretaps set in the union hall and bugging union officers' phones, and the investigative resources of multiple Federal agencies were deployed against Local 401 of the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers. Incidents of organized force and illegal tactics by the union going back to 2008 were documented, compiled and used to arrest two more men, for a total of 12 members and officers of Local 401 facing indictments. Conspiracy and racketeering were the centerpieces of the Federal prosecutor's list of charges, which marked an epochal shift in America's labor relations regime. Eleven of the 12 men took plea deals; seven agreed to turn state's evidence and testify against the lone union member who refused to plead guilty: then-72-year-old Joseph Dougherty, Financial Secretary and former President of Local 401. Dougherty was tried and convicted on all six counts against him in Federal court and received a sentence of 19 years in prison and half a million dollars of restitution in July 2015.

While the acts of sabotage and arson against the Quaker Meeting House construction site was the catalyst for Federal intervention, the full menu of illegal tactics utilized by Local 401 over the years in pursuit of union objectives was necessary to use RICO in a novel, but predictable, way. The case against the 12 members and officers of Local 401 and the trial of Dougherty marks the final evolution of the narrative of labor racketeering. From focusing on the predatory schemes of organized crime and exposing organized crime infiltration of trade unions, to the illegal tactics of organized labor and the return of the trade union conspiracy trial.

The Clayton Act and Labor Racketeering

Exemption of trade unions from conspiracy laws was a demand featured in the original platform of the American Federation of Labor's predecessor and precursor, the Federation of Organized Trades and Labor Unions of North America, at its founding convention in 1881. It wasn't until the passage of the Clayton Antitrust Act in 1914 that juridical normalization of trade unionism was accomplished. This was the ascension of trade unions from clandestine to legal status in America, where they would no longer be persecuted and prosecuted as illegal conspiracies against private property and wage cartels obstructing commerce.

But a creeping problem emerged with the introduction of the word "racketeering" to the vocabularies of business and government. The word itself as it is used today is said to have originated with the Employers' Association of Chicago as a means to describe the International Brotherhood of Teamsters in 1927. Accusations of racketeering became a functional doppelganger to redbaiting. Politicized trade unions were redbaited, while less politicized trade unions were charged with being dominated by gangsters. After the CIO purged its communist-led affiliates and amalgamated with the AFL in 1955, racketeering overtook redbaiting as the preferred ideological weapon against labor in the United States.

Beginning with the passage of the 1973 Racketeer Influenced and Corrupt Organizations Act (RICO), ostensibly non-partisan police search and destroy missions against organized crime routinely led to Federal judges installing puppet regimes in labor organizations in the form of Federal trusteeships and consent decrees, regardless of whether existing union officers were targets of criminal indictments, with union financial transactions, contract negotiations, the contents of union constitutions and even the ability to strike or engage in any form of concerted action all taken over by a government-appointed trustee. All of the expenses for anti-racketeering trusteeships (which often last for years) are paid for by union members. In the 1980s and 1990s, civil RICO suits and/or Federal trusteeships were deployed against nearly 20 labor organizations, the most important being the three International unions targeted by the Federal government: the International Brotherhood of Teamsters (1989), Laborers' International Union of North America (1995), and Hotel Employees and Restaurant Employees International Union (1995). But in 2013–14 the police infrastructure built up and empowered to dismantle La Cosa Nostra was deployed against a local union without any connection to organized crime: the members and leaders of Ironworkers Local 401.

US v. Enmons

Congress passed the Anti-Racketeering Act, also known as the Hobbs Act, in 1934 to combat labor racketeering. It was worded in such a way as to give law enforcement the ability to arrest and prosecute gangsters who had infiltrated trade unions while explicitly preventing the Act from becoming a union-busting tool. Supreme Court interpretations of the Act exempted trade union demands from prosecution, even if such demands are objectively unreasonable and openly obstruct commerce. A 1973 Supreme Court case, *US v. Enmons*, expanded these exemptions for organized labor when it ruled that the Hobbs Act could not be used to prosecute union members and officers on Federal charges of extortion when they pursued lawful union objectives through illegal means. The case originated with members of International Brotherhood of Electrical Workers Local 2286 who were on strike against the Gulf States Utilities Company. A group of union members were hit with Hobbs Act charges for "firing high-powered rifles at three Company transformers, draining the oil from a Company transformer, and blowing up a transformer

substation owned by the Company. In short, the indictment charged that the appellees had conspired to use and did in fact use violence to obtain for the striking employees higher wages and other employment benefits from the Company.”[2] The Supreme Court ruled in favor of the workers, noting that collective bargaining is not considered an act of extortion under Federal law and thus does not present a predicate crime for prosecution under the Hobbs Act.

The underlying acts which prompted the recent spectacle in Philadelphia included filling locks with superglue, cutting steel beams and bolts, setting fire to a crane, beating non-union workers with baseball bats, slashing tires, verbally threatening sweatshop contractors and sabotaging construction equipment. In other words, the arrested ironworkers were using utterly vanilla expressions of organized force that were not unique to their organization, trade, industry or city. Collective bargaining by violence does not meet the definition of extortion under the Hobbs Act and falls within the US v. Enmons exemptions, leaving such illegal tactics to be prosecuted at the local level as isolated incidents, but episodes of organized force over a six-year period were documented and used to show a pattern of “racketeering” activity in Local 401 under the RICO Act, leading Federal agents and prosecutors to define the local union as a criminal enterprise even though the objectives pursued with illegal tactics were lawful collective bargaining objectives rather than the personal enrichment of union officers (the cornerstone of labor racketeering prosecutions under RICO). According to the Department of Justice, racketeering is not a necessary element for prosecution of Hobbs Act violations, but Hobbs Act violations can be used to demonstrate a pattern of racketeering activity for prosecution under the RICO Act. Dougherty’s trial was a racketeering case without racketeers, an extortion case without using anti-extortion statutes and a conspiracy case where the objectives and actions in question were explicitly exempted from the statutory definition of conspiracy.

Philadelphia Building Trades

As of 2012, the estimated composition of the local building trades unions was 99 percent male, 76 percent white and 67 percent who did not live in the city limits. When members of the laborers’ union (LIUNA) are removed from the sample, the racial composition skews further to 81 percent white.[3] Affirmative action in the building trades unions originated in Philadelphia with the 1969 “Philadelphia Plan,” Lyndon Johnson’s executive order 11246—which established mandatory hiring guidelines for minority workers on government funded construction projects in the city through a quota system. It was a test case and later marketed as a model for the rest of the country to bring black workers into the skilled trades, primarily in metropolitan areas.

It was bitterly fought in court by the Contractors Association of Eastern Pennsylvania. At the 29th Convention of the International Union of Operating Engineers, General President Wharton reported, “Without the training provisions, the Philadelphia Plan was doomed to failure... The hard fact remains that there has been no significant increase in minority membership in the local unions covered by the Philadelphia Plan. Simplistic formulas are no substitute for trained mechanics and an equitable dispatching system.”[4] Under his direction, the IUOE developed its own “Affirmative Action Plan” for its local unions in the Pennsylvania region which established an alternative means for increasing minority membership in the building trades and thus more skilled minority workers on construction projects: a change in union policy to drastically increase the number of minority apprentices. IUOE Local 542 in Philadelphia won Federal exemption from the Philadelphia Plan quotas on the basis of its internal plan, which largely became the model for the other building trades unions.

In a report on minority membership in the skilled trades in Philadelphia and specifically in Ironworkers Local 401 in 1995, a New York Times reporter inadvertently outlined the role of contractors in perpetuating white hegemony in construction: they are merely required to make a “good faith effort” to hire minority tradesmen, which often means simply making formal inquiries to the building trades unions who are responsible for supplying the labor pool. This situation was noted by an officer of a carpenters’ union district council:

Pulling a folder of letters from contractors out of the clutter on his desk, he says they all make the same request—that he refer qualified minority workers for possible employment in future projects.

“I have my secretary call them and ask how many minorities they want tomorrow and where to send them,” Mr. Coryell says. Do they ever request any?

In reply, Mr. Coryell summons his secretary, Maureen McGovern. “They all say, ‘Thank you, we’ll make a note of it,’ she said. “None has ever called back, and I have been doing this since 1981.”[5]

The same article gives the impression that IUOE Local 542 challenged the Philadelphia Plan in court as a kind of white resistance to black entry to the trade, when in reality the union was put in the position of being mandated to supply minority operating engineers who largely did not exist—leaving the union to formulate concrete means by which to change this. By the 1990s, Local 542 had a 21 percent minority membership; two black members had been elected to the nine-member Executive Board and 30 percent of members dispatched to jobs from the hiring hall were minorities. Marc Halpern, a court appointed “outside expert” whose job it was to oversee the IUOE “Affirmative Action Plan” in Philadelphia in the 1980s–90s, concluded that the problem of minority tradesmen maintaining equal employment opportunity with their white fellow union members was a creation of the employers, the contractors, rather than the unions. This was the experience of a black member of Ironworkers Local 401, who noted that he would be dispatched from the hiring hall relatively often, but would be routinely laid off.

Another aspect of the problem was noted by the then-president of the AFL-CIO Building and Construction Trades Department Robert Georgine: “Minorities have been trying to enter the skilled trades just as opportunities have shrunk.” Apprenticeship programs administered by local building trades unions have been the practical means by which minority workers join the skilled trades. As economic recession or open crisis reduces the number, size and duration of available jobs, the labor pool controlled by the trade unions necessarily tightens to protect the integrity of the existing membership. Without apprenticeship opportunities, which require several years to complete, the racial composition of the unions becomes static. Ironworkers Local 401 is a product of this environment. A 2008 article from the Philadelphia Inquirer profiles the demographic history of Ironworkers Local 401 under Joseph Dougherty’s leadership:

Not only was this union nearly 100 percent white, but it was nearly 100 percent Irish, too – and not just any Irish either. Most members were descendants of immigrants from Newfoundland.

Now, the 804-member still-primarily-Irish local is one of the most diverse of the Philadelphia building trades. Now, 96 of the members are black and 19 Hispanic. Overall, nearly one in five members is from a minority group, according to data given to City Council.

Joseph Dougherty joined Local 401 in the 1960s, became local president in 1982 and has served in a variety of leadership positions ever since. Like IUOE Local 542, Local 401 signed a consent decree to increase minority membership by reaching out to minority communities to fill apprenticeship positions after facing the identical problem of having an all-white membership unable to dispatch minority tradesmen to construction jobs. But the ironworkers’ trade has a long established heritage of Native American workers entering the trade going back to the turn of the twentieth century—however, they are often highly mobile and follow large jobs around the country, taking out union traveling cards or local union work permits when entering another local’s jurisdiction (as of 2015 Local 401 charged \$5.00/week for a work permit and \$50.00 per transfer). One such ironworkers’ union member was a chief of the Onondaga tribe in New York, who Dougherty reached out to in an effort to convince mobile Native American ironworkers to relocate permanently to Philadelphia as members of Local 401 while simultaneously opening apprenticeships in the local to young Native American men. As of 2008, Local 401 had 36 Native American members. Like the experience of the carpenters and operating engineers, contractors shifted the blame for low minority participation to Ironworkers Local 401, and like the other trades the ironworkers, through Dougherty, were able to demonstrate that the low minority participation on publicly funded construction projects was due largely to contractor resistance, not union foot-dragging:

Applicants started by taking a test. Those who passed were put to work immediately. If they impressed the foremen and supervisors, they would be admitted to the apprentice program, when there was enough work to build an apprentice class.

The best got in—the rest had to wait, even if they were sons and brothers.

He said that he managed to increase minority numbers in the apprenticeship programs, but that it took additional nudging from the court to get contractors to hire the minority ironworkers his union produced.

The contractors told the judge that Dougherty wasn't supplying minority workers. They didn't know Dougherty kept daily records of available workers, noting whether contractors had requested minority workers. They also didn't know Dougherty had shown the records to Judge Green.

"They were caught lying," he said. "After that, I got more cooperation." [6]

None of this denies the existence of racism among white members of the building trades, or the existence of structural racism in the systems running between union hiring halls, Project Labor Agreements ("checker boarding" where minority members are dispatched to PLA projects while white members work on projects without racial quotas), union and non-union contractors and construction employment itself. Local 401, like IUOE Local 542 and many other building trades unions, opted to replace the exclusive hiring hall system to allow contractors to directly hire union tradesmen when work was sparse. In practice, this allowed white union foremen to select who would be hired for jobs—generally other white members, often with familial ties. Black members of Local 401 have long struggled to win representation on the local's executive board. However, Joseph Dougherty's and Local 401's record is nonetheless better than most.

Two Labor Movements

In a statement released after it was revealed that union members had sabotaged, vandalized, burned up their project, the local Quakers said, "Chestnut Hill Friends Meeting stands in support of the ideals and achievements of the labor movement, which strongly resonate with our long-held beliefs in the equality of all and the right of all workers to a living wage and safe working conditions, and with our testimonies of peace, integrity, and community," [7] and yet, when it was time to select a contractor to build their \$8.5 million project, an opportunity to put this resonance of long-held beliefs into tangible form, they accepted the bid of a non-union contractor to save money.

But the labor movement is not an idea; it's a social and physical fact. The Philadelphia ironworkers' union implicitly recognized that the class struggles of wage labor against capital can't be neutered and domesticated. It comes from a place where trade union discipline is derived from the legitimacy embodied in the local union leadership and where winning new and defending past material gains is not just a social but a physical struggle as well. Their tactics are a reminder that solidarity is not a moral choice but a material necessity, that words and ideas are worthless if they are not anchored in actions.

Three months before the Quaker Meeting House construction site in Philadelphia met an acetylene torch, Chicago teachers went on strike for eight days. The Chicago Teachers Union and its strike action represent all of the things that the socialist and progressive left finds appealing in the labor movement. Its leadership comes from a dissident reform and rank-and-file group called the "Caucus of Rank and File Educators" (CORE); it's committed to a social justice or social movement program and emphasizes grassroots community partnerships through a diverse alliance of teachers, students, parents, taxpayers, politicians and others in a general defense of public education and delivering professional excellence. This is the kind of labor movement that groups like the Quakers in Philadelphia support. It's the kind of labor movement that the government has been trying to foster with the carrot of legal protections and the stick of Federal regulations and law enforcement for decades.

But a trade unionism, which exists through government fiat, is not capable of standing on its own when precarious legal protections are removed. We came extremely close to witnessing the Wisconsinization of American public employee unionism nationwide with the recent *Friedrichs v. California Teachers Association* stalemate; a narrow miss due only to the unexpected expiration of Supreme Court Justice Antonin Scalia before he could render a vote on the case.

The reaction of Philadelphia's trade unionists to the charges and Dougherty's trial were mixed. Pat Gillespie, longtime Business Manager of the Philadelphia Building and Construction Trades Council AFL-CIO, was quoted in October 2014 as saying, "I'm saddened that people are in such a desperate state of mind that this kind of thing would be done... It's kind of ironic. Do you know how many schools and churches the trades have built pro bono? It's hard to count... And then they have a place of worship that's desecrated before it's even done? That's just sad." [8] But after Dougherty's conviction in July 2015 when local union members organized a support rally, Gillespie said he would, "be at the rally despite the image it may portray. If the rally is a rally to support Joe, then never mind the consequences." The organizer of the rally, Jim Moran, an old timer in the Philadelphia labor movement, called Dougherty's trial, "part of a corporate attack on unions." These words became fodder for labor's progressive allies at the media outlet Daily Kos, who had this to say about Dougherty, Local 401 and their supporters:

LABOR MEMBERS HOLDING SOLIDARITY RALLY FOR DOUGHERTY ON MONDAY! WHAT POLITICALLY – DUMB IDIOTS!

Is there anyone dumber than Jim Moran?

For union members to rally around such criminals as the 12 convicted members of the Ironworkers union aids and abets the right wing's attacks on unions.

What is it about arson, violence, extortion, vandalism and threats to 8 and 11 year old children and a woman that union leaders Jim Moran and Patrick Gillespie find worthy of a public rally?

These idiots are handing ammunition to every right wing Republican opponent of unions.

Joseph Dougherty and the other 11 union convicted criminals should be condemned and shunned by anyone who truly supports all of the good things that come from unions. [9]

Daily Kos, it should be noted, routinely publishes exceedingly generous articles on the Chicago Teachers Union and has done so for years. Gillespie's mixed public statements to the media are representative of a labor movement at war with itself. Since the dissident movements of the 1960s–70s like Steel Workers Fightback and Miners for Democracy, the AFL-CIO has moved further away from the workplace and sought to dilute labor's ultimate leadership role to one in which labor has abdicated into just another constituent voice of the 99 percent, The People, and transparently accountable to liberal, progressive and community allies. The condemnations published by Daily Kos speak to the same impulse which led the AFL-CIO 2013 Convention to bring the Sierra Club, NAACP, National Council of La Raza, Mom's Rising and United Students Against Sweatshops into more formal partnership with the labor movement while programs like Union Summer create a transmission belt for college and university student activists to become union staff members, replacing union structures derived from within union memberships.

Local 401 and the Chicago Teachers Union each represent the two combatants within every American labor organization: creating, building and maintaining organizations capable of extracting new and protecting past material gains extracted from employers, forming centers of resistance of labor against capital—and the contemporary pressures of non-violent passive resistance and civil disobedience, community partnerships and alliances based on the values of democratic-civil society at the foundation of social movements.

If the agency shop is banned, if the scope of bargaining is legislatively limited to wage increases, if public sector collective bargaining agreements are statutorily limited to 1 year terms—will there be another Chicago teachers’ strike, will there be a Chicago Teachers Union, will there be such gushing displays of social justice, community activism? With Wisconsin public sector unions as a guide, and their overnight starvation of two-thirds or more of their members and overnight evaporation of their basic functionality, the answer is a simple no.

The kind of labor movement we need won’t be hurt by legislative or judicial curtailment of bargaining rights, won’t be afraid to lose allies who give only verbal and not material support to organized workers, and won’t wilt under adverse political climates. That kind of labor movement, the kind we had when the Clayton Act was force fed to Congress, was dealt a major blow in a Federal courtroom in 2015. It’s terribly revealing that no one noticed. Something very fundamental to the socialist movement is in the hand that held the torch, swung the bat, slashed the tires, dumped the grain, blew up the car, stabbed the scab: the legitimacy of the officers who gave the order or led the union, the discipline to carry out any task or the initiative to take sides and to hell with the consequences, the genetically anti-democratic content of workers’ control and workers’ power, class discipline and class violence. Aside from questions of theory and practice, our conceptions of labor’s class struggles, trade unionism and the revolutionary movement, Joseph Dougherty deserves the same support as was given Mooney and Billings, Sacco and Vanzetti, Haywood, Pettibone and Moyer and the McNamara brothers. As much as this case reminds us what kind of labor movement we used to have, it equally reminds us what kind of socialist movement we used to have as well.

11 Oct - Growing Up West End: Reflections on the Influence of Imam Jamil Al-Amin

At the heart of the West End neighborhood of Atlanta is the Community Mosque, a quaint house, turned spiritual refuge, for Black Muslims from all over the country. In the early 1990s, at the heart of the Community Mosque, was Imam Jamil Al-Amin, a gangly, soft spoken man from Louisiana with a scruffy reddish brown beard and a knack for catchphrases that blended the latest hip hop slang into reminders about making 5 prayers a day.

MORE:

by Masood Abdul-Haqq (*Sapelo Square*)

So when you heard him say he’s checking you “because I’m Muslim by nature, not ’cause I hate ya,” it made you realize that to be Black and Muslim was not only acceptable, it was downright cool.

My introduction to Imam Jamil was not a direct one. When my family and I first moved to Atlanta in the fall of 1992, the West End Muslim scene unfolded like some sort of Black Muslim Utopia. A soulful adhan was the soundtrack to Black children of all ages in kufis and khimars playing with each other on either side of the street. The intersecting streets near the masjid gave way to a large covered basketball court, on which the game in progress had come to a halt due to the number of players who chose to answer the melodic call to prayer. Overlooking this scene from the bench in front of his convenience store, like a shepherd admiring his flock, was a denim overall and crocheted kufi-clad Imam Jamil. Before I heard him utter a single word, it was obvious to me that I was in the presence of a transcendent leader.

The early 1990’s was an exciting time to be in Atlanta. However, one of the unfortunate undercurrents of our booming urban economy was the inevitable rise of the drug trade. Reagan had been out of office for a full term, but his crack epidemic and trickle down economics were still very prevalent in inner city neighborhoods across the country. The West End was no exception. At the intersection of Holderness Street and Lucille Avenue, just 100 yards from my childhood home and four city blocks from the West End Masjid, stood a notorious motorcycle club and corner store. Both businesses were knee deep in the interests of prominent local drug dealers and it wasn’t long before that corner earned the reputation as a “million dollar block.”

One might think living so close to such a dangerous corner would make for a tale of hard knocks, peer pressure and intimidation. For the Muslim kids, that was the furthest thing from our reality. Instead, we ran around that neighborhood with impunity. When the dope boys saw us coming, they would step out of our way, offer to buy us snacks from the store, or just whisper to each other about us being “Big Slim’s folks.” Sometimes they called him Rap. Or the Imam. The bottom line was, they may have pulled the usual dope boy tricks of recruiting and terrorizing kids within the neighborhood, but us Muslim kids were off limits.

There was an honor associated with being a member of Imam Jamil’s community, a VIP hood pass that made us immune to the usual ills of this sort of environment. This street credibility from outside the Muslim community stemmed from Imam Jamil’s days as H. Rap Brown, a revolutionary fighting for Black rights. It evolved when he demonstrated the ability to bridge gaps between young and old, Muslim and non-Muslim. People respected that his entire life revolved around salat at the Masjid. This made him accessible and dependable. Five times a day, the adhan was called and Imam Jamil would either lead or appoint someone to lead the prayer. Afterwards, no one would leave unless he raised his hand for permission and got the nod from the Imam. After finishing his dhikr and du‘a, the Imam would ask, “Is there anything anyone would like to bring out?” Brothers would bring forth questions, concerns and news from around the neighborhood, and the Imam would address it or tell the person to meet him after salat. The drug issue was at the forefront. Slowly but surely, prayer by prayer, the million dollar block was abandoned. Miraculously, after efforts to clean up the neighborhood around the million dollar block, now stands the West End Islamic Center, a beacon of hope for sustaining the community.

One day after Asr salat, Imam Jamil asked, “is there anything anyone would like to bring out?” and my hand went up. All eyes turned to this 12 year old kid and I blurted, “Why do you always recite two surahs in every rakat? When you were out of town, the other brothers did the same thing. Is that some kind of Sunnah that I don’t know?” I saw eyebrows going up and heads shaking all around the room. I felt like I made a huge mistake, but my curiosity had gotten the best of me. Imam Jamil smiled and replied, “I recite the surahs that have the most meaning, the most barakaat.” Later, he called me to the bench outside of his store to further explain his logic, dazzling me with his smooth way with words and sense of humor.

For all of the intrigue, awe and fear that he inspires, the fact that Jamil Al-Amin was willing to take time to address me when he certainly had more pressing issues on his plate is what I remember most fondly about him. For all of his international acclaim and notoriety, he will always be the man that paved the way for me to grow up proud to be Black and Muslim.

12 Oct - Letter from Jalil and DOCCS "Misbehavior Report"

The following from Jalil was written before the Tier III violation was resolved and received on October 11, 2016.

MORE:

It is important that we did receive the "Misbehavior Report" although we did not receive the previous letter, the poetry or the blog Jalil refers to in this letter. See below to call and write Commission Annucci regarding this situation.

September 30, 2016

... All here is as can be expected under the prevailing circumstances. As of this writing I am still under keeplock status; they have yet to start the disciplinary hearing. I expect it to begin within the next day or two. I really do not know why there is a delay. In either case, you should have received my previous letter typing out the charges lodged against me, and requesting it be posted with my explanation and request for friends and supporters to respond to this flagrant First Amendment free speech violation.

Therefore, I am enclosing a copy of the actual misbehavior report for you to scan and post, as it is important for folk to see, read and understand how I'm being harassed. In the existing circumstances, I do

not know how many of my letters are actually being sent from the prison, or whether I am receiving all of my mail. I do know that I am not receiving as many letters in the last couple of months as I had been earlier this summer. So, I imagine they continue to mess with my mail, trying to stifle my correspondence and working relationships with the community. Needless to say, that is a major contradiction of DOCCS policy in terms of encouraging inmates' ties to the community in preparation for parole, and acclimating back into the community.

I guess if you're a political prisoner they oppose any community relationships, especially if you're an opponent of mass incarceration and the continuing of penal servitude and slavery. Oh Well!

Okay, I will be brief in this scribe. I hope you received the poems, the blog of Kaepernick's Protest, and the most recent pertaining to the ongoing harassment.

Okay, I will make this brief, just wanted to get this in the mail. Please be careful in your travels and stay safe.

12 Oct - Mumia Abu-Jamal on Mass Incarceration Under a Black President & 50th Anniversary of Black Panther Party

The following is an interview with Mumia Abu-Jamal on Democracy Now! with Amy Goodman.

MORE:

AMY GOODMAN: We are joined right now by Mumia Abu-Jamal, who just called in from prison in Pennsylvania. Mumia, we did not expect this call. [Can you talk about your thoughts right now on the election, as you watch behind bars in this very unusual 2016 electoral season?]

MUMIA ABU-JAMAL: Well, you have to admit, against your better judgment perhaps, but it's damn good entertainment. And it's unbelievable. I mean, this is the ultimate reality show. It's so real, it's unreal. I think it reflects, clearer than anything we could have imagined, the fall of empire. And, you know, this is how democracies fall. History repeats itself, first time as tragedy, second time as farce. So, it's—it's interesting. It's entertaining. It's unbelievable. Yet here we are.

AMY GOODMAN: The last time we had you on, Mumia, a federal judge denied a request for you to get life-saving medication that could cure your hepatitis C. Can you talk about your health right now and what's happening?

MUMIA ABU-JAMAL: Well, I'm—this is one of my itchy days. So, despite taking anti-itch medication, the itchiness has reflared. And so, it's not a—not a good day. It's not a comfortable day. We kind of got a situation where the judge, I think, performed a Solomonic act in breaking the baby in half. The judge did rule that the protocol of the Pennsylvania Department of Corrections was unconstitutional and a violation of the Constitution and deliberate indifference to the medical needs of at least 6,000 people in Pennsylvania prisons. He reasoned also that I had sued DOC officials, and that was a violation of what he called sovereign immunity. We respectfully disagreed.

But he said what we should have sued was something called the Hepatitis C Care Committee. The fact is, until we had our hearing, we didn't know such a committee existed. So, it would have been kind of magical to kind of stop the hearing and say, "OK, what are the names of the people of this committee? We want a real—you know, refile against them." Because we learned about it on perhaps the third or the fourth day of our temporary restraining order hearing. Yet, our lawyers, being very apt and very able, Brett Grote and Bob Boyle, refiled against the Hepatitis C Care Committee, but also refiled against the DOC offenders—defendants, because they had an opportunity, as administrators and healthcare officials, to say, "No, treat this man." They said, "No, go by the protocol." And the protocol, that was declared unconstitutional on August 31st, is still the one in place as of today. So it's still unconstitutional.

AMY GOODMAN: Mumia Abu-Jamal, mass incarceration is a major issue in this country today. I just came from the premiere of the documentary by Ava DuVernay called *13th* about the 13th Amendment, slavery of 1865 and mass incarceration today. Your thoughts behind bars?

MUMIA ABU-JAMAL: Well, it is—remember I talked about tragedy and farce a few moments ago? It is a tragedy that we're now counting down the days of the first African-American—accent on "African"—president in the history of the United States, and when he leaves, you will still have the greatest incarcerator on Earth at work, and growing and continuing to divest and destroy and diminish the lives of millions of people. The fact that you could have a black presidency and not put a dent in that hellhole is startling, is tragedy, you know, on a grand stage. The biggest—

AMY GOODMAN: President—and yet President Obama went—is the first sitting president to go into a prison.

MUMIA ABU-JAMAL: Yeah, he went into a prison that was empty, because all of the prisoners were emptied from their cells. So he walked into a prison block—yes, that's true, and it's historic—but it's also true that he walked in an empty prison block. If you have the greatest incarceration on Earth in this nation, then, you know, why don't you make history by attacking not empty cells, but creating empty cells by freeing people? And it is a tragedy, because if you think one of the architects, or at least a great mind that help the architect—and I speak now of William Jefferson Clinton—if you think that her—his wife will destroy what he is proud of—right?—then you're tripping. I mean, this is not—this is not a good time to be black in America, and not just because of people walking while black, driving while black, running while black, breathing while black, but because of all of the hells that people suffer all across America. And the truth of the matter is it ain't getting sweeter, it ain't getting better.

AMY GOODMAN: Mumia, it's the 50th anniversary of the founding of the Black Panthers in just a few weeks. Your comments on this, as a former Black Panther yourself?

MUMIA ABU-JAMAL: I am happy to announce that we are republishing *We Want Freedom: A Life in the Black Panther Party*, by a publisher, a new publisher, called Common Notions of Brooklyn. It's a book that I'm really proudest of, because it tells the story of the Black Panther Party, warts and all, criticisms and all, personal and political. And I think that in an age where Black Lives Matter is the greatest and biggest civil rights movement in decades, it's time for people to learn from that movement its high points, its low points, its mistakes and its successes, because if you read the Ten-Point Program that Bobby Seale and Huey P. Newton wrote in October 1966, it will startle you. It will shock you to see what hasn't changed in 50 years. To quote Young Jeezy, the rapper, "We're still living in hell." And so we must change this reality. And that work continues for all of us.

12 Oct - Political Prisoner Robert Seth Hayes Medical Update

Seth wanted people to know he was recently seen by an endocrinologist in an outside hospital.

MORE:

This is the visit we have been waiting on.

The doctor told him that he was going to put in for an insulin pump for him and other men inside had them already, but didn't say anything about the monitor. So Seth was pleased about the pump but still is adamant about the monitor along with the pump because the pump won't help if he doesn't know his sugar level.

I know Eve has been advocating for this and Seth is encouraged but wants us to keep eyes on it to make sure it is progressing.

From Eve Rosahn:

This is terrific news. The pump, as I understand it, includes a monitor so that the device/Seth knows when to inject insulin -- so if they're saying yes to the pump, then it's yes to the monitor.

October 20th - Urgent Medical Campaign for Political Prisoner Robert Seth Hayes

Seth has been suffering from uncontrolled diabetes for over 15 years now. His sugars go up to the 400's, then down so low he falls into a diabetic coma. He has had 3 such code blue diabetic comas in the past 2 months. Each diabetic coma he goes into could end in death if not noticed and treated right away.

We are asking that Seth be given an insulin pump/sugar monitor immediately to avert these near fatal incidents. He has just recently been seen by an outside Endocrinologist who recommended he be issued the device. The NYS DOCCS is aware of the situation and is moving in the right direction but it is not fast enough; we cannot afford to have another incident of low sugar. The last coma just happened earlier this week on Monday and Seth had to spend the night in the hospital.

The sugar monitor sends a loud warning if his sugars are beginning to get either too high or too low and the pump allows him to use small dosages of insulin when needed along with his eating schedule and daily activity.

We therefore urge you to call, write and fax to demand immediate provision of an Insulin Pump/Sugar Monitor to Robert Seth Hayes 74-A-2280. We are thankful that DOCCS has been more responsive to Seth's medical needs lately, but Seth needs this device immediately!

PHONE, WRITE, FAX THIS DEMAND TO:

Carl J. Koenigsmann M.D.
Deputy Commissioner/Chief Medical Officer
NYS DOCCS Division of Health Services
Harriman State Campus, Building #2
1220 Washington Avenue
Albany, New York 12226-2050

Phone: 518.457.7073

Fax: 518.445.7553

14 Oct - A Statement from Animal Liberation Prisoner Water Bond: "Five Years Ago on October 13, 2011"

In a Corrlink's email, Walter Bond recently commented on his sentencing 5 years ago on October 13, 2011 in Federal District Court, Salt Lake City, Utah.

MORE:

I remember October 13th, 2011 well. I had already been in county jail for a year and a half and had already been sentenced to 5 years in federal prison for burning down the Sheepskin factory in Colorado. My lawyer had spent the last 8 months trying to talk me out of making any statement because the reverberations of my last speech in Colorado were still fresh and the court in Utah was already pissed off that I had the audacity to question their morality and to not equivocate in the faces of the judge, so-called victims and the media.

And I paid a very real price for this Utah statement. Had the judge decided to show me mercy he could have ran my sentence together with Colorado instead of consecutive. In essence this statement turned my sentence into 12 years 4 months instead of 7 years 4 months.

6 years and some months later I sit in prison with a few more years to go before I see freedom but I still do not regret anything I have done. In fact, sometimes when I feel the drift of time, or I feel as if I'm losing sight of who I am, or when the happenings of the outside world seem so distant from me that I struggle to see there relevance. I read these statements and I remember.

I remember that I am not adrift, I remember that I did what I could. I fought to make this Earth a better place for Animals and I remember that the only regrets I still truly harbor are the regrets of the human centric world in which I still live. And I don't mean just within these prison walls. I mean a world in which Animals Lives are so cheap that they die by the billions upon billions and hardly a person cares. A world in which human supremacy has reached dizzying heights. A world in which the vanity of our species collective unconscious has turned our kind into a plague that ravages the Earth and breeds discord where once there was balance. A world of human filth and greed.

Perhaps it's not a world I can escape. Perhaps it's not even a world I can change in any lasting way, but it's a world I can resist and it's one that needs to be resisted. Humans have pushed the pendulum so far in the direction of self-interest as a species that it will have to swing just as hard in the opposite direction before balance becomes established. The fang and claw, the paw and wing, the fur and fin must become far exalted above the thumb of the dumb destructive human scavenger that gnaws on the flesh and bones of our Animal brothers and sisters, like an aberrant lunatic in comparison to the Vegan way of harmony and concern.

I am reminded when I read this court statement that Animal Liberation rightfully takes its place amongst social justice movements of all kinds. And I am reminded of how time and time again Animal Liberation needs to be explained to people in just such human centered ways for them to see it's legitimacy.

And finally I am reminded of where my allegiances belong. And it's not with humans, for we have become a blight upon nature. nor is it with "god" because you will find more real and genuine love and compassion in a dog, squirrel or rat than some fictitious megalomaniac in the nebulous world of imaginary bullshit where god and company resides. And it's not with human centered morals and philosophical ethics which always are just as often self serving, human centered, mental masturbation. My allegiance is with our Mother Earth and her Animal nations and against the further expansion and domination of the human cancer that plagues the biosphere.

Of course these are thoughts that come to my mind on this day as I read my own words and look back. Maybe it is a statement you have only read for the first time or maybe you read it before. In any event I hope that it makes you think a little about the struggle for Animals and that it may give you a little bit of the solace that it gives me reflecting from my prison cell. Or some of the courage and determination that I had when I stared down a federal judge and spoke an unpopular truth in his face. Until next time take care and I'll do the same. !Liberacion Animal, cueste lo que cueste!

16 Oct - 'I'm no threat' – will Obama pardon one of the world's longest-serving political prisoners?

As pressure grows for President Obama to pardon Oscar López Rivera, we present another article about Oscar.

MORE:

by Ed Pilkington (*The Guardian*)

Any day now, monarch butterflies will begin their epic migration from Canada to Mexico. It is one of the wonders of the world: insects whose distinctive orange and black wings barely stretch four inches flying on thermal currents up to 3,000 miles in search of a warm spot to spend the winter.

The phenomenon has entranced Oscar López Rivera since his childhood days in rural Puerto Rico. If he ever gets the chance, he says, one of his great ambitions is to trace the monarchs' route, all the way from the Canadian border, across the US great plains into northern Mexico. "The monarch is fascinating to me," he says. "The length of their journey and what they do to survive: how can an insect so small go so far?"

That's an achingly powerful question when you consider who is posing it. For the past 35 years, López Rivera has been unable to fly, his wings clipped. He has been held in federal institutions, for 12 of those years totally alone inside a 6ft-by-9ft concrete box from which he had no view of the sky. The last time he saw a live butterfly, let alone a monarch, was in 1981.

López Rivera is one of the US's, and the world's, longest-serving political prisoners. Aged 73, he has spent more than half his life behind bars. He is convicted of killing no one, of hurting no one. His crime was "seditious conspiracy" – plotting against the US state in the furtherance of Puerto Rican independence. He still believes in what he calls that "noble cause": full sovereignty for his Caribbean birthplace that is classified as a US "territory".

But his views on how to attain that goal have changed. Two decades ago he and his fellow Puerto Rican independence fighters renounced violence and embraced peaceful political reform. The last year in which the militant group to which he belonged committed a violent act was 1983.

Yet there he still sits in his prison cell, reading and painting, the last of his kind locked up, so venerable that other prisoners call him "El Viejo" – the Old One. It is as though he is stuck in a time-warp, trapped for ever in the headstrong 1970s, a white-haired septuagenarian forced to dress up in floral shirt, flares and platform shoes dancing to Chic. The world, and López Rivera with it, has moved on, but the US government continues to see him through the prism of a bygone age.

Unless someone intervenes to release him, he will remain in captivity until 26 June 2023, five months after his 80th birthday. Fortunately for López Rivera, there is such a person who holds the power of clemency: Barack Obama. As the US president prepares to quit the White House, he is drawing up his final pardon list, presenting the prisoner with a slender hope.

Many prominent supporters are lobbying hard for the pardon. They make for an impressive list: Archbishop Desmond Tutu; the governor of Puerto Rico, Alejandro García Padilla; the Hispanic caucus of the US Congress; former US president Jimmy Carter; Democratic presidential runner-up Bernie Sanders; and the creator of the smash Broadway musical Hamilton, Lin-Manuel Miranda, who confronted Obama about López Rivera face to face during a recent White House visit. On 9 October thousands of supporters gathered outside the White House bearing placards of the prisoner and calling on Obama to set him free, their voices projected across the mansion's South Lawn in the hope that the president at work in the Oval Office might hear them and act accordingly.

With friends like that, isn't López Rivera a shoo-in for release? Not according to the man himself, who remains cautious about his chances. "I do not practise wishful thinking," he begins in perfect English, delivered with a strong Puerto Rican accent. "It's very difficult for me to read President Obama. The way he has been treated, the obstacles he has faced in the White House, makes him a little skittish about decisions."

What a carefully weighted remark about something as visceral as his freedom. In the course of a two-hour phone conversation (the federal prison in Terre Haute, Indiana, having refused to allow the Guardian to visit him in person) it becomes clear that this is not artifice: the professorial tone is true to the man.

López Rivera says he draws some optimism from Obama's frequent expressions of admiration for Nelson Mandela. "He embraced Mandela as a great man, he saw that what Mandela did was important throughout the world."

To invite comparison with Mandela may seem far-fetched for a man who in the US is relatively little known, but back home López Rivera is often cast as the "Mandela of Puerto Rico". Mandela served 27 years in South African prisons for leading an anti-colonialist liberation struggle that deployed selective violence as a political tool; López Rivera has already served eight years longer, arguably for doing the same thing. Mandela refused to renounce violence from his prison cell; but López Rivera did so, some 20 years ago.

López Rivera was born in 1943 in San Sebastián in the north-west of Puerto Rico. His childhood was spent living in the constitutional limbo that has defined the island since it was ceded to the US by Spain in 1898. Neither a sovereign country, nor the 51st state of the union, Puerto Rico is caught betwixt and between. Its people are US citizens, hold US passports, and can be drafted into the US military as López Rivera would soon discover. Yet when it comes to voting for the US president or a representative in the US Congress, a Puerto Rican is persona non grata. Quite rich, you might think, coming from a nation such as the US, which was founded upon the anti-colonial principle of no taxation without representation.

"The only thing we are good for is to be cannon fodder," López Rivera says in a rare display of chagrin.

Not that he had a clue about any of that when he was growing up in San Sebastián and Chicago, where his family moved when he was 14. He was just an ordinary kid for whom the concepts of self-determination or shrugging off the Yankee yoke were as alien as nuclear physics. "Before I got drafted I was a happy-go-lucky Puerto Rican. I enjoyed life. I wasn't paying attention to anything other than me."

Then along came Vietnam. "I arrived thinking we were bringing freedom to Vietnamese people but as soon as I hit the ground I realised that wasn't happening. We did sweeping operations lasting 30 days, getting villagers out of their homes, moving them off the rice paddies, body-searching them."

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By the time he returned to Chicago a year later, sporting a Bronze Star for meritorious achievement, he says he had undergone a transformation. "I felt an obligation to change, to look at life from a totally different perspective. Now I could see what colonialism did to people."

He threw himself into community work among the Puerto Ricans of Chicago. That brought him into contact with the families of imprisoned nationalists and, without ever suspecting that he would one day join their ranks, he was sucked into the movement and eventually became a member of the clandestine Fuerzas Armadas de Liberación Nacional.

As the name suggested, the FALN believed armed force was justified as a means to an end. Between its foundation in 1974 and its effective demise in 1983 as a result of mass arrests, the FALN was said by prosecutors to have carried out about 140 bombings on military bases, government offices and financial buildings across the US, especially in Chicago and New York. Targets were chosen for being symbols of "Yankee imperialism", such as oil companies with offshore rigs in Puerto Rican waters.

López Rivera insists that the focus was always on bricks and mortar, not people. "For me human life is sacred. We called it 'armed propaganda' – using targets to draw attention to our struggle."

That may have been the case, but the results were, to put it politely, inconsistent. In 1975 the group claimed responsibility for a bombing at the historic Fraunces Tavern in Lower Manhattan, the scene of George Washington's farewell to troops after the American revolution. The attack killed four people and injured more than 50. Two years later an employee at the Mobil building in New York was killed by another FALN device.

López Rivera has denied involvement with these fatal attacks. But when I asked him if he ever committed acts of armed force such as planting a bomb, he replied: "I cannot comment on that." Interestingly, he still claims justification for violence under international law, using the present tense: "I believe we were adhering to international law that says that colonialism is a crime against humanity and that colonial people have a right to achieve self-determination by any means, including force."

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But he is also adamant that the decision to renounce force was real and permanent. By 1990, the movement was already changing with the times. "We realised other tactics to armed force could be more effective, mobilising people through peaceful campaigning. Morally, also, we came to see that we had to lead by

example, that if we are advocating for a better world then there are things you cannot do. You cannot get a better world by being unjust yourself."

When I ask him if he would pose a threat to the public were Obama to set him free, he replies: "I don't think I could be a threat. We have transcended violence – it's crucial for people to understand, we're not advocating anything that would be a threat to anyone."

He was picked up in 1981 at a traffic stop in Chicago and charged with seditious conspiracy – a very rare count of plotting against the US state that was first used after the civil war against southern refuseniks and then applied to anarchists and socialists before being turned against Puerto Rican independistas like himself.

At trial, prosecutors presented no evidence that tied him to any deaths or injuries, or even specific attacks. For his part, he and his comrades refused to recognise the judicial process, calling himself a prisoner of war, offering no defence and declining even to attend the trial. He still describes seditious conspiracy as an "impossible crime". He told me: "How can a Puerto Rican be seditious towards the US state when we never had any part in electing a US government?"

He was sentenced to 55 years. By contrast, as his lawyer Jan Susler has pointed out, the average federal sentence for murder in 1981 was 10.3 years. Later, his sentence was extended to 70 years when, he insists, he was framed by agents provocateurs planted in his cell who cooked up a plot to escape and then implicated him in it.

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In a less disciplined individual, such harsh treatment would inevitably spawn bitterness and despair. Not for López Rivera. He recounts his time in prison with verve bordering on enthusiasm. Yes, he has faced "terrible times", been labelled a terrorist by prison guards, called a "spic" and worse. But he has always made use of his life of incarceration, he says.

"When I first got to prison I made myself a promise: they can lock me up, but the time I spend in prison is my time. I use it to my own advantage, for my own goals. From the moment I get up to the moment I go to bed, I keep active."

That means rising at 4am to an exercise regime of 40 minutes of stretching, pull- and push-ups, sidewinders and upper body routines. He reads a lot. Currently, he's reading Edward Said's *Orientalism*, and before that he devoured the New Yorker writer Jane Mayer's book on billionaire rightwing donors, *Dark Money*.

He teaches other inmates to read and write or speak Spanish. He also likes to paint as a way of "taking myself out of prison into the outside world". He uses as his template photographs of landscapes or seascapes that he tears from magazines, making up for his lack of access to the natural world.

He caught the painting bug after the alleged escape plot when he was put into solitary confinement in two of the toughest supermax prisons in the US: Marion, Illinois, and Florence, Colorado. He would spend all but two hours a week in his concrete cell with no sight of the sky. "Little by little, colours start to fade. Your eyes begin to change how you see things. You see less colour; everything blurs into the yellow-grey of the cell walls."

So he turned to painting as a way to bring colour back into his life. That's when he rediscovered his passion for the monarch butterfly, reproducing pictures of the insects as a reflection on their migration. "I had to be strong. I always thought they were not going to destroy me, that was not going to happen."

Though he is now out of solitary he has still had to deal with social deprivation. At its peak, he was one of two dozen independistas in federal prisons; now he is the last one. Over the years, he has seen his comrades walk free, their ranks gradually depleted, until in 2010 he became the only one left. He is sanguine about that. "I have never felt abandoned or lonely. There is no regret inside my heart."

To have no regret about his predicament is all the more extraordinary in that he could have been released in 2009. In August 1999, Bill Clinton did what López Rivera's supporters are now urging Obama to do: he used his final days in office to grant a presidential pardon to 11 Puerto Rican independence fighters. López Rivera was offered a lesser deal that would have seen him released after a decade, but he turned it down, because he says he had no faith in the US government sticking to its side of the bargain and he was unhappy about a couple of his fellow fighters being offered no commutation at all. "When I was in Vietnam I never left anyone behind. That's not my practice, I couldn't do it," he says.

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Surely he must have had moments in the past seven years when he has questioned his rejection of the deal that would have set him free? "None whatsoever. I believe in principles. For me, the decision was the one I had to make."

So what now is the likelihood that Obama will follow in Clinton's footsteps and finally fling open the cell doors? One factor in Obama's calculation might be that Clinton's round of pardons sparked a fireball of opposition in Congress and the media. The "Clinton terror pardons" remain a bugbear for the right to this day, even though the vitriol overlooks one awkward fact about the releases: that not a single criminal act has been committed by any of the 11 former FALN militants in the 16 years that they have been out.

The Clinton backlash perhaps explains Obama's apparent ambivalence on the matter. He is reported to have told Lin-Manuel Miranda that López Rivera's clemency petition was "on his desk". But Congress member Luis Gutiérrez, who is of Puerto Rican descent and has been a leading proponent of a pardon, has said that when he asked Obama about the account the president firmly disputed it and gave a bland statement that "procedures must be followed".

That sounds less than promising for the Mandela of Puerto Rico. But López Rivera responds to the mixed messages emanating from the White House with trademark composure. "I have no choice but to be optimistic," he says, as the Terre Haute guards call time on our conversation. "Hope, that is one thing we can never lose."

17 Oct - I Am Fully Capable of Entertaining Myself in Prison for Decades If Need Be

Below is the latest in Barrett Brown's series of columns for The Intercept.

MORE:

by Barrett Brown (*The Intercept*)

I never really got a chance to play any pen-and-paper role-playing games growing up, so being thrown into a prison system in which such things as Dungeons and Dragons are relatively common constituted one of the silver linings of my 2012 arrest, along with not having to deal with an infestation of those little German roaches that had colonized my kitchen or having to see "World War Z."

As it happens, I'd actually learned about the prevalence of tabletop games among inmates a few months before my own incarceration, in the days after the FBI first raided both my apartment and my mother's home in March 2012 and seized laptops and papers without yet making an arrest. As they themselves noted in the search warrant, which the late Michael Hastings published at BuzzFeed, the focus of the investigation was my collaborative journalism outfit Project PM as well as echelon2.org, the online repository where we posted our ongoing findings on the still-mysterious "intelligence contracting" sector (which has since been moved to http://wiki.project-pm.org/wiki/Main_Page). The warrant listed HBGary Federal and Endgame Systems — two firms on which we'd focused particular attention — as topics for the FBI's search. This was revealing. A year prior, a raid by Anonymous on the servers of HBGary had revealed, among other things, the firm's leading role in a conspiracy by a consortium calling itself Team Themis to conduct an array of covert operations against WikiLeaks and even journalists like Glenn Greenwald, prompting a congressional inquiry that would ultimately be squashed by a Republican committee chairman.

It's often been reported, incorrectly, that I was the one to reveal the Themis conspiracy, different aspects of which were in fact discovered more or less simultaneously by several parties shortly after HBGary's emails were made public. My own initial role, which began when I was informed of the hack as it was being conducted, was merely to explain developments to the press. But as it became clear that the media was losing interest despite clear evidence there was much more to the story, I began working with a rotating team of volunteer researchers to determine further details of Themis and related programs by searching through the remaining 70,000 emails that the hackers had seized and following up on the various mysterious references found therein. Although we made a number of significant discoveries and managed to shed light on other matters, the press didn't generally realize the significance of these things until later.

On the other hand, I did get to indirectly gum up the works at Endgame Systems, which, though one of the four firms involved in Themis's proposed operations against journalists and activists, managed to avoid being mentioned in most of the press coverage that followed the original exposure of the plot. You see, Endgame's execs had insisted in one particular email thread that its name never appear in any Themis operational materials, explaining that the nature of the firm's central activities was such that any public scrutiny would lead to disaster, and that this was a particular concern of their partners. Other emails ended up working against it, though, as I was able to pique the interest of Bloomberg Businessweek by forwarding this hilariously sinister "NO ONE MUST EVER KNOW" exchange to a contact I had there. A few months later, the magazine ran a long feature on Endgame revealing its ability to seize control of computers across the world and that it was offering this service to unknown customers outside of the U.S. government. This in turn prompted sufficient discomfort that the firm had to stop doing this, or at least claim to have stopped. Perhaps that's why Endgame Systems was listed on my search warrant — and never mentioned again in a single other filing by the government in my case.

But the chief enemy I'd made was apparently the Department of Justice — because when Team Themis was exposed, the emails revealed that the whole indefensible conspiracy had been set in motion by the DOJ itself, which had made the necessary introductions when Bank of America came to the agency looking for advice on how to go after WikiLeaks. There were no known consequences for anyone at the DOJ; a congressman's calls for an official inquiry were shot down by Lamar Smith, the relevant committee chair, who proclaimed that the DOJ itself should handle any investigation. Whether the DOJ took Smith's advice and investigated itself for secretly arranging a corporate black ops partnership is unknown. Rather, it was my head that was to roll, in retaliation for my efforts to keep the story alive in articles I continued to write for The Guardian as well as for my occasional successes in causing difficulties to Themis participants like Endgame and the intelligence contracting industry as a whole, which regularly hires ex-government officials at high salaries and thus has a working relationship with most federal agencies. And so when the FBI came for my laptops and left that search warrant listing the entirely legal journalism entity I'd been using to lead an investigation into the state-affiliated firms that the warrant also listed, I knew from the brazenness of this move that I'd eventually be arrested and charged. I didn't know for what, exactly, but that was OK — the DOJ didn't know yet either. Eventually they resorted to indicting me on charges related to another firm, Stratfor, that wasn't even listed on my search warrant, which were so flimsy that they eventually had to be dropped in favor of a vague "accessory after the fact" count.

Anywho, after that first FBI raid I started reading those little guides on life in prison that one finds online and noticed several references to role-playing games. When I got to the jail unit at Federal Correctional Institution Fort Worth shortly after my arrest, then, I immediately started agitating in favor of a campaign of Dungeons and Dragons or whatever was available, to begin ASAP, with the wooden table in the little corner library to be requisitioned for our use. A huge black guy awaiting trial on complicated fraud charges happened to have the basic mechanics memorized; I drafted him to be the dungeon master. Soon enough I'd also managed to recruit a white meth dealer who was familiar enough with the game to help the rest of us create our characters, a large and bovine Hispanic gangland enforcer who wanted to try the game and was at any rate influential enough to help us secure control over the table, and a fey Southern white guy for atmosphere.

With unlimited paper and pencils provided by the federal government, we had everything we needed except for a set of variously sided dice. It turned out that this was generally handled by making a spinner out of cardboard, a paperclip, and the empty internal plastic tube from an ink pen. This latter item is impaled loosely on the paperclip, itself positioned in the center of the cardboard, on which has been drawn a diminishing series of concentric circles divided into 20, 12, 10, 8, 6, and 4 equal segments, respectively. As we attended to this chore at the wooden table, an inmate sitting nearby realized what we were making and proceeded to tell us about a cell mate he'd had during a previous bid who'd used something similar.

This fellow, he told us, had had some \$500,000 in drug profits stashed away on the outside, and it was the prospect of someday being reunited with his money that kept him going. Then one day he learned that his brother had gotten addicted to crack and spent it all. Shattered, the inmate embarked upon an ultra-consumerist fantasy life whereby he pretended to still have the half-million, which he'd "spend" over time by picking things out of catalogues and deducting their prices from his total imaginary assets. He also cut out magazine pictures of attractive women to represent the four girlfriends he could have expected to rate on the outside (based, I suppose, on a calculation of one girlfriend per \$125,000). This was where the spinner came in: To endow each girl-picture with a degree of agency he divided the circle into two sections, one signifying "Yes" and the other "No," so he could ask each in its turn, "Are you going to give me a blowjob today?" The excitement would presumably lie in the uncertainty. When the guy at the table finished telling his tale, I was left in a reflective mood. I knew now that no matter what happened over the years to come, I had to stay alive; I had to survive to tell the world this crazy fucking story.

We began the campaign with our party having just entered a mysterious cavern that appeared to be inhabited. The gamemaster drew out a map for us as our crude little character tokens advanced down the dark, cliché-ridden passages. Coming upon a fountain in which jewels could be seen lying under the surface of the water, our Hispanic gangster/minotaur barbarian proposed to grab some. The team veteran and meth dealer/elven ranger stopped him, dipped in his flask, and, as our gamemaster informed us, watched as it sizzled and melted, the "water" having been acid.

"Whoa," said the gangster/minotaur, awed at how close he'd just come to losing his forearm. He was beginning to understand that this wasn't the relatively straightforward world of street-level dope dealing anymore; this was Dungeons and Dragons. Presumably the feds had never attempted to trick him into incinerating his own arm. But then some of these guys had been targeted by the ATF, so you never know.

The gangster/minotaur seemed not to have profited from this reminder of the perils of impulsiveness and greed. An unfortunate incident involving a trap door left our party divided, not unlike the '68 Democrats. MinoGangster and the pale southern gay guy/human cleric, whom I'll call Truman Capote, soon came upon a treasure chest that could be unlocked by solving a puzzle. Capote figured it out and opened the lid, revealing a pile of silver pieces and a wand, and then MinoGangster, whom I was beginning to suspect had been ratted out to the feds by his own partners, grabbed up all the contents.

"You better give that back," hissed Capote.

"Nah, fuck nah."

So Truman Capote declared that he was attacking MinoGangster with his mace, rolled a critical hit, and slew him right then and there. At the table, the gangster stared down sadly at his little game token as Capote flipped it over on its back to emphasize its deadness.

I've never been one for the fantasy genre, but then there exist all sorts of role playing games covering every imaginable setting. For instance, the one time I'd actually gotten to play, when I was 13, a friend's older brother had led us in a campaign set in the original, gritty comic book version of the Teenage Mutant Ninja Turtles universe, except some decades hence after a global nuclear war had mutated many of the world's animals, who themselves were now organized into an array of polities with names like Dolphin Free State and Prairie Dog Imperium. I played as a mutant roadrunner who wore a bandolier and dual-wielded a pair

of cheap, inaccurate submachine guns. When a school full of children was seized and held for ransom by warthog motorcycle bandits, the Sacramento-based Americorp government wisely called upon our team to respond. At one point I ran into the gymnasium at 60 mph, firing wildly and otherwise creating a distraction while one of my friends, a porcupine with a great ax, snuck in through the other door and decapitated the pig chieftain. Afterward, when we received our reward money and sold off all the salvaged weapons, it turned out that we had enough to buy an old bus and install a roof-mounted minigun turret with 360-degree rotation, and I knew then what life could be. Later, recruiting players at various jails and prisons, I'd use this story as a means of generating excitement, spreading out my arms and trotting in a circle while making machine gun noises with my mouth so as to better convey the scene.

Having found Dungeons and Dragons too thematically constraining, I learned of another gaming system that could potentially accommodate my fast-expanding metaphysical ambitions (I was now facing decades' worth of trumped-up charges, the prosecution was trying to seize money being raised for my defense, and the press still hadn't figured out that there was something wrong here, so it seemed like a good idea to come up with about 20 years' worth of activities). GURPS, the Generic Universal Roleplaying System designed back in the 1980s, provides game mechanics for use in any conceivable setting. You could create a bunch of characters based on the Nixon administration, for instance, assigning them stats in accordance with estimates of the abilities of their real-world counterparts — Kissinger gets high Intelligence and Charisma, Colson gets nothing — plus basic skills included in the GURPS book like Acrobatics and Thrown Weapons, which takes care of Howard Hunt right there. You can also create custom skills appropriate for your particular campaign (Textile Tariff Negotiations; Remembering That Everything You're Saying Right Now Is Being Recorded on the Taping System That You Yourself Installed, Yes, Even the Anti-Semitic Stuff). Give the characters some basic equipment (crowbars, Cuban people) and you're set; each player picks their favorite staffer, while as always the gamemaster takes on the roles of the hero's ally characters like Pinochet as well as villains like Daniel Ellsberg.

My problem, as usual, was knowing where to stop. GURPS included rules for RPG staples like magic and psionic powers. Why not make Nixon a necromancer, or more of one, and maybe give G. Gordon Liddy the power to start fires with his mind whenever he thinks fondly of Hitler? And too many comparably awesome ideas were presenting themselves to me each day, such that I never was really able to decide whether to start designing my increasingly elaborate Nixon game or instead do something simpler where Teddy Roosevelt is hunting you for sport. Nor was it 100 percent certain I'd be able to find people willing to play a Nixon administration-based tabletop RPG at that particular federal detention center, even if I were willing to relax the rule about always speaking in your character's voice, which I wasn't. Then one day I was shipped to another jail in Mansfield, Texas, and wasn't allowed to bring my GURPS book or anything else, and so I spent the next year reading history for 10 hours a day in an overcrowded and windowless room.

Eventually I made it back to a prison where I could depend on keeping books and papers for an extended period of time and was able to resume my experiments, which have lately culminated in a highly complex new hybrid medium in which I oversee some 70 fully realized characters as they pursue their blood-soaked vendettas against one another in accordance with the several handwritten pages of primitive, dice-based behavioral heuristics I have devised for them. Their entire world is limited to a map I've drawn on graph paper and taped to my wall, their stage confined to my cell's steel wall-mounted desk on which I have created an elaborate city consisting of dozens and dozens of buildings, vehicles, vending machines, trees, dogs, rats, surveillance drones, and dwarves — a small world, yes, but one of extraordinary depth and intrigue. I make the pieces out of cardboard tea boxes, drawing and then coloring them with very sharp pencils, and I don't mind saying that I've become very good at making itty-bitty tea box people over the last year or so. Indeed, I tend to spend the late evenings hunched over a metal locker, drinking tea and creating new and more elaborate and ever more delightful little city dwellers; it's a civilized pastime that makes me feel like a cultured Chinese gentleman-scholar. At any rate, it's certainly a lot more fun than I had on the outside trying to get the newspaper people to do their fucking jobs and follow up on things like Team Themis.

Which reminds me of one more funny story. Aside from HBGary Federal and Endgame Systems and an obscure junior partner firm called Berico, there was one other corporation that completed the Themis private black ops outfit, which, you'll remember, was caught plotting illegal hacking and disinformation campaigns against journalists and NGOs with the connivance of the DOJ. That firm was Palantir, where at least a half-dozen employees were shown to be involved in Themis by email threads in which the plans were formulated — among them, the firm's lead counsel, Matthew Long. Another email indicated that Palantir's CEO was also made aware of Themis. Palantir's most demonstrably active participant, Matthew Steckman, was put on leave pending an "investigation" into his conduct but he was quietly brought back on after the press lost interest. Today he's head of business operations and works in D.C. No one was indicted in connection to Themis except for me, and then, later — when I refused to cooperate with law enforcement against other activists — my mother, who was charged with obstruction of justice for moving my laptops to a kitchen cabinet to hide them from the FBI agents who were congregating outside her house, waiting to execute a search warrant on behalf of the government agency that I'd angered with my investigations into the criminal conduct of its corporate partners.

The chairman and co-founder of Palantir is Peter Thiel — the same man who more recently funded the lawsuit that destroyed Gawker, a media outlet that had angered him, and who served as the final speaker at the Republican National Convention. His firm continues to work closely with the U.S. intelligence community.

Quote of the day:

"Bob, please get me the names of the Jews, you know, the big Jewish contributors of the Democrats. ... Could we please investigate some of the cocksuckers?"

— Richard Nixon, 1971

17 Oct - New Parole Regulations Will Be Fairer to Inmates, Administrators Say

State parole administrators have proposed new rules they say will base inmate release decisions more on actual risk posed to the public and less on the nature of the crime that landed them in prison.

MORE:

by Joel Stashenko (*New York Law Journal*)

The proposed regulations place a greater emphasis on factors such as good conduct and the education and treatment programs in which they have participated while incarcerated, and less emphasis on the types of crimes they committed years—or in some instances decades—ago.

Primarily, the proposed rules direct that parole boards "shall" use the COMPAS assessment system as their guide. COMPAS, or Correctional Offender Management Profiling for Alternative Sanction, gauges an inmate's risk of re-offending if released into the public.

If parole boards deviate from the COMPAS scores, they must provide reasons for doing so in their written decisions.

The COMPAS evaluation requires a deep inquiry into the offender's criminal record and disciplinary history, family and social support network, use of drugs and readiness for employment in predicting risk. The state Department of Corrections and Community Supervision (DOCCS), which oversees the state Division of Parole, published the proposed rules on Sept. 28. The period to comment on them publicly runs through Nov. 12.

Gov. Andrew Cuomo said in a statement Tuesday that the new rules would increase "transparency, fairness and accountability in the parole process."

"Opening up the parole board's decision-making and instituting these new, commonsense guidelines will help ensure the work of those trying to rehabilitate their lives does not go unrecognized, and that those who still present a public threat remain behind bars," he said.

In 2011, state lawmakers amended Executive Law §259 to spell out factors that parole boards should consider when weighing an inmate's release, in addition to his or her crime. Sponsors of that legislation said the regulations promulgated in response to the law failed to adequately direct parole boards to abandon the nature of the inmate's crime as their primary factor, or to explicitly adopt a risk-based assessment like COMPAS of the inmate's probability of re-offending.

The regulations proposed on Sept. 28 would supplant those that the department established in 2014, which did not require the use of the COMPAS guidelines as explicitly as those published last month.

A sponsor of the 2011 legislation, Manhattan Assemblyman Daniel O'Donnell, said the state's attempt to revise the 2014 regulations is an acknowledgement that DOCCS failed to follow through on the purpose of the law.

"I hope they get it right," he said in an interview Monday. "They previously got it wrong, and I told them they got it wrong. ... I don't know what the cause of the change of heart was, but I will take the change of heart."

O'Donnell and advocates for inmates argued that the 2014 regulations primarily served to confuse parole boards and judges trying to determine if the 2011 law was being followed (NYLJ, April 30, 2012 and May 23, 2014).

Alfred O'Connor, litigation counsel for the New York State Defenders Association in Albany, said his group has been urging parole boards to move away from making decisions about freeing inmates based on "intuition" and require that the COMPAS assessment be used in a more meaningful way.

"COMPAS is a validated risk-and-needs assessment instrument that significantly improves on the status quo," he said in an interview Monday. "It differentiates high-, medium- and low-risk offenders in the parole context far more accurately than judgments based on intuition alone. COMPAS offers an objective, consistently applied framework for all board members to use so that the bias inherent in subjective risk assessment can be minimized."

O'Connor defended the plaintiff in *Linares v. Evans*, 2013 NY Slip Op 08189, a case that argued the 2011 law obligated the Board of Parole to use a risk-based analysis as the primary guideline. The Court of Appeals decided in October 2015 that, in essence, the *Linares* matter was not the proper case for it to determine the question and denied O'Connor's appeal.

The proposed regulations spell out other factors to be considered by parole boards, such as inmates' institutional records, their release plans, and what resources they can count on to ease their transition back into the public.

Seymour James, the executive director of the Legal Aid Society in New York City, said in a statement Tuesday that the new parole regulations are a "terrific first step in creating a fairer and more transparent process for our incarcerated clients to achieve a return to their communities."

DOCCS will accept public comments on its new proposed reworking of 9 NYCRR §§8002.1-8002.3 by November 12 to Rules@Doccs.ny.gov or by mail to Kathleen Kiley, Counsel, Board of Parole, Department of Corrections and Community Supervision, 1220 Washington Avenue, Building 2, Albany, New York 12226.

17 Oct - Political Prisoner Herman Bell on the 50th Anniversary of the BPP

Many Panther prisoners are writing about the Party on its 50th anniversary. Here are some of Herman Bell's reflections.

MORE:

Afrikan people arrived to the shores of North America in the holds of slave ships. Off the boats, poked and prodded, they stood on the auction block for sale. Wealthy people were the only ones who could afford to own slaves, they wanted steady labor to plant and harvest their crops and extract minerals and natural resources from land that they had seized from native people to enrich themselves. Shipping companies, whole new industries grew up and fed off this "peculiar institution": the stock market, banking, insurance companies, and interstate commerce.

The wealth of North America is largely based on the traffic of black flesh. Tobacco, sugar, cotton production generated tremendous private wealth. Cotton was king and the lash its overseer. Cotton import enabled British textile mills to command the global market in textile production. Slave labor produced such wealth that it made the Industrial Revolution possible from which modern technology evolved.

Early on, slave owners sought to secure their labor supply by legislative decree ordering that both slave and offspring were slaves for life. Slaves had no rights. They were doomed to unremitting toil chained to a grinding economic system and for hundreds of years the wealthy fed off that labor and their lesser entities devoured the crumbs. In the interim and when possible, they wrecked farm equipment, maimed livestock, stole, set fires, rebelled, poisoned their owners, risked being chase down and ripped apart by dogs.

Although the U.S. Civil War of 1863 ostensibly settled the question of slavery, the newly freed slaves soon learned as would succeeding generations that continued white political and economic domination imposed as much control over their lives as it had done during slavery.

The custom of whites dominating black citizens remained largely undisturbed. Thus barring the all too frequent black lynching and white mob violence (that done without fear of consequence or reprisal and is why it's still being done to blacks today), blacks lived in relative obscurity in white society. They remained invisible to the courts in any real way until the mid-1950s when the Supreme Court weighed in on school desegregation. Otherwise, neither the courts nor law enforcement, local, state, and national intervened to protect black citizens. Whites never regarded or treated blacks as equals. As Dr. King remarked, Change does not roll in on wheels of inevitability, but comes through continuous struggle.

Blacks gained mobility after W.W.I & II and began to see and think of themselves and their place in the world in a different light. And white authority's continued intransigence to their civil rights demands marked a decisive turn in their response.

The urgency of now prompted black youth to be far more militant and politically assertive in the 60s and 70s. While we praised the legacy of black resistance – Amistad, Nat Turner, Harriet Tubman, Ida B. Wells, Malcolm X – we created the Black Panther Party. We occupied racially segregated spaces and fearlessly faced arrests, billy clubs and firehoses. We raised a window through which the world could see u.s. democracy in Alabama, Mississippi, Georgia, Watts.

And during these assertive times, black culture blossomed. Black, not Negro, was the preferred appellation. That "Black is beautiful" resonated. The wig, the processed hair was "out" and the "fro" was "in." Black pride flowed across the land and nourished the spirit. Black culture, black skin, black music, black dance resonated throughout America. We called it Black Power, signified by a clenched fist in the air as a salute to "black Liberation" colors: red, black, and green.

The black fight for social justice and community control clashed with the white power structure. Some blacks argued that the black community constituted a colony within an imperialist nation – a perspective

that likened the black struggle against oppression to a shared global struggle and resistance to that oppression. The government's resistance to blacks' fair and honest demands that it eliminate poverty, reform prisons, provide decent housing, jobs, schools, health care and cease unrestrained police violence, radicalized black youth.

A stick instead of a carrot was the response: reduced social service spending, more police, more prisons, longer sentences, life without parole; crack-cocaine suddenly appeared. Unemployment, grinding poverty lack of opportunity paved the way for its use and sale with devastating effect that will take generations to recover from. Warfare whether cold or hot is just as lethal. The local and national media fanned the flames of this undeclared war on black people, agitating for crime control, trumpeting "crime in the streets," "war on drugs," and thus legitimizing the stick that law enforcement and politicians viciously wielded.

The Party's political program, on the other hand, sought to educate, protect, and provide leadership in the black community. Its self-help initiatives had begun to show great promise. Its newspaper, The Black Panther, showed skill, efficiency, and professionalism, and featured cogent analysis of local, national and global events. It enjoyed wide circulation and appeared on time despite the all-out effort to silence this indispensable critical black voice. The white power structure felt threatened by this political program, by all this black energy, this growing black confidence and self-reliance. Perhaps its own self-identity can only be realized through suppressing and dominating others, especially people of color.

Accordingly, f.b.i. and local police launched armed assaults on Party branches across the country. Political warfare disguised as law enforcement. The press both supported these targeted actions and disposed public opinion to regard those targeted, black people in particular, as criminals, drug sellers and violent. Thus then and now, to be black in America is to exist with the presumption of guilt. The corporate media's malicious mischaracterization of black Americans inspired conclusions that whatever happens to them is because they bring it on themselves.

Centuries of sustained u.s. racial oppression and inequality that still exist today explains the Trayvon Martins, Oscar Grants, Michael Browns and is why Black Lives Matter. In defending the black community, Black Panthers stepped into the breach and have grievously suffered or been killed. Since that critical time during the late 60s and early 70s, scores of us were captured, and we remain in prison today. Despite having served long sentences and being parole eligible, the states refuse to release them. Frederick Douglass said way back when that power concedes nothing without a demand. So you should work and fight hard, making our release a chief demand at every opportunity. We represent the spirit and resolve of people who look like you and me and who fought for you and me; locked in a cell, subject to isolation, assaults medical neglect, loneliness, frequent transfers. We brave these harsh conditions because we believe self-determination, social justice and basic human decency are worth fighting for.

The black struggle is far from complete. Black bodies still bleed in the streets, schools remain in crisis, poverty, hunger, police violence, and joblessness persists; the nation continues to warehouse young black bodies in its prisons. The unconscionable number of young black men in prison is painful to see. I know, as I've spent 43 years in here. The black community has yet to gather and organize itself into concentrated authority within itself; it continues to react and respond to crisis and community needs spontaneously instead of in a focused and deliberate manner. Thus it's forever true that a house divided shall never stand on its own.

This commemoration affords those gathered here to ponder and be reminded that in the not too distant past the black community spoke and acted as one and that the B.P.P. made a worthy and proud contribution to that endeavor. It organized a political structure and articulated a political program that inspired young men and women to greatness with little political experience but with lots of street savvy, common sense and courage, and with a fabulous artist named Emory Douglas. Given time to mature without external attacks, the Party might have grown into a formidable black political organization that fully met the needs of its people.

But the white power structure through f.b.i. leadership and its counter-intelligence program saw fit to destroy that effort, dealing yet another blow to the black freedom struggle. Therefore, we gather at this commemoration to reflect on our past (auction blocks cotton fields, Jim Crow laws, segregation, and the suffering of our forebears), to honor all those who are no longer with us but who gave their all in their service to our historic struggle for our freedom, for our self-determination. And this struggle is far from complete. Whatever it takes, it will get done. Already, there are signs and indications...

18 Oct - One year since Pelican Bay settlement, long-term solitary drops 99%

Last Friday, October 14, marked one year since reforms began under the historic settlement agreement in the Center for Constitutional Rights' case Ashker v. Brown, which effectively ended long-term solitary confinement throughout California state prisons.

MORE:

We are thrilled to report that new data shows that the settlement succeeded in moving virtually all prisoners out of indefinite and prolonged solitary confinement.

The speed with which the settlement brought an end to California's use of long-term solitary is even more meaningful when we think about what, exactly, it ended. For decades, California isolated more people, for longer periods, than any other state. In the Security Housing Unit (SHU) at Pelican Bay State Prison and in other California SHUs, prisoners were isolated in near-total solitude for 23 to 24 hours a day, denied telephone calls, contact visits, and vocational, recreational, or educational programs. When CCR filed Ashker, more than 500 prisoners had been isolated in the Pelican Bay SHU for over 10 years. Seventy-eight had been there for more than 20 years. And six had been there for more than 30.

In the words of Ashker plaintiff Gabriel Reyes, "Unless you have lived it, you cannot imagine what it feels like to be by yourself, between four cold walls, with little concept of time, no one to confide in, and only a pillow for comfort—for years on end. It is a living tomb."

What's more, these men were held indefinitely, without any certain date when they would be returned to general population, and predominantly on the basis of alleged "gang affiliation"—like reading about Black history, creating or possessing cultural artwork, or writing in Swahili—not any infractions of prison rules. The system was barbaric.

Now, after just one year, decades of this treatment are over. The number of prisoners in solitary confinement has dropped dramatically, bringing an end to the kind of torture Reyes described. Among other important provisions that limit California's future use of solitary—such as isolating prisoners only as punishment for rule infractions and, then, only for a definite period of time—the settlement mandated that the state review all "gang-validated" SHU prisoners within one year to determine whether they should be released from solitary under the settlement terms.

The number of prisoners held in the Pelican Bay SHU for more than 10 years has dropped by 99 percent. Today, only five SHU prisoners have been there for over 10 years, and they are expected to be released from solitary shortly, or at least given a release date. Throughout the rest of the state, 1,557 prisoners have been reviewed, 1,532 of them have been designated for transfer out of solitary, and at least 1,512 of them have already left, bringing down California's indefinite solitary population a whopping 97 percent.

But the numbers tell only part of the story. The most meaningful reports of the impact of this settlement come from prisoners themselves and their families, who have shared their experiences seeing the skyline, running (through a snow storm), encountering birds, or having a contact visit with a family member for the first time in decades. In the words of Ashker plaintiff Richard Wembe Johnson, sometimes the biggest things are "[s]mall things such as getting up to walk to a dining hall for breakfast and dinner, things like going to a classroom...or having physical contact with visitors, an being able to purchase edible items from the vending machines, not to mention taking photos with love[d] ones."

The dramatic changes that followed the settlement agreement are the result of an effort that was started years ago—by prisoners themselves—and that began succeeding even before the court-ordered reforms. Ashker was originally filed in 2009 by plaintiffs Todd Ashker and Danny Troxell, representing themselves. Eight months later, prisoners at Pelican Bay began a historic hunger strike, which resumed again the following September. Together, pressure from the lawsuit, the hunger strikes, and the mass mobilization of prisoners, their family members, and supporters prompted California to begin reducing its solitary population shortly after CCR joined the lawsuit in May of 2012.

Ashker v. Brown is a prime example of how the law can be used to aid, rather than depoliticize, social struggles. And the good news about the dramatic reductions in California's prison population show just how transformative those partnerships between lawyers and activists can be.

18 Oct - Support PP Marius Mason fundraiser for college courses

Eco activist, anarchist and trans political prisoner Marius Mason has been finally approved for college courses and is trying to fundraiser for them.

MORE:

<https://www.generosity.com/education-fundraising/marius-mason-s-education--2>

Marius is being held at a strange unit that is a combination of a CMU (Communication Management Unit), female death row (the federal system had one woman on death row) and a mental health unit (where people with significant mental health needs are kept but not treated). It is also a unit for women and Marius is the only male there.

Prospects for release are not good and he has been there for 6 years now. Like the CMU I was held in, there are loads of problems- a tiny group of political dissidents and no programming coupled with intense censorship. Marius has a 22 year plus sentence and is trying to make a life for himself after prison while fighting very intense battles with the BOP to get medical treatment consistent with his gender. Early battles have been won on this front and Marius is now getting testosterone shots (first documented trans man to get this, by all accounts).

Marius has just applied to Ohio University Correctional Education – one of only a small number of colleges that offer full correspondence (rather than on-line) courses. As soon as all the paperwork is completed and expenses met, he will be starting his first course. Marius is really excited about starting classes!

There are, of course, costs. The coursework costs \$343 per credit hour (each class is 3-4 credits), plus an application fee and books, totaling an estimated \$1200-\$1300 for the first course.

Marius wants to study psychology in order to, in his words, gain a better understanding of how the mind works, to develop a deeper understanding of his own diagnosed gender dysphoria, and the way in which we all develop a sense of self and our relationship to the larger society. He adds, "When I am released I don't want to be a burden to my family. I have a huge fine and will also have many costs to pay for my lifetime of probation. It will be necessary to provide for those costs, in order to avoid a return to prison...and more than anything else, I'd like to think that I could contribute something meaningful to society, to be a help and support as so many others have helped me through these prison years."

Educational pursuits behind the walls really helped my survival in prison. Like Marius, I was not able to take many courses as many correspondence courses have gone to an online format only. Marius has a very real chance though to pursue these efforts so that when he is out, he has a chance to acquire employment.

Please give what you can.

19 Oct - Tyler Lang can now get mail at halfway house

Tyler Lang can now receive mail at the halfway house, so send him a letter or card to let him know he has continued support!

MORE:

You can mail it to him at:

Tyler Lang
11112 Barclay Drive
Garden Grove, California 92841

20 Oct - On the 35th Anniversary of Brinks

Certain Days calendar editor, political prisoner and comrade, David Gilbert, was taken into custody 35 years ago today in Nanuet, New York.

MORE:

Another way to say this is that today is the 35th anniversary of the Brink's armored car expropriation that has had some pretty serious repercussions for a lot of people close to us.

That day, roughly 6 members of the Black Liberation Army (BLA) and white anti-imperialist allies took \$1.6 million in cash from a Brink's armored car at the Nanuet Mall, in Nanuet, New York. During the shootout that happened, two Nyack cops and a Brinks guard died of gunshot wounds.

Three days later, Sekou Odinga and Mtayari Sundiata were ambushed by NYC cops and the FBI. Mtayari was murdered by police and Sekou was tortured in the cop precinct for hours until his lawyer intervened. Sekou was charged with attempted murder along with federal RICO charges. He went to prison for over 30 years and was released in 2014.

David Gilbert and his codefendants, tried in New York state court, received a sentence of 75 years to life. Under New York State's "felony murder" law, whereby all participants in a robbery, even if they are unarmed and non-shooters, are equally responsible for all deaths that occur. He is not eligible for parole until he serves that minimum of 75 years, which we feel is disgusting and all about the continued punishment of David and the movement he came from.

One of David's codefendants was Kuwasi Balagoon, a member of the BLA, a bisexual man, and an anarchist. Kuwasi was one dedicated person and spent much of his adulthood in the movement, breaking out of prison and returning to fight. He died in 1986 of an AIDS related illness.

Writings by Kuwasi can be found at kersplebedeb.com/mystuff/profiles/balagoon.html
The compilation, *A Soldier's Story*, can be acquired from kersplebedeb.com

David has never stopped resisting oppression and fighting injustice, even while being held captive by New York State since 1981. David has been a pioneer for peer education on AIDS and has continued to write and advocate against oppression. He's been involved with the annual *Certain Days: Freedom for Political Prisoners Calendar* and has written two books— *No Surrender* and *Love and Struggle*, two books we highly recommend and which is easy to find online.

David is an insightful writer and thoughtful pen-pal.

RIP Kuwasi Balagoon!

21 Oct - Important message from Jaan K. Laaman: Support needed for Barbara Curzi

Please read this request by Jaan Laaman and help as you can.

MORE:

Hi. The federal prison system, in their continuing attempt to silence me, still has all my email contact cut off, but a friend is helping me convey these words.

Most of you are aware that today Friday-October 21, 2016, is the sad horrible day, five years ago, that my son-my heart, Barbara's and my son Ricky-Ricky Michael Emilio Curzi Laaman-died.

I know many of you will be remember Rick: moments with him, times and places, his sincerity, humor, his realness and his love.

And this year, this October, I have other very distressing news. Ricky's mother, my Ohio 7 sister woman, and my dear comrade Barbara, very recently found out she has breast cancer. This is very serious and Barbara will soon be starting a prolonged chemotherapy regiment. Please include Barbara in your healing, healthful thoughts and prayers.

Let's all project our positive and loving thoughts for Ricky-Ricky Chan, and our positive healing energy and prayers for Barbara. She needs our support, hope, love and our actual help.

See what you can do-donate at <https://www.gofundme.com/barbaras-loving-circle-2w49vnqs>

Take care and try to take care of those you love.

22 Oct – Brief Update on Nicole Kissane

Nicole had a court appearance on October 14.

MORE:

We are sad to report that Nicole's October 14th court appearance did not go as well as we had hoped. Unfortunately, all motions filed by Nicole's attorneys were denied by Judge Burns. Her next court date has been set for January 9, 2017.

Please send her words of encouragement and solidarity to supportnicole@riseup.net

22 Oct - Recent Move 9 Update

The Move 9 Have been eligible for Parole since August 2008, after being in prison for 30 years. We have repeatedly been denied.

MORE:

In June of this year (2016), we were denied parole again, for a total of ten years past the time we should have been released. One of the reasons the parole board gave to justify not releasing us is that we are a threat to the safety of the community. This is not true. People are not afraid of Move People. Move People ain't strangling people to death, shooting people in the back. It ain't MOVE that killed a man in front of his fiancé and four year old child. MOVE is not drive by shooting, or terrorizing folks in the community. It's the community who is faxing, emailing, and calling the parole board asking for our release on parole.

It is The Parole Board and D.A. John Straub who continue to deny our release for no valid reason. On August 8th 1978, hundreds of cops attacked our home at 3:00am in the morning trying to kill us. They couldn't kill us that day, so they are trying to finish the job in these prisons, but understand -- John Straub and The Parole Board are not justified. MOVE did not go out to The Police's house to do them harm. The Cops came to our house, because a judge sent them to our house to serve bench warrants for not appearing in court -- not for rape, murder, kidnapping, or abuse -- but for not appearing in court for a civil matter. Understand this, hundreds of cops were sent to our home while we were asleep, dressed in swat gear, armed with all type of weaponry, semi -automatic weapons, fire fighters, smoke bombs, tear gas, a deluge gun, a crane and a bulldozer to serve bench warrants for a housing code violation.

It was The Police who came to MOVE'S premises. They came armed to the teeth and in their frenzy to kill MOVE they killed one of their own and condemned us for it. We are not making this up. The evidence is clear. The whole world witnessed the attack on the MOVE house May 13th 1985, where the house was bombed into a blazing inferno, the 6 adults were shot and killed and the 5 children were shot back into the house by police as they tried to escape the burning flames where they died. These are proven facts. During the city's investigative hearing, it was ruled that the cops used excessive force and the killings were wrongful deaths. Those children were our children in that house that day, yet not one cop or official connected to the bombing of our family were held accountable, responsible for these deaths like the parole board is telling The Move 9 we have to take responsibility for a crime when The District Attorney never proved MOVE had killed a police officer.

We have no weapons charges and the judge admitted on public radio to the caller, Mumia Abu Jamal, that he didn't have the faintest idea who shot the police officer. It's a fact that world renowned forensic experts Dr Ali Hameli and Claus Speth ruled the deaths of the children HOMICIDES in a scathing report against the city, submitted to the assistant District Attorney Joan Weimer, and the grand jury did nothing.

The Move 9 have spent almost 40 years in prison for killing a cop, with no real proof. The whole world saw the Philadelphia police murder our children, and family, and they have not spent a day in prison for it, but what is the difference in these lives? Does a MOVE child not bleed when they are shot? Does a MOVE parent not feel pain when their baby is killed, just because they are not cops or officials. Does the murder of a MOVE child, pain of MOVE parent, heartache of a black person's suffering still fall on deaf ears like the slaves who cried out when their babies, women, and men were sold, killed, whipped by slave owners? Ask yourself. Things May seem to have changed since those awful days, but the mentality is still very much existing. Just look around, and listen. Black lives (Don't) Matter. That's why these cops are getting away with killing Black Men, Women, and Children. That's why The Move 9 are still in prison almost 40 years for killing a cop, and the cops responsible for killing 11 MOVE people, 5 of them children, are walking around like they are clean and without guilt. It's the mentality that makes them feel nothing after killing people. Because to them MOVE lives (Don't) matter. It's time for everybody to start speaking freely in protest of all this free wheeling injustice. People must understand this necessity of speaking out now.

We are asking for people to sign The Petition we have aimed at United States Attorney General Loretta Lynch demanding that The United States Justice Department open up an investigation into the ongoing and wrongful imprisonment of The Move 9.

People can sign the petition at causes.com/92454-free-the-move-9 Speak out with the understanding that when speaking of MOVE, you are speaking up for yourself. It can't get better for MOVE without getting better for you.

22 Oct - We Are Not Targets: NYC Anarchist Action Reportback

Things have been heating up in the streets of NYC. Comrades have written a short update.

MORE:

With another abhorrent week in NYC: the NYPD's murder of Deborah Danner and the untimely death of Venida Browder, the mother of Kalief Browder, we, at NYC Anarchist Action, felt compelled to respond to the deep tragedies that are a common experience at the hands of the police. Hoods4Justice, a local revolutionary organization, made the call for an anti-police march in Brooklyn, starting at Barclays Center.

The NYPD had a remarkably large presence at Barclays and in the surrounding area, amassing several dozen police vans with officers positioned on several side streets and stationed in the nearby mall. Even with this outrageous police presence we marched, took the streets, and pulled off a passionate, rebellious march to the applause and affirmation of the neighbors.

As we snaked through side streets, militants erected barricades that slowed the police tail considerably. We marched through two housing projects and as chants echoed off their walls, people joined us in the action. Next, an american flag was torched and a Hillary Clinton campaign office was shouted down, with both actions incurring shocked expressions from people looking on. As we continued, more barricades were erected and soon we passed a military recruiting office which was attacked; its windows shattered.

The revolutionary anarchist movement in NYC is exceedingly gaining its confidence and our actions are becoming increasingly more bold, and significant. The seriousness of the situation in this country: where people are gunned down without repercussion, legal slavery is thriving, and urban enclaves are being routed, demands an unrelenting and powerful response. Vast neighborhood support has been crucial and beneficial to our larger growth, and as these actions increase in their virulence, the visibility of our commitment to revolutionary change becomes increasingly pivotal for the participation of those most affected by the american plantation.

Furthermore, the disengagement of peace police, liberals, and many authoritarians is creating an atmosphere where revolutionaries can and will thrive. We will continuously organize and propagate a political alternative in NYC and relentlessly fight this abolitionist struggle in the 21st century.

22 Oct - Petition: Executive Clemency for Dr. Mutulu Shakur

If you are able, please encourage others and sign this petition seeking clemency for Dr. Mutulu Shakur.

MORE:

<https://www.change.org/p/barack-obama-executive-clemency-for-dr-mutulu-shakur>

The acts of which Dr. Shakur stands convicted were committed in the context of a movement some forty to fifty years ago seeking equal treatment of black people who, it is widely recognized today, were suffering catastrophically from disenfranchisement, poverty and exclusion from many of the fundamental necessities that make life worth living. Black school children were being killed in church bombings. Black and other civil rights leaders were targeted for assassination. Law enforcement, through the COINTELPRO program, infiltrated a wide range of organizations and civil rights groups disrupting their activities and, as Congressional investigation later discovered, often causing violent reactions. In that era, black youth were paralyzed with fear that smothered their dreams, they doubted their life expectancy, and were forced to submit to abuse, runaway or challenge the threat.

Dr. Shakur has served over thirty years in custody, been unjustly denied parole eight times in a documented discriminatory manner, taken full responsibility for his actions, served as a force for good and alternative dispute mechanisms throughout his decades of incarceration, is an elder with multiple health complications, and has a loving family that needs him, even moreso after his former wife, Afeni Shakur, passed away in May. Upon release he will continue to inspire people to seek self-improvement through peaceful and constructive means, as he has done while incarcerated, as he did with his late son Tupac.

In his own words, "For many years I have been a staunch advocate for the establishment of a truth and reconciliation process to address issues of racial and economic disparities. I have been influenced by examples in South Africa, Latin America, Northern Ireland and here in the United States of efforts at restorative justice through the pursuit of truth and reconciliation ...

I cannot undo the violence and tragedy that took place more than thirty years ago. But for several decades while incarcerated I have dedicated myself to being a healer, spreading a message of reconciliation and justice, and playing a positive role in the lives of those I come into contact with, in and out of prison ...

This country is not the same country it was at the time of my conviction and I have lived long enough to understand the changes the country and I have undergone. I will always care about freedom and equality

for black Americans, marginalized people and the lower classes in this country and abroad. The struggle was never about me, but for the will of the people.”

26 Oct - Dia de Los Muertos QDEP Action

WHAT: A public funeral for the people who recently died in detention in New York and New Jersey, and the rest of those who have died this year in immigration detention centers.

WHEN: 5:00pm Wednesday, October 26

WHERE: Federal Plaza - New York City ICE Headquarters is at 26 Federal Plaza off of Worth Street in Foley Square.

COST: FREE

MORE:

From October 26 to November 4, Detention Watch Network members and allies will mark the Latin American Holiday, Día de los Muertos, with national days of action to honor the lives of those who have died in immigration detention.

Recent investigations into deaths in immigration detention have found that inadequate medical care at detention centers has played a key role. This year alone there have been ten deaths at detention centers across the country at the hands of Immigration and Customs Enforcement. We demand ICE conduct an investigation into the 10 deaths that have occurred this year and release the findings by January 30th, 2017.

The Queer Detainee Empowerment Project will hold a public funeral to honor two of the people who have just died at Elizabeth Detention Center and Orange County Detention Center. We will stage a direct action to make the violence of immigration detention centers visible to the public and the employees of Federal Plaza.

29 Oct - Prison Strike Solidarity Demo

WHAT: Demonstration

WHEN: 3:00-7:00pm, Saturday, October 29

WHERE: Barclays Center - 620 Atlantic Avenue, Brooklyn, New York 11217

COST: FREE

MORE:

On Sept 9th prison rebels across the United States have launched a historic #prisonstrike, condemning the perverse nature of 21st century slavery while also addressing the continuation of slave conditions in the US since the antebellum period. In prison today, many prisoners work for no compensation at all, reminiscent of the labor arrangements on the plantations in the southern US. This era of mass incarceration, like Jim Crow, and chattel slavery, is defined by the bondage, trafficking, murder, and degradation of black people. And like Nat Turner, or Gabriel Prosser, rebels in bondage are leading the path toward liberation.

The #prisonstrike has intensified the calls for a new abolitionist movement and revolutionaries around the world have taken heed. The Free Alabama Movement, an autonomous prisoner organization, has called for boycotts and actions targeting corporations and banks that support prison labor. In solidarity with their call we are marching and rallying against several of these businesses. Join us in the streets while we salute the prison rebellion and put pressure on those businesses that are exploiting prisoners, and complicit in the terror and despotism that is 21st century slavery.

29 Oct - Beyond the Bars: From Reentry to Reconciliation

WHAT: Conference

WHEN: 9:00am-4:00pm, Saturday, October 29

WHERE: Brooklyn Meeting House - 110 Schermerhorn Street, Brooklyn

COST: FREE

MORE:

Save the date for this day of workshops and discussion focused on community organizing and political advocacy around issues of mass incarceration. This free day-long event hosted by Brooklyn Meeting of the Religious Society of Friends (Quakers) will focus on mass incarceration, community organizing, and political advocacy around issues of racial profiling, educating attendees about our country's prison industrial complex and equipping them with the tools to advocate and organize at all political levels in Brooklyn and beyond.

Our day will begin with an opening keynote by Staff Attorney Karen Thompson of the Innocence Project, followed by three breakout sessions on a variety of social justice topics. Participants include The Doe Fund, Project Renewal, Books Through Bars, American Friends Service Committee, and New York State Council of Churches, among others.

A continental breakfast (9-10am) and lunch will be provided. Bring a friend, bring a dictionary to send to an inmate, and most importantly, bring an open mind. Come join the discussion!

5 Nov - Freedom Dance

WHAT: 7th annual Freedom Dance

WHEN: 8:00pm Friday, November 5

WHERE: National Black Theater - 2031 Fifth Avenue New York, New York

COST: \$20

MORE:

CELEBRATE 37 years of freedom for Assata Shakur and SUPPORT the fight to free all U.S. held political prisoners. DJ Lumumba aka Revolution. ALL PROCEEDS benefit the political prisoners—some of whom remain behind the walls after more than 40 years - FREE THEM ALL! Mark your calendar, watch for further details, get ready to PARTY WITH A PURPOSE

12 Nov - Launch party for 2017 *Certain Days* calendar

WHAT: Launch Party

WHEN: 7:00pm, Saturday, November 12

WHERE: Interference Archive - 131 8th Street, Brooklyn, New York 11215

COST: FREE

MORE:

This calendar launch party will featuring artists and contributors to the 2017 calendar including Laura Whitehorn, Sophia Dawson, Naomi Jaffe, Daniel McGowan, Jenn Meeropol and reps for Leonard Peltier and Oscar Lopez Rivera. There will be art on display from the calendar, refreshments and the 2017 calendars for sale!

The 2017 calendar's theme is 'sustaining movements' and features art and writings by Farha Najah, Sekou Odinga, David Gilbert, Daniel McGowan, Free Oscar López Rivera Now, 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, Support Marius Mason, Eric King, Kevin "Rashid" Johnson, Jennifer Meeropol, International Leonard Peltier Defense Committee, Amanda M Priebe, the Termite Collectie, Walidah Imarisha, Ali Cat Chavez Leeds and more.

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. The initial 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.

The proceeds from Certain Days 2017 will be divided among these groups: الأسير لرعاية الضمير
Addameer Prisoner Support and Human Rights Association, Release Aging People in Prison - RAPP and the Unist'ot'en Camp.