



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for April 11<sup>th</sup>

### **24 Mar - Chuck Africa Update**

*The following is a letter from MOVE prisoner Chuck Africa about his recent parole denial.*

#### **MORE:**

I was seen in December of 2016, and on January 2017 a decision was rendered giving me another two years. I will be reviewed again in 2018. But the thing is, I won't be reviewed again because I refuse to see them. I am done with this charade. I will continue on in a course that involves legal action via a Habeas Corpus and a lawsuit against all Board members in their individual capacities. It is quite clear that these modern day Gestapos are only interested in persecuting me and others. Their reasons for my latest denial is that I, "refuse to show remorse and take responsibility," etc. etc. Well, I proclaim my innocence and I was sentenced to 30 years; that minimum sentence (by law) IS ALL THAT IS REQUIRED AS LONG AS ALL PROGRAMS ETC ARE COMPLETED. The Board has for years manipulated a statute pertaining to parole and tried to say that it is not a "Constitutional" issue. Well, it is a constitutional right to be paroled after one has completed their minimum. I will send copies of my papers to everyone as soon as they are completed and filed. Some of the legal issues will be complicated, but in the end it will clearly be seen that these people (involved in parole, the prisons and the courts) have been perpetrating a fraud and issuing sham justifications for denying parole to people.

I am confident that I (we) can beat these people and get out of prison! I appreciate all the support given to me in any way possible. I won't waste any more time seeing them twisted sadists; fuck them. I apologize for such language, but its all I can say right now...

I took a few weeks to prepare this because I was sent to a few hospitals the last couple months for eye surgeries and I was out of it for a lil while. I will be right back at you soon.

Free all PPs and end all violence against women!

### **27 Mar - Mumia Update**

*Good News. On March 27, the Court of Appeals for the Third Circuit denied the Department of Corrections' motion to "stay" Judge Mariani's order that the DOC provide Mumia the Hepatitis C treatment pending appeal.*

#### **MORE:**

They had filed a motion saying that until the appeal is decided, they need not comply. The appeals court has now rejected that argument.

This does not mean that the DOC will comply and treat Mumia ASAP. We don't know what they will try next. There has been a motion pending in front of Mariani for almost two months to find the DOC in contempt for failing to comply with his order to treat Mumia. Mumia's lawyers--Bob Boyle and Bret Grote--are consulting to figure out the next step.

Meanwhile this is a indeed a great victory, but Mumia has not been treated yet. Protest, pressure and publicity is needed to get Mumia and other prisoners Hep C treatment.

### **March 29<sup>th</sup> - Appellate Court Panel Rejects PA Prison Effort to Further Delay Hep-C Treatment for Ailing Mumia Abu-Jamal**

by Dave Lindorff (*This Can't Be Happening!*)

After two years of being denied appropriate treatment for his active Hepatitis-C infection, Mumia Abu-Jamal, a black journalist and activist who has been in a Pennsylvania jail for 35 years, 29 of them on death row, will finally receive the latest medicine to treat the deadly disease, but according to Amy Worden, a spokeswoman for the state's Department of Corrections, the only reason for this is that, as she put it in a statement to Washington, DC television news station "inmates are prioritized for treatment based on the progression of the disease." She claimed that, "based on recent testing, he's now eligible." [1]

The DOC had informed the Third Circuit Court of Appeals in a status report filed today about the decision to start offering treatment -- which involves giving him 12-24 weeks of daily anti-viral pills, but without that dire explanation for the department's change in handling his case. The department currently has an appeal pending before the Third Circuit, asking that panel to stay a lower federal district court's injunction ordering immediate treatment to be offered to Abu-Jamal. Last week, the Third Circuit judicial panel had rejected that appeal for a stay and Abu-Jamal's attorneys were preparing to ask District Judge Robert Mariani to find the DOC in contempt and to order an immediate start to the medication.

Johanna Fernandez, a member of Abu-Jamal's legal team, tells *ThisCantBeHappening!* that Abu-Jamal is "quite angry." She reports that on Friday he told her that "The prison doctor visited with him today to say that he has developed cirrhosis. In short, the prison has allowed his condition to worsen, and although it is expected that he will recover once he gets the Hep C cure, he and others who develop cirrhosis are more likely to develop liver cancer over the course of their lives."

Ab-Jamal's own doctor has not been shown the prison medical records yet, and thus cannot comment on the claim that he has cirrhosis.

The DOC's denial of treatment has been going on for exactly two years, dating from March 30, 2015, when inmate Abu-Jamal, already suffering from a terrible skin rash and unexplained dramatic weight loss, collapsed and had to be rushed out of the prison to a hospital, where he was diagnosed with serious case of diabetes. That's when he was finally tested to see if he had a Hepatic C viral load in his blood (he did).

The DOC already had known at the time for three years that Abu-Jamal had contracted the potentially deadly virus, thanks to a routine blood test he was given as part of the process of transferring him from the super-max SCI-Greene death row prison outside Pittsburg to his current regular-population prison at SCI Mahanoy, where he is now serving a sentence of life without parole following the overturning of his death sentence on constitutional grounds.

Since the discovery of the active infection, which medical experts say is the reason he suddenly contracted a serious case of diabetes and which also explains several other debilitating ailments he has been suffering, the DOC has fought a two-year legal battle against efforts by Abu-Jamal and his attorneys to obtain the appropriate medicines available for treating his underlying Hep-C infection.

During those three years since the initial positive test, there was no follow-up test done to see if his Hep-C had become an active and thus life-threatening infection until July of 2015.

In his most recent taped report from prison [2], taped and made public by Noelle Hanrahan of Prison Radio [3], Abu-Jamal talks about how medical care for prisoners is nothing like medical care outside in what is called the "free world." Physicians and nurses, he says, instead of caregivers, are employees of special firms that work exclusively under capped contracts for prisons, and as such are under intense pressure to keep costs down, with costs, not treatment, the priority. Using his own case as an example he says:

From 2015 to today my lawyers and I have been demanding real treatment for my Hepatitis infection. The DOC filed an affidavit which justified a US magistrate's dismissal of my own suit. The DOC argued that my Hepatitis was 'fine'. That it could go on for years without treatment.

A federal judge disagreed and held a hearing which showed the affidavit was false and months later declared the DOC, its so-called protocol, was unconstitutional. The DOC fought back arguing my Hep C was at a low level. The judge again disagreed. Declared the protocol was unconstitutional a second time and ordered me treated. The DOC essentially ignore the court order for close to two months and earlier this week subjected me to more testing.

Well, the results just came back. Not only do I have advanced Hepatitis C. I have cirrhosis of the liver called F4, because the DOC didn't want to spend the money to treat m infection.

Abu-Jamal, who has always made it clear that he has been fighting this legal battle not just for himself but for all prisoners suffering from untreated Hepatitis infections in Pennsylvania and across the country, concludes angrily that the department's obstruction and delays "may have cost me my life," given that cirrhosis is known to frequently lead to cancer of the liver in those who develop it.

As Bret Grote, legal director of the Abolitionist Law Center in Pennsylvania, and Abu-Jamal's attorney in a case seeking to force the DOC to provide the current Center for Disease Control-recommended medicine that has a 90% cure rate for the disease, said earlier this week, referring to the years of stalling and false information offered in court that the DOC has engaged, said "In all that time, right down to the present, the DOC has not provided any treatment for Mumia. Whether his active infection is doing further damage -- fibrosis or even cirrhosis of the liver or other damage to him -- we don't know. But he clearly is at greater and greater risk of serious health damage the longer this non-treatment goes on. (During a hearing last year before Federal District Judge Robert Mariani in Scranton, a DOC doctor testified under cross examination that there was a "63% chance" that Abu-Jamal already had cirrhosis, meaning that his liver is already being irreversibly damaged by the progressive disease.)

Grote told *ThisCantBeHappening!*, referring to the latest announcement by the DOC that next week it will begin treating Abu-Jamal with the latest FDA approved drug for his Hep-C, "Their arrogance is breathtaking! The only reason they performed the sensitive test that discovered Mumia's cirrhosis was because of his court case . Normally, they testified that they only run that test after they've decided they are going to consider a prisoner for treatment. Remember, they only did the first ultrasound of Mumia's liver after Judge Mariani issued his contempt order, and they only did this latest test after the Third Circuit denied the DOC's request for a stay of that order."

Grote has harsh words for the State of Pennsylvania Department of Corrections' non-treatment not just of his client, Abu-Jamal, who is serving a life-sentence without chance of parole for the murder of white police officer Daniel Faulkner in Philadelphia back on Dec. 9, 1981, but of its similar non-treatment of thousands of other state prisoners known to have active cases of Hep-C, which is epidemic in prisons in Pennsylvania and across the country. Grote says that the DOC's "protocol for treatment, or really of non-treatment" of Hep-C, which states that state-of-the-art medicines are only to be provided if prisoners show evidence of progression of the disease to a point that it has become imminently life threatening (the presence of advanced cirrhosis and esophageal varices), resembles a "Nazi death camp standard of care."

As Abu-Jamal noted in his taped commentary, that outrageous protocol only came to light during the hearing before Judge Mariani, when an attorney for the DOC mentioned its existence under questioning and then unsuccessfully sought to show it only to the judge, but not Abu-Jamal's attorneys, and to keep it out of the court record -- a request the judge denied.

Pennsylvania, like many states across the country, does not want to have to provide the new medications, now produced by several major drug firms, despite their remarkable proven success rate at clearing the disease from the body, because of the cost, currently estimated at about \$50-80,000 per person treated. The DOC admits that as many as 5400 of its prison inmates have active Hep-C cases like Abu-Jamal's, with only perhaps as many as 1% of them receiving the medications. (Critics argue states, by bargaining as a bulk buyer, could surely obtain the medication much more cheaply than that quoted retail price, just as insurance companies reach deals to obtain costly patented medications for other diseases at sharp discounts from retail price. They also point out that hospitalizations of Hep-C infected inmates for the many ailments they suffer as the disease progresses, can cost the state hundreds of thousands of dollars per prisoner -- far more than the cost of curing them with the new medications on the market.)

Abu-Jamal's supporters around the world believe that Pennsylvania, under pressure from the powerful police union, the Fraternal Order of Police, which was long calling for the state to "fry Mumia!", has been trying to "execute" him by medical neglect now that the courts have ruled that it no longer can execute him for a conviction at a trial that, fraught with examples of judicial, prosecutorial and police misconduct and perjured evidence by prosecution witnesses, remains highly controversial.

Grote says that the Third Circuit panel's decision last week denying the DOC's request for a stay of the lower court's injunction was an indication that the panel's judges "didn't think the DOC was likely to win its case against providing treatment."

If he is right and the Third Circuit judges, in ruling to deny the DOC's request for a stay of Judge Mariani's treatment order pending their hearing of their the department's appeal is an indication that they were likely to rule eventually in favor the lower court decision of last August that denial of the new medications constitutes an unconstitutional form of "cruel and unusual punishment," the DOC may have made a strategic decision here. They may have decided to cave on this particular case so as to avoid ending up with an appellate court ruling that could be used to compel the DOC to start providing the costly antiviral drugs to all state prisoners with active Hepatitis-C infections.

Given that the Pennsylvania DOC does not want to be compelled to provide the costly anti-viral medication to thousands of the state's incarcerated inmates, it is of course possible that this claim that Abu-Jamal has now developed cirrhosis is false and is simply being used by the DOC as an excuse to allow it to back out of a case that was going badly for the state. It may all be an effort to deny ending up with a Third Circuit ruling that could lead to prisoners in the whole area covered by the Third Circuit, which would include Pennsylvania, Delaware and New Jersey, to have to start offering treatment infected inmates in their prisons.

Meanwhile Abu-Jamal's attorneys are remaining skeptical about the DOC's assertion in its latest court filing that it is planning to start providing the needed anti-viral meds to their client until it actually happens.

Source URL: <http://thiscantbehappening.net/node/3508>

Links:

[1] <http://wtop.com/national/2017/03/officials-mumia-abu-jamal-to-receive-hepatitis-c-drug>

[2] <http://thiscantbehappening.net/node/3508>

[3] <http://www.prisonradio.org>

### **April 2<sup>nd</sup> - Mumia's Treatment Not Yet Delivered**

On March 31, 2017, Mumia Abu-Jamal received a cruel mix of bad and good news from a prison doctor. The doctor shared the results of his recent lab test, which showed clear signs of cirrhosis, an irreversible

scarring of the liver caused by his untreated Hep C. The doctor also informed Mumia that he would be treated with the Hep C cure within a week.

The impending victory was bittersweet. Mumia shared his feelings with those he called that morning. His rare expression of emotion was also captured in an interview that evening in which he stated: "My first reaction was really shock, anger, disbelief. If I had been treated in 2015, if I had been treated in 2012 when they say they first diagnosed it, I wouldn't be this far advanced... For a lot of guys and a lot of gals inside the Pennsylvania prisons, I think it is a step forward and a great day, but I assure you I don't feel that way right now."

The Pennsylvania Department of Corrections' apparent concession to treat Mumia with the Hep C cure was achieved through an agonizing two-year battle waged in the streets and through two court suits. However, Mumia has not yet been treated and will not be without our vigilance and continued protests.

If he is treated immediately, Mumia can expect to return to good health; but patients who have developed cirrhosis are more susceptible to developing liver cancer in the future and have to be monitored for the rest of their lives.

In the face of Mumia's battle for humane medical treatment, the PA DOC had adopted a retaliatory posture and accelerated its efforts to silence and kill Mumia by delaying treatment. Because of the failure to treat his Hep C, over the last two years, Mumia fell into a diabetic coma, experienced severe brain swelling, and suffered a painful skin condition that disfigured his body. In the last year, he and others in the prison have been forced to bathe in and drink water that is often visibly contaminated—"black and turbid," as Mumia put it.

Many of Mumia's supporters around the world believed that Mumia received treatment back in early January 2017 because a federal judge ordered the DOC to provide it. But a stubborn and stonewalling PA DOC refused to comply with the ruling. The judge ordered Mumia's immediate treatment citing the unconstitutionality of the PA DOC's Hep C treatment protocol. The judge denounced the DOC, whose protocol "deliberately delays" treatment with the standard Hep C cure until the prisoner experiences bleeding of the throat, among other deadly symptoms. The decision cited eight amendment rights violations prohibiting cruel and usual punishment.

The ongoing foot dragging by the PA DOC was confirmed this week. On the same day that the prison doctor delivered the news to Mumia, PA DOC attorneys filed a scandalous motion in court. They asked the judge to dismiss Mumia's legal health suit on the basis that the DOC had decided to treat Mumia under the guidelines of pre-existing HEP C treatment protocol—the same protocol that the judge previously declared "unconstitutional."

These arguments demonstrate the DOC's attempt to undermine the legal implications of Mumia's legal suit and the DOC's own misconduct. When Mumia is finally administered the cure, his treatment will establish precedent for the treatment of thousands of PA prisoners with Hep C, as well as people on the outside who can't afford the medication. Mumia's battle has exposed the deadly crisis of medical care in the prisons and the barbarism of the U.S. for-profit health care system that charges 90K for the Hep C cure.

As history shows, a judge's ruling does not ensure its implementation, especially when it challenges ruling interests. For this reason, we are asking you to take action and demand immediate Hep C treatment for Mumia, for the more than 700,000 prisoners with Hep C across the country and the millions suffering with the untreated, deadly disease outside the prison walls in our neighborhoods.

This moment has also created an opportunity to uphold Mumia's innocence and fight for his freedom. On Monday, April 24, 2017, the day of Mumia's birthday, his attorneys will challenge his conviction in the Philadelphia Court of Common Pleas. We are calling on you to join us at the courthouse and in the streets.

On April 24, his conviction attorneys, Judith Ritter and Christina Swarns (NAACP Legal Defense Fund), will take advantage of the recent Supreme Court ruling in *Williams v. Commonwealth* to show how judicial and prosecutorial bias in all of Mumia's state appeals have kept him behind bars. This important Supreme Court ruling determined that a judge cannot fairly adjudicate an appeal of a case for which he/she has previously had a personal role in a significant prosecutorial decision.

In Mumia's case, Judge Ronald Castile, the same judge under scrutiny in *Williams v. Commonwealth*, also was the elected Philadelphia District Attorney responsible for the arguments made to the Pennsylvania Supreme Court in 1988 to uphold Mumia's trial conviction and death sentence. Castille had also been a high-level assistant DA during Mumia's trial. After he was elected to the PA Supreme Court in 1994, he was involved in deliberating and denying all of Mumia's state appeals against the decisions of "hanging judge" Albert Sabo and Pamela Dembe who upheld Mumia's death sentence and denied him a new trial during multiple appeals between 1998-2007. These judges denied a new trial despite Mumia's innocence, that evidence of his guilt was manufactured by the police and prosecution and that he had been denied virtually every due process right and protection owed under the U.S. constitution.

During the appellate filing, Mumia's attorneys asked Judge Castille to recuse himself because of this bias, citing also the judge's close relationship with the Fraternal Order of Police (FOP), which lobbied for Mumia's conviction. The FOP funded Castille's bid for the Pennsylvania Supreme Court and honored him as "Man of the Year." In response to Mumia's attorneys, Justice Castille responded stridently that he would not step aside, noting that he should not be singled out because five of the seven judges of that Pennsylvania Supreme Court were also supported by the FOP. It is no surprise that the court did not find one single error in the original court proceedings and thus upheld his death sentence and denied Mumia the right to a new trial.

We demand the immediate release of Mumia!

*We are calling on you to do two things:*

1. Call the DOC to demand immediate treatment for Mumia and all PA prisoners with Hep C

PA DOC Secretary John Wetzel, 717.728.2573

(Email) [ra-crapadocsecretary@pa.gov](mailto:ra-crapadocsecretary@pa.gov)

(Twitter) [@johnwetzel](#) \* [@CorrectionsPA](#)

2. Join us in Philadelphia on Monday, April 24, 2017 at 8:30AM, at the the Philadelphia Court of Common Pleas to assert Mumia's innocence and call for his immediate release.

Center for Criminal Justice

Courtroom 1101

1303 Filbert Street

Philadelphia, Pennsylvania

### **April 5<sup>th</sup> - Judge Mariani Demands DOC Begin Treatment**

From a letter by Bret Grote and Bob Boyle, two of Mumia's attorneys.

We had the conference and basically got what we asked for even if not everything we asked for. The Judge issued an order set forth below. The upshot is that treatment will begin tomorrow, April 6. DOC must file something with the Court by April 10 confirming that it has begun, although counsel agreed to email Bret and I tomorrow to confirm it has begun. They have also been ordered to communicate with us

and provide updates on treatment including medical records as it goes along. The Judge was reluctant to get involved with day to day supervision so he ordered them to communicate with us.

While the period of treatment is 12 weeks, part of the treatment is testing 12 weeks after the treatment with the drug ends. So incorporated in the order is the requirement for the follow up testing. One final thing: while the Judge dismissed as moot the DOC's post-decision motions, our motion to hold them in contempt remains but will not be adjudicated until after treatment is completed. This is an additional impetus for them to do the right thing.

Bob and Bret

### **ORDER**

1. In accordance with the Court's prior Order, (Doc. 23), granting preliminary injunctive relief for the Plaintiff, Plaintiff will be administered the direct-acting antiviral agent Harvoni beginning Thursday, April 6, 2017, and that such treatment will continue for a period of twelve consecutive weeks;
  2. DOC counsel will file with the Court no later than Monday, April 10, 2017, confirmation that the Plaintiff's treatment with Harvoni has commenced;
  3. Plaintiff will be tested to confirm the efficaciousness of the treatment, which test will be administered twelve weeks after the completion after the twelve week period during which the Plaintiff will be administered Harvoni.
  4. Counsel for the DOC Defendants will regularly communicate with Plaintiff's counsel for the purpose of advising them as to the progress of the Plaintiff's treatment and to respond to any requests for information regarding that treatment.
  5. Defendants' Motion to Amend Finding of Facts or in the Alternative for Reconsideration, (Doc. 29), is DISMISSED AS MOOT.
  6. DOC Defendants' Motion to Stay the preliminary injunction, (Doc. 30), is DISMISSED AS MOOT.
  7. Correct Care Solutions' Motion to Stay the preliminary injunction, (Doc. 36), is DISMISSED AS MOOT.
  8. Plaintiff's Motion to Amend/Correct, (Doc. 38), is DISMISSED AS MOOT.
  9. Plaintiff's Motion for Contempt, (Doc. 53), will be held in abeyance pending confirmation of completion of Plaintiff's treatment with Harvoni as outlined herein.
- Signed by Honorable Robert D. Mariani on 4/5/17 (jfg)

### **28 Mar - Brooklyn, New York: Kuwasi Balagoon Liberation School Launches**

*The Kuwasi Balagoon Liberation School is designed for a new generation of revolutionaries.*

#### **MORE:**

Named after the Black Liberation Army soldier, we intend to commemorate his life and struggle by making a class that continues his organization's legacy.

This class will focus on revolutionary history and theory, and will be an introductory process to joining an array of resistance projects at The Base. Part educational and part pragmatic, this program will help you orient yourself towards the coming struggle and detail what we are working towards in the future!

Starts April 1<sup>st</sup>, 4pm

The class will be every 1<sup>st</sup> and 3<sup>rd</sup> Saturday at 4pm.

The Base, 1302 Myrtle Avenue, Brooklyn, New York 11221

## 30 Mar - Cuomo Backs Off Visitation Limits

*Gov. Cuomo has backed off a proposal to slash the number of visitation days the families of inmates at maximum security prisons would be allowed, a key lawmaker said on March 30.*

### **MORE:**

by Glenn Blain and Kenneth Lovett (*New York Daily News*)

Cuomo as part of his state budget proposal in January angered prisoner advocates by proposing to cut the number of days in which visits are allowed at maximum-security state prisons to three days a week, down from seven.

But after an outcry from those in the prison community and lawmakers, Cuomo during budget talks with the legislative leaders agreed to restore the \$2.6 million to fund the 39 positions needed to allow visitations every day, Assembly Corrections Committee Chairman David Weprin (D-Queens) said.

"I want to praise the governor for doing the right thing," Weprin said. "I think he heard from a lot of people and realized it doesn't make sense."

The agreement to restore visitation came as Cuomo and legislative leaders worked Wednesday to reach an overall budget agreement before Saturday's start of New York's fiscal year.

"All parties need to be happy for there to be a budget and we're still in the midst of those discussions," said Assembly Speaker Carl Heastie (D-Bronx).

Lawmakers said they were nearing completion of a deal to raise the age that a teen can be charged as an adult from 16 to 18. Under the proposal being discussed, youths charged with misdemeanors and other non-violent offenses would be diverted to Family Court while those charged violent crimes would be handled by a special youth court created within the criminal court system.

"I am very confident we can all come together and get something done," said Bronx Sen. Jeff Klein, leader of the Independent Democratic Conference.

Lawmakers also reported near agreements on a new bond act to fund water system upgrades and a measure to allow ride sharing in upstate cities.

Critics, however, said the proposed measures did not go far enough.

"As more potential budget deals are learned, it is becoming increasingly clear that certain progressive issues are being left behind," said Senate Democratic Leader Andrea Stewart-Cousins (D-Westchester County). "This is what happens when a Trump Republican minority is empowered to run the State Senate. Priorities like Raise The Age and education aid are being watered-down, while issues like ethics reforms and the DREAM Act are being forgotten completely. It is not too late to address these progressive issues and include real action in the State Budget."

Meanwhile, agreements on others — including an extension of New York's expiring millionaire's tax, workers compensation reform and funding for charter schools — remained elusive.

"We have two days of eternity (remaining)," Heastie joked to reporters.

If an agreement isn't reached by Saturday, Cuomo has threatened to introduce short-term budget extenders that would keep the government operating. Such a move, he argued, would give the state more time to react to cuts in federal aid that are likely under President Trump and congressional Republicans.

Tina Luongo, of the Legal Aid Society, praised the decision to restore prison visitation, saying Cuomo's plan would have only served to penalize families trying to visit loved ones.

"These visits often serve as the only connection inmates have with the outside world," Luongo said. "They're fundamental for reentry back into society, and Albany should actually look for ways to increase access at medium-security prisons which were cut a few years ago."

In initially proposing the measure, Cuomo had said it would treat visitations at maximum security prisons more closely with what's done at medium security facilities. Cuomo's budget office had said that weekend visitations are the most popular for families traveling long distances and the change, along with an expanded use of video conferencing, would be a more efficient use of taxpayer dollars.

### **31 Mar - Janye Waller Set To Be Released May 14**

*Janye Waller has been in prison for too long, but we hope to have him back on the outside in a month and a half!*

#### **MORE:**

He's really going to need our support when he's out! He got evicted right before his imprisonment so he'll need to sort out housing and everything else to get back on his feet. Please, please consider making a donation to his support fund!

**rally.org/supportjanye**

Noelle, one of his main supporters, was recently interviewed on the anarchist radio show, The Final Straw. Check it out, it's really good: [thefinalstrawradio.noblogs.org/post/2017/03/19/support-janye-waller-anarchist-thoughts-on-tactics-at-standing-rock](http://thefinalstrawradio.noblogs.org/post/2017/03/19/support-janye-waller-anarchist-thoughts-on-tactics-at-standing-rock)

### **31 Mar - Two More Water Protector Cases Dismissed**

*In a signed order, Morton County District Judge Schmalenberger granted Motions to Dismiss filed by water protector defendants Theresa Blackowl and Olivia Bias.*

#### **MORE:**

The defendants were charged with "criminal trespass" and "engaging in a riot" when they were arrested at an area identified as DAPL site 118 on Highway 6 on October 10<sup>th</sup>.

In the affidavit offered by the prosecution, Ms. Bias was accused of "refusing to leave and locking arms in a teepee to delay arrest" and Ms. Blackowl was accused of being "in a teepee on DAPL site 118" and "refusing to leave." The defendants filed Motions to Dismiss arguing that the facts alleged, even if true, did not provide the probable cause necessary to show a crime was committed or that the defendants committed it.

In granting the defendants' Motions, Judge Schmalenberger concurred:

*The complaint must show that probable cause exists to believe that the defendants committed the acts charged. The alleged facts must be sufficient to warrant a defendant committed it... The allegations in the affidavits do not meet this standard. The affidavits do not even contain the essential elements of the charged offense...THEREFORE, IT IS HEREBY ORDERED that the charges of inciting a riot and criminal trespass are dismissed without prejudice.*

Attorneys bringing the Motion were part of the Water Protector Legal Collective's (WPLC) Pro Hac Vice program approved by the North Dakota Supreme Court. The program allows experienced out-of-state attorneys to appear in the #NoDAPL cases pro bono, without local counsel present. Melinda Power and her local counsel sponsor, Amanda Harris, originally filed the Motions to Dismiss. Ms. Power is a WPLC-affiliated pro hac vice attorney from Chicago, and Amanda Harris is an experienced local criminal defense attorney.

While Judge Schmalenberger's immediate ruling is limited to the two cases set for trial tomorrow and is based on the specific language of the affidavit, the rationale for dismissal could easily apply to many of the other hundreds of Water Protector cases where "criminal trespass" and "engaging in a riot" are charged and specific factual allegations are lacking.

Yesterday, on March 29, North Dakota Water Protectors had felony "reckless endangerment," "lockdown" charges dismissed. States Attorney Grossinger said he had a conflict on the day the felony reckless endangerment case was set for trial, and he was not prepared for trial on April 4<sup>th</sup>, despite having nearly six months to investigate, gather evidence, and find witnesses who could establish that any crime occurred.

As of today, no Water Protectors have been found guilty of felony charges, none have been sentenced to spend time in jail, and over 30 Water Protectors have had misdemeanor charges dismissed for lack of evidence. We also want to acknowledge the Freshet Collective for providing bail, travel money, and ground support for defendants, as well as financial assistance to local attorneys who are representing Water Protectors.

Oil may be flowing under Lake Oahe, but the arc of the moral universe still bends toward justice. Water protectors are winning the fight against the head of the "black snake" in the courts, and this Movement has inspired so many to continue this fight elsewhere. These are still sacred times.

#### **April 1<sup>st</sup> - Chase Iron Eyes Pleads Not Guilty to Inciting a Riot and Trespassing**

by Levi Rickert (*Native News Online*)

Chase Iron Eyes, an attorney and publisher of Last Real Indians, pleaded not guilty on Tuesday to charges of inciting a riot and trespassing early last month at a new camp near Standing Rock Indian Reservation.

If convicted, Iron Eyes could be imprisoned for five years.

Iron Eyes was among 76 people arrested on February 1, 2017 at the newly erected Last Child's Camp, which is on private land, up the hill and across the highway from the Oceti Sakowin, the largest of the Standing Rock encampments. Water protectors had been looking for new locations to establish camps because the Oceti Sakowin is in a flood plain and campers needed to evacuate the camp prior to the spring thaw.

Iron Eyes was an unsuccessful Congressional candidate in last November's general election.

No trial date has been set.

#### **April 6<sup>th</sup> - Krow's Extradition Hearing Today, Updates & Non-compliance**

Krow had their extradition hearing at 2:00 pm today in Morton Cty, ND; they are currently still 'out' in the relatively free world, & the 'state' of Wisconsin has ten days to pick them up & transport them into their custody for alleged activist related charges there.]

If they do not appear within this time frame, the Governor's warrant is null & void, & the whole process would then have to be refiled & theoretically start over.

Though Krow is still raising money for their support fund, which includes paying off various legal fees & fines in different arenas, Krow also wants to remind folks that when their legal proceedings are completed, any money left over in the “Support Krow” Fund will be allocated to other front line legal struggles that prioritize indigenous peoples.

In conjunction, Krow wants to reemphasize and share that federal investigations are more than likely still under way & possibly waiting to be revealed surrounding the #NO DAPL struggle, so ALWAYS maintaining good security culture is paramount! Furthermore, dismissals in the courtroom are NOT the same as acquittals! Dismissed charges can STILL be resurrected at a later time/inconvenient date!

In addition to good security culture, a serious and steadfast personal & collective policy of non-compliance in regards to the “authorities” is also of most importance, and needs to be maintained! This means NOT talking to the police or ANY other three letter agency for that matter, including but not limited to: FBI, BIA, ATF, CIA, DEA, etc. It is also their opinion that people that DO comply in any way, shape, or form, only serve to hurt the lives & ongoing legal battles of other water protectors, thus should NOT get any financial help or legal resources from either the Freshet or WPLC Legal Collective!

While keeping the struggle alive, please remember that one has to be PHYSICALLY & IN-Person “served” federal grand jury subpoenas! “Certified” sitting-in-your-mailbox subpoenas do NOT count! There’s also a time-limit on their validity of 18 months, at which point they may or may not resubmit a new subpoena/extension.

As far as DAPL pipeline updates are concerned, reliable sources on the ground in North Dakota have said there is NOT oil flowing through the pipeline under the river! We must remember that the mainstream media is out to make headlines & money, not always do the best reporting, nor gave the ‘people’s’ best interests in mind.

Be smart, Kick ass, and stay as free and effective as long as possible! Those with privilege & access to land, please share it with the resistance efforts that oppose fascism, resist resource colonialism, & generally fight the wretched system we were born non-consensually into.

### **3 Apr - Update from Jalil Muntaqim**

*NYC Jericho visited Jalil once again on Sunday, April 2, 2017, which happens to be the birthday of Jericho Co-Founder Safiya Bukhari.*

#### **MORE:**

We are glad to report that Jalil has now finally received all of his property, including the precious albums of family photos.

Jalil is writing assiduously, so please be sure to check out his blog and his poetry at [freejalil.com](http://freejalil.com).

Jalil enjoys corresponding with people and sharing ideas. Please be sure to write to him and let him know he is in our hearts and on our minds.

#### **April 3<sup>rd</sup> - Cognitive Dissonance (Blog #43)**

Since being held in both Attica and Southport Special Housing Units (SHU) for the past several months (12/5/16 to 3/21/17), each week, once a day, a psychologist stops at each cell asking its inhabitant, "How

are you doing? Are you feeling all right?" When the prisoner responds "I'm Okay," the psychologist moves on to the next cell.

I have witnessed and experienced this weekly ritual and responded with the customary "I'm Okay," and contemplated on the routine of it all. This form of crisis management, if there were to be a crisis, attempts to discover predictors before a crisis manifests, and lends thought to the origin of the need for such management.

How should I delineate the origins of this man-made-created dilemma, perhaps as far back as the advent of the Thirteenth Amendment in 1865 (ending private holding of slaves, appropriating and inventing its "lawful" practice by the State), when slavery and involuntary servitude were codified into law for those "... duly convicted of a crime." Maybe it would be best to consider the slaves in the cotton fields, and a psychologist one day, each week, traversing the plantation asking each slave is she/he "all right," "how are you feeling". Or even further back, as Afrikans are being piled in the bowels of slave ships, that would be the perfect place to pose this crisis management question.

Indeed, for many this thinking would seem ludicrous or cynical, knowing a need exists to address this man-made-created problem because there are prisoners who succumb to the mentally debilitating conditions of 23 to 24 hours locked in a prison cell. Just as some Afrikan slaves during the Middle Passage jumped overboard to their watery demise, some 21st Century slaves commit suicide in their cold desolate cells.

Nonetheless, the question to be contemplated is not the asking of the prisoner/slave how he or she is doing or are they all right (?); rather, the question needs to be asked of the person(s) (prison guards/administrators/ society) who lock other human beings in cells 23 or 24 hours—are they Okay? Don't ask the enslaved, ask the enslaver; for it is the choice of one's humanity or lack thereof, that cultivates, grants and permits this kind of brutal soul-snatching treatment that needs to be questioned. The laws and regulations that permit the caging of human beings need to undergo psychological evaluations to determine if they are humane in their totality.

The social order and criminal laws demand the punishment of imprisonment at a greater socio-psychological and moral determinant than the obvious deterrent to criminality—i.e., redistribution of wealth to eliminate poverty, drug and alcohol addictions, unemployment, dilapidated schools and homelessness. It is well established the problem of crime and punishment leading to imprisonment is not intractable. There are a plethora of studies that offer irrefutable cause and effect solutions. Yet, given the availability of these studies, the criminal (in)justice system continues to deliberately operate as big business, exploiting the human misery created by the collective failure to truly address Americans' historical and racial pathology. Such social and racial pathology has now become rooted and metastasized in the White House, consolidating and morphing into a dangerous enterprise of xenophobic empire building.

But I digress from the principle issue under discussion. This writing was triggered on 3/15/17, as I was meditatively pacing in this Shawangunk SHU cell for about an hour. It is one of my coping mechanisms after completing 350 push-ups and other exercises. A middle-aged good looking Black woman appeared in front of the cell, announcing she is Mrs. Buchanan, a psychologist, asking me the expected questions. As I answered, "I'm Okay," "No, I'm not feeling suicidal," a smile crossed my face. She observed "You're smiling," nodded her head and walked away. She did not ask what I was smiling about, whether I found her amusing, and I can only imagine what she conjured—but it's safe to say it wasn't of me being suicidal. If she only knew my thinking was "Are you Okay?" for even asking me that question! Are you part of the problem, or part of the solution?

What I've experienced in the last several months in SHU and endured for 45 years of imprisonment, is symptomatic of a much larger societal problem, as here contemplated and shared. Unfortunately, the majority of Americans suffers from an acute malady of cognitive dissonance to the severe detriment of the poor and oppressed, prisoners included.

In the Spirit of Nelson Mandela  
in Apartheid NYS Prison System

Jalil A. Muntaqim  
Shawangunk SHU 3/15/17

Remember: We Are Our Own Liberators!

### **6 Apr - DC Activist's Home Raided, Request for Solidarity**

*On Monday, April 3, 2017, Metropolitan Police Department raided a known activist's home in the Petworth neighborhood of Washington, DC.*

#### **MORE:**

*(It's Going Down)*

According to the search warrant, the raid was in furtherance of "the investigation into the conspiracy to riot" and to search for items associated with the "Black Bloc march on January 20, 2017".

Among the items taken were cell phones, computers, and irreplaceable personal belongings. The known activist's home was targeted because MPD believed he was in possession of the equipment used to organize and support the protests.

Due to this miscarriage of justice, we are asking for solidarity from the community at large to help replace the thousands of dollars worth of computers and other electronic equipment seized.

### **14 Apr - QDEP Dance Party for LGBTQ Immigrant Bond Fund**

**WHAT:** Dance Party

**WHEN:** 9:00 PM to 2:00 AM, Friday, April 14

**WHERE:** Starr Bar - 214 Starr Street, Brooklyn

**COST:** \$10 before 11:00pm, \$20 after 11:00pm

#### **MORE:**

Join the Queer Detainee Empowerment Project (QDEP) for a dance party at Starr Bar in BK! QDEP is working to raise funds for QDEP's Trans Queer Migrant Freedom Fund!

The Trans Queer Migrant Freedom Fund is a national fund to pay the bonds of trans and queer folks who are incarcerated in immigration detention centers. The steering committee represents various communities across the country that are coming together to create and administer the fund.

The lowest bonds that we've been seeing have been \$3,000 nationally, while the highest bonds have been \$25,000 and up to \$60,000. With increased immigration enforcement, we expect to see many more of our population in detention, which is a particularly dangerous place for queer and trans immigrants, most of whom are already fleeing death and persecution.

**Bond goals:**

- To provide partial bonds to those detained
- To seek out matching fund amounts for those currently detained by bond recipients community
- To foster community within the bond fund to continuously support a rotating bond fund for those facing state violence
- All bonds will be posted by members of the bond fund committee to ensure return of the bond to the fund

**NOTE:**

- Transwomen are prioritized for bonds
- Those that are LGBTQI & HIV+ are prioritized for bonds

**16 Apr - Black and Pink Letter-writing****WHAT:** Letter-writing to LGBTQ prisoners**WHEN:** 2:00-4:00pm, Sunday, April 16**WHERE:** Bluestockings - 172 Allen Street New York, New York 10002**COST:** FREE!**MORE:**

NYC Black & Pink & the Queer Detainee Empowerment Project would like to invite you to our afternoon letter writing. What can you bring? Writing materials, stamps if you want! We can always use more postage.

Help us in alleviating the isolation of prison!

**22 Apr - Lynne Stewart Memorial****WHAT:** Memorial**WHEN:** 3:00-7:00pm (doors open at 2:30pm), Saturday, April 22**WHERE:** Saint Peter's Church— 615 Lexington Avenue, New York, New York**MORE:**

Join us & Glen Ford, Hon. Charles Barron, Jeff Mackler, Pam Africa, Father Lucas, Ralph Schoenman to celebrate Lynne.

Lynne Stewart “took Revolutionary positions to change the world and the lives of many people, Most of all, she fought to free ...” political prisoners. We all mourn, of course, but we will obey the challenge she left us and Organize! Organize! Organize!

Confirmed speakers: Jeff Mackler, Ralph Schoenmann, Jess Sundin, Father Lucas, Glen Ford, Hon. Charles Barron.

Performers confirmed: Raging Grannies, Dr. Patrice Turner, Janine Otis Ensemble, Nat Turner - Poet