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Updates for August 1<sup>st</sup>

## **11 Jul - Prisons and Other Maladies of the Racist State: Reading *Blood in my Eye* in the Era of Mass Incarceration**

*The Social Science Research Council's "Reading Racial Conflict" series continues with a reflection on the evolution of mass incarceration policies. Dan Berger engages the present through George Jackson's Blood in My Eye.*

### **MORE:**

by Dan Berger (*items*)

Surprising few but angering many, Jeff Sessions has used his post as attorney general to pull the Department of Justice away from enforcing civil rights. Sessions has sought to end federal lawsuits against or investigation into local police departments, instructed federal prosecutors to pursue the toughest possible sentences in their prosecutions, rededicated the DOJ to the War on Drugs (especially marijuana), and pushed for mandatory minimums. Lest anyone doubt the racist intent of his actions, Sessions's move to amplify the drug war has largely excluded the opioid crisis in predominantly white rural areas. He insists crime rates are rising, despite evidence to the contrary, as part of his push for more police and longer sentences.

These moves harken back to the "get tough" policies that had largely fallen out of favor in political rhetoric if not substantive policy. After four decades of untrammelled carceral expansion, the last decade has witnessed growing critiques of America's large prison system. The critiques have been fiscal as well as moral; locking up so many people for so long is expensive, if nothing else. Much fanfare greeted the bipartisan coalition of the Koch Brothers and the ACLU, of Newt Gingrich and Van Jones, demanding a reduction in the number of people imprisoned. The election of Trump generally, and the appointment of Sessions particularly, would seem to reverse the already modest criminal justice reforms launched in the Obama era.

That even tepid reforms could be so quickly reversed suggests the shallowness of inside-the-Beltway commitments to change. Yet, rather than a departure from the new spirit of reform, this moment starkly illustrates the limited vision and spirit of prison reform itself. Notwithstanding Obama's late-term commutations, then attorney general Eric Holder's deprioritization of some low-level drug offenses, and the millions of dollars flowing from both liberal and conservative foundations to confront mass incarceration, prison reform has not dented America's role as the world's leading jailer.

Rather than see these reform efforts as undermined by the rightward push of Sessions and Trump, we might better understand them as twinned projects of racist state violence. That was certainly the argument coming from inside American prisons at the onset of mass incarceration. George Jackson, among the most perceptive imprisoned intellectuals of the twentieth century, was killed in 1971—two years before the US incarceration rate began its hefty four-decade climb. Yet Jackson astutely parsed the degrading violence at the core of American punishment. Prison was not a foreign country: it was the suffocating air that racism and capitalism breathed. His posthumously published book *Blood in my Eye* demonstrated the primacy of the state in any consideration of racism, capitalism, and social change. Further, it outlined the limits of reformism to contend with the obstacles at hand.

### **Rehabilitation and other forms of violence**

The problem of prisons exceeds what prominent reformers have thus far been willing to entertain. The task requires a step-by-step rethinking of US ideas of order. As Jackson wrote in *Blood in my Eye*, "The ultimate

expression of law is not order—it's prison." Written in a San Quentin isolation cell and published in 1972, the book is a sharp indictment of the US state as the iron fist of racial capitalism exemplified in what we would refer to as the carceral state. Jackson was writing in a different era of punishment, a time when "rehabilitation" was a driving ethos of imprisonment—especially in California. After his death—in part because of his death—California traded rehabilitation for incapacitation: the point of prison was to get rid of bad guys, plain and simple.

Yet for Jackson, who went to prison at age 18 for a petty robbery and spent eleven years locked up before his death, the liberal ideal of rehabilitation was daily undone by the illiberal violence of imprisonment. "Anyone who can pass the civil service examination yesterday can kill me tomorrow," he wrote, as much in memoriam for the prisoners he had already seen killed as in fear of his own possible fate. "Anyone who passed the civil service examination yesterday can kill me today with complete immunity." Imprisonment was yet another manifestation of antiblack racism. "The question I've asked myself over the years runs this way: Who has done most of the dying? Most of the work? Most of the time in prison (on Max Row)? Who is the hindmost in every aspect of social, political, and economic life?" The experience soured him on the nature of liberal reform itself. "But if one were forced for the sake of clarity to define it in a word simple enough for all to understand," Jackson wrote of fascism, "that word would be 'reform.'"

### **The oppressive contract**

*Blood in my Eye* is a difficult book. It is the opposite of Jackson's first, *Soledad Brother*, his 1970 book of letters, which remains better known and more widely read. Whereas *Soledad Brother* is tender and evocative, almost hopeful, *Blood in my Eye* is bleak and aggressive. It is a call to arms—not just against prison but against the society that would create such citadels of violence. The book's militarism and machismo, present from the first page, can be hard to encounter. Its dedication, to "black Communist youth" and "their fathers," pledges to "criticize the unjust with the weapon."

Much of the book is an elegy for his 17-year-old brother, who died in August 1970 while raiding the Marin County Courthouse. Yet, by the time the book had been published, it functioned as a last will and testament for its author as well. A small-time armed robber turned proponent of communism and revolutionary violence, Jackson was the right-wing boogeyman personified. Ronald Reagan, William Buckley, and other conservatives wasted no time in turning Jackson's death into a call for greater toughness. Before they were "superpredators," Black working class youth like Jackson were "criminals," "thugs," and assorted bad guys. Whether the rationale was about rehabilitation or incapacitation, the solution was the same: more police, more prisons.

Therein lies the rub. Jackson's proposed remedies are jarring: the book calls for merciless, immediate, and unceasing armed revolt as the antidote to white supremacist capitalism. Yet Jackson astutely diagnosed imprisonment as the frontline of attack by a racist state. Misguided as a strategist, Jackson's diagnostic skills account for the book's enduring value. In a time when even criminal justice professionals opined about the coming abolition of prisons, Jackson documented the state's seemingly limitless capacity to repress. While white and middle class elements enjoyed the benefit of a social contract that allowed for economic advancement and political participation, Black and other colonized people faced what Jackson called "the oppressive contract." Racial capitalism defined the governing pact. "The economic nature of racism is not simply an aside.... Racism is a fundamental characteristic of monopoly capital. When the white self-congratulatory racist complains that the blacks are uncouth, unlettered; that our areas are run-down, not maintained; that we dress with loud tastelessness (a thing they now also say about their own children), he forgets that he governs."

### **Inequality, degradation, and (carceral) statecraft**

Questions of governance and of state formation preoccupied Jackson. What scholars have begun theorizing as the carceral state Jackson described as the racist capitalist state itself. Its capacity for repression grows in tandem with its need to maintain inequality. Racism and capitalism cannot be reformed without remaking the state itself. Structured in inequality, the American state could only grow more repressive to its most unruly subjects. The context of *Blood in my Eye* is telling. Jackson wrote in the immediate aftermath of the civil rights reforms that had upended the segregationist state, offering new opportunities to African Americans and others. Yet he observed such changes from a prison cell, from which he was annually denied parole. The legal system that had implemented the Civil Rights and Voting Rights Acts, that had rendered miscegenation and housing discrimination illegal, kept a growing number of Black and Latinx people in prison. Juridical change brokered no grand dreams of freedom.

Jackson was incarcerated in 1960s and killed in 1971. Over those eleven years, the demographics of incarceration shifted while the rate of incarceration remained roughly the same. In California, Illinois, New York, and other states, increasing numbers of Black men were imprisoned while fewer white men were. The casualties of deindustrialization and hyperpolicing—of economic marginalization and political repression—this cohort of Black prisoners entered prisons that were racially segregated and witnessing their own variant of massive resistance to civil rights. By the time the overall incarceration rate began its unprecedented four-decade climb in 1973, American prisons were vanguard institutions in the reproduction of white supremacy.

The degraded treatment of racialized bodies preceded and coconstituted mass incarceration. At the time *Blood in my Eye* was published, the United States held approximately 250,000 people in all of its prisons and jails. Today, there are 206,000 people serving life sentences alone—about one-tenth of the 2.2 million people imprisoned around the country. Mass incarceration is more than the exponential growth in the number of people in prison. It is about the increasingly repressive nature of American political life. Part of Jackson's insight, like those of other imprisoned intellectuals of the era, was the recognition that prisons were a concentrated expression of state priorities: what happened there would happen to the rest of society sooner or later. And so the growth in repression can be mapped across a series of vectors: employment, housing, education, health care, and more. The criminal justice system is at the fulcrum of an expanded American brutality that has of late been most evident in the frequent killing of Black people by police.

"Imprisonment is an aspect of class struggle from the outset," Jackson wrote. "It is the creation of a closed society which attempts to isolate those individuals who disregard the structures of a hypocritical establishment as well as those who attempt to challenge it on a mass basis." The problem, then, was not the size of incarceration, its mass-ness, but the scale of degradation that the state enforced. "I refuse to make any argument with statistics compiled by the institutions and associations that I indict. Yet it is true that even official figures prove the case against capitalism. ... These statistics [of crime and incarceration] conceal the living reality."

Quoting a letter from his brother, Jackson insisted that "repression exposes," it educates. Decades of domestic warfare against communism, crime, drugs, gangs, and terror have indeed instructed the American populace. For decades, politicians have harvested this education to support a dramatically conservative vision that has ultimately brought us "career racist" Jeff Sessions as the nation's top law enforcement official. Yet listening to the victims and survivors, the refugees and orphans, of these home-front battles offers other paths. Between his fevered fantasies of violent vengeance, Jackson dreamed of a broad coalition—a united front—to take on "realistic day-to-day issues like hunger, the need for clothing and housing, joblessness," and imprisonment. Such a united front would eradicate racism at its root: in the vicissitudes of statecraft and the capitalist political economy it upholds. Jackson died likely having never

heard of Jeff Sessions or Donald Trump. But he knew their agenda, and he knew the terms of engagement: repression versus redistribution, degradation versus dignity.

### **15 Jul - North Carolina Resists the Grand Jury!**

*Earlier this week, Katie Yow of North Carolina received a subpoena to testify before a grand jury. The subject of the grand jury is unknown at this time, but Katie is resolute in her refusal to cooperate.*

#### **MORE:**

Below is her statement as such. Folks can expect more information on how to support resistance to this grand jury.

We send our love and solidarity to Katie, to North Carolina and to all who stand against the state and its repressive tactics! Fuck a grand jury now and forever!

#### **STATEMENT FROM KATIE YOW:**

*My name is Katie Yow. On Monday, July 10<sup>th</sup> I was served a subpoena to a federal grand jury, being held in Greensboro, NC, and ordered to appear on July 31<sup>st</sup>. While many things about what will happen next are developing and uncertain, one thing is absolutely clear: I will never comply with this or any subpoena.*

*I have lived in so-called North Carolina for my entire life. I am a social worker and an artist who works in mental health and advocacy with young folks whose lives are impacted by courts and incarceration. I spent years before this as an elementary school teacher, a high school librarian, and running a bookstore and community center. I have been an anarchist for nearly half my life. My convictions as an anarchist inform every part of my life, and being part of anarchist movement gives me all the strength I need to resist this subpoena.*

*I am resisting this grand jury with the benefit of the example of decades of committed and courageous grand jury resistance by comrades across our movements. I am resisting this grand jury with the considerable support and wisdom of many people who work every day to combat state repression. I am resisting this grand jury in solidarity with all those resisting the unforgivable daily violence of the state.*

*While we do not yet know the subject of the grand jury, we do know that it follows a spike in FBI harassment across the state. We also know that grand juries are used to intimidate communities of resistance. Whatever the specifics of this situation, our response to this grand jury must be defiance.*

*I want to express how moved and fortified I have been by the outpouring of support I have already received in the several days that we have been spreading the word about this subpoena. If there is anyone else who may be in the same position that I am with this grand jury, I want to urge you to make it public and resist this grand jury, with me and with all of us. If you have been contacted or subpoenaed, you can email [NoRepressionNC@protonmail.com](mailto:NoRepressionNC@protonmail.com).*

*I cannot begin to explain what defending the land and the people I call home means to me, but I want to express that my resistance to this grand jury comes from my fierce love for them. I was raised in movement by bold and resilient elders, inheriting histories of resistance that taught me what it means to fight from where you stand. I know people here will respond to this as we do the many other challenges we face: with care, creativity, joy, humor and resolve. Our struggle is long, and our lives are spent in commitment to it. I have spent over a decade organizing and building family with some of the bravest and kindest people I could imagine knowing. I have known, long before now, the depths of our strength, and it is with honor to*

*that strength that I say that there is nothing on this earth that could compel me to degrade my integrity by testifying in a grand jury.*

*The state demeans everything that we hold dear when they threaten us in this way. The most free and wild thing we have in this world is our love for each other, and we know that our health, our safety and our liberation can only exist in a world without their cops, their courts and their cages. Our strength lies in knowing that we can provide that for each other, and that nothing they offer or threaten is worth betraying our commitment to our communities.*

*As state repression escalates, I know that all of us are struggling with the trauma and the grief that comes from the forces we fight against, and the vulnerability that we feel to the state in its despicable efforts to attack us. What I also know, what I believe with all my heart and everything I have, is that we have the strength we need to take care of each other and to fight back until we win.*

### **July 26<sup>th</sup> - North Carolina social worker defies grand jury subpoena**

by Jordan Green (*Triad City Beat*)

Katie Yow, a 31-year-old social worker and anarchist, has been called to testify before a federal grand jury in Greensboro on July 31.

She won't be complying. Instead, supporters from across the state will hold a rally in front of the federal building at 9 a.m. to express encouragement for her act of resistance.

Grand juries are secret proceedings that empanel citizens to determine whether prosecutors have probable cause to issue criminal indictments. Yow has said that she doesn't know the subject of the grand jury, and that her lawyer has been unable to obtain information from the US Attorney's Office for the Middle District of North Carolina, despite multiple attempts. Phone calls and emails from Triad City Beat to the US Attorney's Office likewise went unreturned.

Yow, who graduated from Guilford College and lived in Greensboro for several years before returning to the Triangle area, said in a public statement: "I am resisting this grand jury with the benefit of the example of decades of committed and courageous grand jury resistance by comrades across our movements. I am resisting this grand jury with the considerable support and wisdom of many people who work every day to combat state repression. I am resisting this grand jury in solidarity with all those resisting the unforgivable daily violence of the state."

In her statement, Yow connected the subpoena she received to what she characterized as "a spike in FBI harassment across the state," adding, "We also know that grand juries are used to intimidate communities of resistance." Asked to elaborate on the bigger picture of federal harassment against activists, Yow responded by email, citing a post by an anonymous author (not her, she said) on the It's Going Down! anarchist website. The post states that "in the past six months, over half a dozen people with personal or political ties to anarchists in central North Carolina have been approached for questioning by the FBI," beginning "in early winter with an apparent arson of the Orange County GOP office."

Yow said in an email interview with *TCB* that she sees an upswing in both state repression and popular resistance under the Trump administration, but clarified that she doesn't view the previous administration under Barack Obama as better in any significant way.

"We are seeing an escalation in state violence right now, and we're also seeing a beautiful swell of organizing and resistance," she said. "What we know is that historically state repression does intensify when movements become larger and more powerful, and I expect that what we're seeing right now across

movements will continue to increase. However, when I think about what is different in terms of state repression under Trump, I think about how much of this is not new. I think about how long the legacy of white supremacy and state violence is, and how equally long the histories of resistance are.

“As times are getting tougher again it becomes imperative that we honor and uplift and resource the communities and movements that have been fighting this long fight, and it is also imperative that we stick together and build stronger networks to support folks who are being targeted by political repression on whatever level it comes,” she added.

Yow worked for several years as a teacher in the Guilford County Schools system. She also co-managed North Carolina Almighty Latin King & Queen Nation leader Jorge Cornell’s 2009 campaign for Greensboro City Council, along with Eric Ginsburg. [Disclosure: Ginsburg serves as the managing editor and food writer for *TCB*.] When Cornell was indicted on federal racketeering charges in 2011, Yow played an active role in mobilizing support for him, and testified as a character witness in his trial the following year. She has continued to support him as he serves a 28-year sentence at Petersburg Medium FCI in Virginia after several unsuccessful appeals to his 2012 conviction. Cornell and his supporters view his conviction — which hinged on the testimony of former Latin Kings who cooperated with the prosecution — as being wholly without merit. Yow said her friendship with Cornell has “been hugely influential on the kind of person I am and the kind of work I do,” describing him as “bold and resourceful and a fighter” with “a huge heart.”

“It is still difficult to talk about what it means to all of us that he is in prison instead of out here with his family and community,” she said. “Supporting him through the [racketeering] case taught me what it means to stick by your friends when the state comes down. We’ve also learned so much about what the long haul looks like in terms of supporting folks when they are in prison, and I hope that folks reading this will reach out and find ways they can support Jay and other folks who are inside. These experiences are part of why I’m so passionate about legal and prisoner support, and why I’ve chosen to do mental health work with young folks who are impacted by incarceration and court involvement. Resisting this grand jury is about showing my community the love and commitment I’ve learned from them, and Jay is someone who teaches me what it means to have a heart that strong.”

Jude Ortiz, a writer and editor based in Oakland, Calif., started strategizing with Yow to help her resist the grand jury shortly after she received the subpoena on July 10. He said Yow’s support committee has grown to about eight people spread across the country. Through his work as a writer and activist helping people navigate the criminal justice system over the past 10 years, Ortiz said he has previously supported two friends who resisted grand jury subpoenas. One was immediately indicted after refusing to testify, while another was jailed for four months before being released without explanation, he said.

“There’s always a lot of uncertainty with grand jury proceedings,” Ortiz said. “People don’t have to be told what the investigation is about or whether they’re the target of investigation. They can be asked anything at all. The resistance of grand juries has a very strong tradition in the history of the United States. That history of resistance is not really paralleled in any other countries. Other countries in the Western civilized world have abolished grand juries, except for the United States. Some of the most inspiring groundwork comes from the Puerto Rican independence struggle, and the grand jury subpoenas that were handed down in the 1970s and 1980s. There can always be a lot of consequences, as well as benefits to protecting the people we care about and the movements we’re a part of.”

Yow said she’s prepared to pay the consequences for her decision, but deflected attention from her own sacrifice.

“There are a lot of young folks in my life, and a lot of work that I do that has had to be put on hold or handed over to others,” she said. “The impact of having school and work disrupted is substantial, and this is hard for my family and loved ones. I am incredibly lucky to have a supportive family and community who have helped me plan.

“What feels more important to me to highlight as I go through this is how much more disruptive and traumatizing many people’s every-day experiences of the criminal justice system are. Every day people go to jail and prison and lose their jobs, their homes, are taken away from their families, have their futures changed, and they are given far less support because the wider society doesn’t view their cases as ‘political,’ and because this kind of state violence against communities of color is so normalized,” she continued. “Anytime someone has to go away, it is enormously difficult for them and the people that love them.”

**UPDATE:** Katie Yow, the North Carolina anarchist who is refusing to testify before a grand jury, says the subject of the inquiry by federal prosecutors appears to be the firebombing of the Orange County GOP headquarters in Hillsborough last fall.

“We have now learned more from the Assistant US Attorney about the subject of the federal grand jury to which I have been subpoenaed,” Yow said. “This grand jury is looking into what the government has described as a bombing at the GOP headquarters in Hillsborough, NC this past fall. The AUSA has also indicated that they are interested in ‘other people’ and ‘other events.’ I don’t know anything relevant to a criminal investigation of the alleged incident at the GOP headquarters. The broad nature of the government’s interest in other information makes clear the way that this and other grand juries are used as fishing expeditions to attempt to coerce testimony on 1<sup>st</sup> amendment protected information. This is one of the many ways grand juries are used to repress social movements, and one of many reasons why we resist them.”

To learn more about Katie Yow’s case, visit [ncresiststhegrandjury.com](http://ncresiststhegrandjury.com) and [youcaring.com/ncresiststhegrandjury-881713](http://youcaring.com/ncresiststhegrandjury-881713)

## **16 Jul - Mumia Abu-Jamal Speaks About Black Lives Matter and Police Violence**

*Mumia Abu-Jamal speaks about some of the issues he engages with in his new book *Have Black Lives Ever Mattered?*, including police violence and the Black Lives Matter (BLM) movement.*

### **MORE:**

by Tasasha Henderson (*Truthout*)

In his new book *Have Black Lives Ever Mattered?*, author and activist Mumia Abu-Jamal explores this question over 75 essays, spanning from the late 1990s to 2017. Each essay explores the violence of policing and the criminal legal system, whether from a historical perspective or through the stories of people who have died by the hands of police. In the first essay, "Hate Crimes," Abu-Jamal questions the legitimacy of the idea of hate crimes, pointing out that police are never charged with a hate crime when they brutalize and kill Black and Brown people. Abu-Jamal’s essays discuss the murder of Trayvon Martin by George Zimmerman, the killing of Tamir Rice by Cleveland, Ohio, police officer Timothy Loehmann, and what the aftermath of these slayings reveals about how the United States views Black people. His conclusion is perfectly summed up in the first two lines of his October 2015 essay titled, "Tamir Rice of Cleveland" -- "Question: When is a child not a child? Answer: When it's a Black child."

Abu-Jamal spoke with *Truthout* about some of the issues he engages with in *Have Black Lives Ever Mattered?*, including police violence and the Black Lives Matter (BLM) movement.

**Tasasha Henderson:** You talk about several cases of police violence that did not make national and international news: Carl Hardiman in Chicago, Shep McDaniel in New York City. And in your essays written in the early part of 2014, you convey a feeling that you had a sense that something big was coming -- that there would be an incident of police violence that would set off a powder keg. Did you have a sense or a feeling that there would be an incident, like what eventually did happen to Michael Brown in Ferguson, Missouri, that would lead to the beginnings of a mass resistance?

**Mumia Abu-Jamal:** I did have an inkling, say, a feeling. I've seen this before, when the frequency and intensity of attacks on Black life was so naked, so ugly, so offensive, that resistance became imperative. Our people have an almost ungodly patience; but when the flames ignite, it can be a formidable social force. Indeed, that is the essence of Black history in the American settler-state. I think Mike Brown's community was one such instance. And when I saw five young brothers tell a reporter: "My name is Mike Brown," "My name is Mike Brown," it was a historic echo from the "Spartacus" era, when slaves of Rome rose and rebelled against the Empire, and identified with each other.

In your essay "Hate Crimes," you question what types of violence are considered hate crimes, and the fact that police violence against Black and Brown people is never considered a hate crime. With the introduction and/or passage of Blue Lives Matter laws across the country, making the assault or killing of police a "hate crime," how do you view legislative attempts to reduce police violence through such policies as body cameras or increased training of police officers? As we see with hate crime statutes, what was supposed to protect vulnerable people has been turned against us.

As the Black Movement, now exemplified by Black Lives Matter, has taken a hashtag and exploded beyond its banks, so too must the people seize the slogans tossed out by their class enemies, and lob it back, as in "Blue Lives Are the Only Lives That Matter!," dig? For words are weapons, and when the state, the empire tries to bullshit people with their white supremacist stuff ... turn it around. Utilize the truth to open eyes and minds about the intrinsic nature of the state.

For example, we know, for sure, that cops croak hundreds of people every year, often with impunity. Why not ask, "How many cops are on death row?" If not, why not? My purpose here is hardly to endorse the obscenity of death row, but [if] all lives are equal, and the site of a courtroom is the place where people are treated fairly and equitably, well, why not? Or is death row only for "other" people? Dig?

My point is that the state will always utilize its "law" as a tool of repression -- that's the essential nature of the state; but movements must create and expand the space to raise contradictions. Body cameras? Training? BS. Nonsense. Done. It is a bourgeois mirage. In 1978, when [three] cops beat Delbert Africa senseless, breaking his jaw, it was recorded on video. When it came to trial, the trial judge, Stanley Kubacki, dismissed the all-white jury, and threw out the charges, saying the (armed) cops had reason to fear (unarmed) Delbert, because he was so muscular!

We must understand that the state is a hate crime against the poor, the oppressed, Black folks, and Latinas, etc.

In your essay, "Where is the Outrage?" you write, "the unity of the people is the greatest weapon against the silence, fear, and oppression imposed by the system. Our unity -- as communities, networks, and movements -- is so important. Therefore, our unity is attacked." We are seeing different communities and organizations unify, whether it is the Black Lives Matter network, Fight for \$15, immigrant rights, etc. How can coalitions sustain themselves and how can communities remain unified in the midst of state repression?

Movements emerge out of necessity, out of the felt sense that they no longer have anything to lose; out of certainty that the state has failed them yesterday, is failing them today, and will fail them tomorrow (to paraphrase MOVE's John Africa). The state isn't the solution, it's the problem. It is this sense, shared by increasingly large parts of the population, that fuels movements, and builds rebellious, and then revolutionary consciousness. As capitalism -- and its concomitant rise of the crony-capitalist-gangster-state -- fails, people begin to see commonalities across our false border, and begin to march toward each other, and not against each other.

Remember, capitalism needs racism, and utilizes it to create false consciousness in millions of white poor and working people who live in the illusion that they have something in common with Trumpites. Unity can't be presumed, or wished to come into being. When people work together and fight together, they build the practice of unity.

In your essay, "We Must Fight for More," you write, "history lives to give us options for the future." What options do you think history has given for the Black Lives Matter movement? What does history have to teach movement leaders and participants today?

Malcolm [X] used to say, "Of all our studies, history best rewards our research." He learned this from Elijah Muhammad, his teacher. Malcolm repeated this lesson because he knew, in his own life experience, how history transformed him from a prisoner (known and despised as "Satan") to becoming one of the most respected ministers of the nation, and one of Black America's most beloved leaders. History offers an endless font of human experience that people, communities and movements can draw from to move forward into the future. History, because it is rich in examples of people's love of freedom, is a powerful source for the present and the future!

Why do you think the white supremacist governments in the West (like New Mexico, etc.) fought so hard to outlaw Chicano history? Why do you think today's public schools skimp so much on Black history? They know that Black history is explosive! And history ain't about what happened years ago, or yesterday. It explains why today is the way it is; and gives ideas about how to transform tomorrows.

*Have Black Lives Ever Mattered?* includes essays from the 1990s up until this year, and span many aspects of how Black people are victimized by state violence, including police brutality and incarceration. How do you see your book contributing to the continuing conversation and activism concerning racial justice, anti-police brutality and criminal legal system reform?

I'm glad *Have Black Lives Ever Mattered?* addresses today's issue of police terrorism, but it must be seen in a longer, deeper, broader continuum. America's police don't descend from Scotland Yard in England. They had their birth in the infamous "paddy rollers" of the South, where whites were militarized to oppose any Black slave revolt. Those habits live at the core of any true discussion about what bedevils the lives of Black people today. That should show you some sense of the importance of history just recently noted. Unless we truly grasp those truths, then generations unborn will be struggling with these same problems, and wondering how to change it. Dr. Huey P. Newton, in a late edition of the Black Panther newspaper, called for deep transformation of police, to bring forth Citizen Peace Forces, designed to solve problems, not bomb them. It's time for his ideas to be taken seriously, to begin to utilize history to create openings for better tomorrows.

As we continue in the uncertain future of a Donald Trump presidency, what guidance do you have for young people who are involved in the Black Lives Matter movement and other movements, as they continue to resist, build and organize?

Look, we can look at Trump as the Great Boogeyman, or we can soberly examine the roles of Clinton and Obama, where the former perfected the machinery of mass incarceration, and the latter tinkered with it, just as he all but ignored the greatest loss of Black wealth (i.e. criminal mortgage thefts of Black homes) since Reconstruction. We must develop a deeper, refined analysis that gives us all a clear vision of the inherent repression of the state against Black life, a historical continuum that shows no sign of abatement. Or we can play "Republicans bad/Democrats good" like children looking for shadow plays.

The system is bad; we need deep reconstruction to make new ways of living, growing and becoming possible.

### **18 Jul - Eric King's Birthday is August 2<sup>nd</sup>!**

*Mark your calendars, Eric King turns 31 years old on August 2<sup>nd</sup>!*

#### **MORE:**

Get together with some friends to celebrate, eat some vegan cake, and pass around a birthday card that will surely brighten up his day! There's also Eric's Book Wish List <<https://www.amazon.com/registry/giftlist/OEWNQ9RMQGZR>> to check out if you have some extra cash this summer and could send Eric a book for his birthday!

In honor of Eric's birthday please take some time and head over to the Support Materials page <<https://supportericking.org/support-materials>> and check out the two new posters that are available. We encourage everyone to print them off and display them where they can be seen and talked about. The more the hand bills and posters are distributed and displayed, the more we can all ensure that we can sustain a wide base of support for the remainder of Eric's ten year sentence.

Those who actively support Eric throughout the world as well as those who dare to take risks fighting the state not only keep Eric alive but keep the fight against oppression alive. It was inspiring to see so many individuals take part in the first international day of solidarity with Eric King and hopefully that can continue to build momentum for supporting anarchist prisoners and all political prisoners being held captive by the state.

As we gear up to make sure Eric's birthday is a special one we acknowledge that he is one of many political prisoners held captive in the US, and we support all political prisoners.

### **17 Jul - Krow Released from Jail & Transferred to 6 Months of House Arrest & Court Ordered Counseling**

*Read Krow's post-release statement below.*

#### **MORE:**

After four months of battling uncertainty with my probation officer & hollow intimidation from "authorities", I'm very thankful to be released to six months of house arrest with court ordered counseling. Throughout my various stints of incarceration, I've been the grateful recipient of sanity- maintaining radical prisoner support, most notably communicative connection; this has strengthened my resolve in both practicing and advocating non-cooperation with the state & their "authoritative" lackeys, fighting my revocation! I deeply missed the wild and my comrades ideologically; being coercively caged up with cop apologists, white supremacists, and "prayer bears" who truly believe police brutality can be merely prayed-away always proves most challenging. The acknowledgment of intersectionality between land defense, prisoner support, & other struggles has also changed for the better, with yet still room for improvement.

As always, it remains a paramount duty to organize as many people as possible in our respective communities, & be on point with the many fronts of land defense & prisoner support, ensuring the maintenance or creation of local legal/bail funds for ALL people, & to do outreach deeper into our communities outside our sometimes insular rad bubbles, in order to promote & create points of agreement akin to that of the “St. Paul Principles” or “Penokee Principles”. Both of these community-created agreements serve to support & protect each other, safeguarding us from peace police & simultaneously rowing our rad team in general through active radicalization, not just during campaigns or crisis.

The St. Paul Principles were initially shared with the greater public prior to the 2008 RNC, & the Penokee Principles in 2013 in response to political & police repression during the struggle opposing the world’s largest proposed open-pit iron mine, located in occupied Ojibwe Territory. These principles aim to connect diverse groups of people through a shared combatance of various oppressions via agreeing to keep dissent internal to the struggle through a culture of consent, including but not limited to posting any form of media publicly of individuals or groups who may hypothetically be pictured, videoed, or interviewed pertaining to collective struggles for liberation. Whilst the greater government aims to disrupt our struggles by spreading disinformation & encouraging in-fighting, we can withstand their blows by accepting a diversity of tactics, & NOT accepting the vilification of our comrades by the villainous gov’!

As there is often seemingly more public support and discussion surrounding prison abolition & reform, I will turn my focus for this statement to jails. As we work toward their obsolescence, local communities can rally in the present around outdoor recreation accessibility for ALL inmates; improvement in fresh produce options; access to any and all needed health & dental care that is also NOT billed to one’s canteen account; the offering of more programs & general freedoms IN county jails for ALL inmates not just SENTENCED trustees, & the prioritization of SIGNATURE bonds over cash only bonds... We’re poor god dammit! Lack of access to the aforementioned components of a healthier life is anything but rehabilitative; these facilities are also usually highly toxic, wasteful, & quite generally non-eco-friendly. Fuck jails and prisons and all those who THINK they need them. As always, we need COMMUNITY NOT incarceration; the Revolutionary Abolitionist Movement of today still has some of my favorite things to say about incarceration being an extension of slavery (as granted by the 13<sup>th</sup> Amendment) and suggestions for how to abolish it.

In regards to the scores of people who are wearing their alleged involvement in the #NO DAPL struggle in Standing Rock like a merit badge, though we can all learn from each other in some capacity, for better or for worse, I would be wary of anyone who uses it to further their position. I suggest folks watch Submedia’s first documentary in the newer series “Trouble: Killing the Black Snake- Behind the Scenes of the No DAPL Struggle.” I find this documentary more helpful and telling than most of the INNUMERABLE Facebook live-feeds and/or “documentarian” efforts; DIY is awesome, but most of it is sadly “DIE”, “Do-it-EGO”.

As a deeply spiritual persyn, I will say it was heartbreaking, frustrating, and at times infuriating to see people using spiritual abuse to gain control & power, & often coerce people through sometimes colonized “prayer-bear” mentality to either stand down, or perpetuate group mentalities that only embrace one tactic or one interpretation of a situation, instead of embracing a diversity of tactics for the diversity of peoples present, with a variety of key indigenous elders & “olders” that could be deferred to in the mix, there should have been room for MORE of a VARIETY of choices for both action & non-action alike for all people present; and there should NOT have been room for unnecessary condemnation of diversity. Grassroots indigenous organizing is NOT the same as IRA-enforced tribal government, and having developed relationships with people BEFORE you show up to their land/territory is NOT the same as randomly showing up & “picking” random elders to defer to. We ALL have room for improvement!

In relation to prisoner support, it was interesting this time around how many white liberals vociferously support me under the label of, “victim of police brutality,” but, in contrast, some have said they considered my “approach” during the Penokee Mine Struggle too aggressively opposing destruction & oppression... In my experience, those who simply attempt to ONLY pray-away police brutality & destruction of the land have proven to be largely unsuccessful; as always, we need to embrace a diversity of tactics; there IS room and NEED for BOTH prayer & action in our fight against destruction, servitude, & capitalism.

Take it from Nelson Mandela, a well-known organizer against apartheid in South Africa, as he reminded the public that the police were the people’s common enemy. We need to focus on collectively fighting our common enemies, not each other; through this we can also literally & metaphorically build community.

We got a long road ahead of us, so let’s make it worth it! As Maria Nikiforova believed that if [systemic government] power still exists, we still had work to do, so it is obvious that until every humyn & non-humyn creature are free, none of us are free, yo! Let our love be like the love Assata Shakur describes as an acid that, “eats away bars.” With that being said, we must remember to reach out to comrades still enduring legal battles from the #NO DAPL Struggle, to J-20, and so on!

NO borders. NO Nations. NO prisons or Jails. NO pipelines. No industrial Agriculture or Resource Extraction. NO prejudice. No Compromise!

### **18 Jul - Barrett Brown receives second post-release subpoena**

*Barrett and his publisher have been sent a confusing subpoena for what the DOJ claims are outstanding payments, just a month after The Intercept was subpoenaed for records on Brown.*

#### **MORE:**

Less than a month after the US Attorney’s office sent a subpoena to The Intercept, demanding records of communication and payment between Barrett Brown and the news outlet, Barrett has received another subpoena, this time addressed to Writers House, his literary agency. As noted upon his release, Barrett signed a book deal for a forthcoming “combination memoir and manifesto.”

Barrett has summarized this development:

*The Department of Justice has now sent a subpoena to my literary agency, Writers House, making a series of confusing demands pertaining money that they claim to be outstanding, and otherwise ordering them to provide all documents. The filing claims that “More than 30 days has elapsed since demand for payment was made,” a demonstrable falsehood; no demands were ever received by either myself or Writers House, and a similar subpoena sent to The Intercept last month was a demand for information, not money. Indeed, I wrote an e-mail to this office at that time, which I cc’d my probation officer and others on, asking for an explanation, which I naturally never received.*

### **21 Jul - News about Walter Bond**

*Walter Bond has been in solitary confinement for about 5 weeks.*

#### **MORE:**

He, along with others, was placed there pending an investigation of an assault that occurred at the prison. The investigation is over and the result is that Walter was not found to be involved in the incident. He has been notified that he will be released from the hole on Monday. He said he received some mail when he was first placed in the SHU, but has not received any at all for at least three weeks. This long delay was caused partially because the person who inspects his mail has been on vacation.

Thanks to everyone for writing to him, making donations and keeping him in your thoughts and hearts.

## **22 Jul - Support Mike Williams: Indigenous Elder and Sacramento Defender**

*Longtime Sacramento activist and indigenous elder Mike Williams is one of three people of color who face charges stemming from the antifascist mobilization which shut down a neo-Nazi rally in June of 2016.*

### **MORE:**

On June 26<sup>th</sup>, hundreds of people from across Northern California and beyond mobilized and converged to protest against a rally called for by the Traditionalist Worker Party (TWP) and the Golden State Skinheads (GSS).

Both organizations are open neo-Nazi groups and on that day proudly displayed shields carrying the “SS” logos along with swastika tattoos. In the ensuing clashes, several people were stabbed and some almost lost their lives, as the fascists yelled out racial slurs during their attack. As the neo-Nazis fled, they also dropped a handgun and another was seen in the waistband of one of the attackers. Clearly, these people came ready to injure, attack, and potentially kill. Those that had the courage to stand up to them deserve our complete support, especially in the face of such harsh and cruel charges from the State.

The TWP and GSS is linked to neo-Nazi and KKK groups across the US and is connected to a string of vandalism, assault, and violent crime. For instance, William Planer, the only person from the neo-Nazi side that has been taken into custody on charges stemming from the protest, was actually arrested in Denver after he vandalized a synagogue. In the past few months, Planer has also attended a variety of pro-Trump and Alt-Right rallies, wearing a shirt which reads, “Proud to Be Fascist.” Planer is no stranger to arrest and has a long and violent history. While TWP leaders have attempted to portray Planer as a “blue-collar Patriot,” like the other members of GSS and the TWP Planer is clearly a violent threat to whatever community he comes into contact with.

Shortly after Planer was arrested, Nathan Lowry, aka “Leeroy Jenkins,” one of the leaders of GSS, was picked up by police on weapons charges, however received no charges springing from the Sacramento stabbings. Another violent member of the GSS who has long been identified by local activists, Derik Ryan Punneo, the neo-Nazi skinhead who was photographed in numerous instances stabbing people and also holding a bloody knife, still has yet to face any charges.

Several months after the rally, Punneo, who has a long history of arrest, violent attacks, and attempted rape, was sent back to prison after assaulting his then girlfriend, also involved in neo-Nazi activism. Both Lowry and Punneo are a clear example of neo-Nazi groups like the TWP being filled with violent and sadistic people who are a danger to the community and those around them.

Those who stood up to the TWP and the GSS did so because they saw the clear threat that these people represent to our community. Unlike many of those within the Alt-Right, the Golden State Skinheads cannot hide behind their fancy haircuts and memes. We see these people for what they are: a violent and dangerous cancer that produces violence, assault, and racist intimidation. Drawing a line in the sand against them is not an attack on free speech, but instead a defensive act to preserve basic freedoms for all and keep our cities and towns free of their Hitler worshipping garbage.

## **23 Jul - Why Dane Powell is a Hero**

*On January 20<sup>th</sup> thousands of protesters from across the country descended upon Washington D.C. to protest the inauguration of proto-fascist Donald Trump. Several hundred of these protesters participated in an anti-fascist anti-capitalist march that resulted in the arrests of over 230 people.*

**MORE:**

I was arrested that day and, along with 214 others, currently face decades in prison. July 7<sup>th</sup> marked the first sentencing of a co-defendant. His name is Dane Powell and he should be looked up to.

Dane Powell, who can be seen in videos from J20 removing a child from harm's way, was sent to prison on Friday July 7<sup>th</sup> for employing escalated tactics against a burgeoning fascist regime. The Metropolitan Police Department (MPD) unlawfully deployed stun grenades, tear gas, and kettling tactics in their pursuit of protesters through the streets of downtown Washington D.C. Reports have also surfaced of sexual assault committed by officers while protesters were in police custody.

Dane, like myself, has roots in Florida and was present at the Standing Rock protests which aimed to stall the Dakota Access Pipeline (DAPL), protests which have brought conversations about neo-colonialism to the forefront. Powell attended the inauguration knowing that the possibilities of being injured or arrested were high. When his daughter asked why he wouldn't let someone else do the fighting, his response was "we can't live our lives hoping for someone else to come and fix things for us."

As he sits in a cell for the next four months, I want Dane Powell to know that he is an inspiration. His bravery is helping me brace for whatever the government wants to throw my way. I'm sure my 200+ co-defendants would agree.

Though the world finds itself confronting multiple crises, ranging from war, wealth disparity, and the eventual death of our planet, issues worsened through the perpetuation of capitalism, you'd be hard-pressed to see anyone in San Marcos doing anything about it. Dane Powell, knowing he had everything to lose, knew that residing on the sidelines was conceding defeat.

Dear reader, I do not mean to insult you but chances are the most active you've been in the last year-and-a-half is critiquing our president at your favorite bar. When individuals like Dane Powell place, not just their freedom, but their very lives on the line in our never-ending struggle against oppression, you have a responsibility to stand in solidarity with them. Your decision to remain neutral makes you complicit in further actions undertaken by the Trump regime.

The future belongs to the daring individuals willing to fight back against fascism. Dane Powell is one of these individuals. My hundreds of co-defendants and I know who we stand with, do you?

**24 Jul - Women Claim Responsibility for Arson Attacks to Stop DAPL**

Unicorn Riot *has received a press release from two women claiming responsibility for arson attacks and valve sabotage against the Dakota Access Pipeline.*

**MORE:**

In the video below, these two women from Iowa publicly state their sabotage actions against the Dakota Access Pipeline and turn themselves in. Unicorn Riot is covering their surrender to authorities today.

The arrested women are now being taken to Polk County Jail. Both are being charged, thus far, with "4<sup>th</sup> degree criminal mischief" for destroying the Public Utilities sign just before arrest. No charges have been brought yet for the alleged sabotage of the pipeline. More updates coming soon.

The press release can be read below in full:

*The Dakota Access Pipeline is an issue that affects this entire nation and the people that are subject to its rule. With DAPL we have seen incredible issues regarding the rule of law, indigenous sovereignty, land seizures, state*

*sanctioned brutality, as well as corporate protections and pardons for their wrongdoings. To all those that continue to be subjected to the government's injustices, we humbly stand with you, and we ask now that you stand with us.*

*Federal courts gave corporations permission to lie and withhold information from the public resulting in a complete media blackout. So, after recently being called by the Intercept, an independent media outlet, regarding illegal surveillance by the Dakota Access Pipeline and their goons, we viewed this as an opportunity to encourage public discourse surrounding nonviolent direct action as well as exposing the inadequacies of the government and the corporations they protect.*

*After having explored and exhausted all avenues of process, including attending public commentary hearings, gathering signatures for valid requests for Environmental Impact Statements, participating in Civil Disobedience, hunger strikes, marches and rallies, boycotts and encampments, we saw the clear deficiencies of our government to hear the people's demands.*

*Instead, the courts and public officials allowed these corporations to steal permissions from landowners and brutalize the land, water, and people. Our conclusion is that the system is broken and it is up to us as individuals to take peaceful action and remedy it, and this we did, out of necessity.*

*We acted for our children and the world that they are inheriting is unfit. There are over five major bodies of water here in Iowa, and none of them are clean because of corporation's flagrant irresponsibility, and now another wishes to poison literally millions of us irreparably by putting us all at risk of another major catastrophe with yet another oil spill. DAPL has already leaked, and it will continue do so until the oil is shut off and the pipes are removed from the ground.*

*On election night 2016, we began our peaceful direct action campaign to a Dakota Access construction site and burned at least 5 pieces of heavy machinery in Buena Vista County, IA. Details regarding this action are attached to this statement below. This was information which was not shared with the public. We recognize that our action wasn't much, but we at least stopped construction for a day at that particular site.*

*We then began to research the tools necessary to pierce through 5/8 inch steel pipe, the material used for this pipeline. In March we began to apply this self-gathered information. We began in Mahaska County, IA, using oxy-acetylene cutting torches to pierce through exposed, empty steel valves, successfully delaying completion of the pipeline for weeks. After the success of this peaceful action, we began to use this tactic up and down the pipeline, throughout Iowa (and a part of South Dakota), moving from valve to valve until running out of supplies, and continuing to stop the completion of this project. More information on these actions is followed at the end of this statement.*

*These actions of great public interest were hardly reported and the federal government and Energy Transfer Partners colluded together to lie and withhold vital information to the public.*

*We then returned to arsonry as a tactic. Using tires and gasoline-soaked rags we burned multiple valve sites, their electrical units, as well as additional heavy equipment located on DAPL easements throughout Iowa, further halting construction.*

*Later, in the first week of May we attempted yet again to pierce a valve located in Wapallo County, IA with an oxy-acetylene cutting torch. It was at this time we discovered oil was flowing through the pipe. This was beyond disheartening to us, as well as to the nation at large. This event was again hidden from the public and replaced with lies about "ditch depressions". ([ottumwacourier.com](http://ottumwacourier.com) link)*

*We stand here now today as witnesses of peaceful, nonviolent direct action. Our actions have been those of necessity and humility. We feel we have done nothing to be ashamed of. For some reason the courts and ruling government value corporate property and profit over our inherent human rights to clean water and land.*

*We are speaking publicly to empower others to act boldly, with purity of heart, to dismantle the infrastructures which deny us our rights to water, land and liberty. We as civilians have seen the repeated failures of the government and it is our duty to act with responsibility and integrity, risking our own liberty for the sovereignty of us all.*

*Some may view these actions as violent, but be not mistaken. We acted from our hearts and never threatened human life nor personal property. What we did do was fight a private corporation that has run rampantly across our country seizing land and polluting our nation's water supply. You may not agree with our tactics, but you can clearly see the necessity of them in light of the broken federal government and the corporations they protect.*

*We do not anticipate a fair trial but do expect our loved ones to undergo harassment from the federal government and the corporations they protect. We urge you to not speak one word to the federal government and stand firm in order to not be oppressed further into making false, but self-incriminating statements. Film these interactions. There are resources as what to do if the federal agents appear at your doorstep, educate and protect yourself.”*  
(ccrjustice.org PDF link)

*It is unfortunate to have to prepare for such things, but this is the government that rules, which continues to look more and more like a Nazi, fascist Germany as each day passes. We salute the people.*

*Details of our peaceful direct action are as follows. We hope this information helps inspire others to act boldly and peacefully, and to ease any anxieties to perceptions held that the state and these corporations are somehow an “omniscient” and “undefeatable” entity.*

*After studying intuitively how fires work, and the material of the infrastructures which we wished to halt (metal) we learned that the fire had to be hot enough to melt steel — and we have learned typical arsonry is not allows the most effective means, but every action is a thorn in their side.*

*On election night, knowing that gasoline burns quickly, but does not sustain by itself, we added motor oil (which burns at a higher temperature and for longer) and rags to coffee canisters and placed them on the seats of the machinery, piercing the coffee canisters once they were in place and striking several matches, anticipating that the seats would burn and maintain a fire long enough to make the machines obsolete. One canister did not light, and that is unfortunate, but five out of six ain't bad.*

*As we saw construction continue, we realized that pipe was going into the ground and that our only means to obstruct further corporate desecration was somehow to pierce through the empty steel pipes exposed at the numerous valve sites. We learned that a welding torch using oxygen and acetylene was the proper tool. We bought the equipment outside of our city in efforts to maintain anonymity as our goal was to push this corporation beyond their means to eventually abandon the project. We bought kits at Home Depot and the tanks at welding supply stores, like Praxair and Mathesons. Having no experience with welding equipment before, we learned through our own volition and we were able to get the job down to 7 minutes.*

*In our particular circumstances, we learned that scouting often hindered our ability to act in windows of opportunity. So, we went with our torches and protective gear on, and found numerous sites, feeling out the “vibe” of each situation, and deciding to act then and there, often in broad daylight. Trust your spirit, trust the signs.*

*Having run out of supplies (the tanks) we decided to return to arsonry because every action counts. We used gasoline and rags along with tires (as tires burn a nice while, once a steady fire within them burns) to multiple DAPL sites and equipment.*

*We were able to get more supplies shortly after and returned to a valve site in Wapello County to act again. It was then we discovered that oil was flowing through the pipeline. This was not reported to the public, instead a story of “ditch depressions” was reported to the public in Wapello County as the reason to why the pipeline continued to be delayed.*

*It is because of these lies we choose to come out publicly, to set the record straight, and be open about these peaceful and viable tactics against corporate atrocities.*

*If there are any regrets, it is that we did not act enough.*

*Please support and stand with us in this journey because we all need this pipeline stopped.*

*Water is Life, oil is death.*

*Jessica Reznicek and Ruby Montoya*

We will have more about this story as it develops. Jessica and Ruby turned themselves over to authorities on July 24<sup>th</sup>.

## **25 Jul - Prisoner Healthcare Appeal for Xinacthli (Alvaro Luna Hernandez)**

*Xinacthli, a Chicano anarchist revolutionary who's been held in solitary confinement for years, is suffering from Hepatitis C, but the Texas prison system is denying him medication.*

### **MORE:**

He has reached out to supporters asking for urgent help in getting the medication he needs.

### **Call-In for Xinacthli:**

Please contact the Texas Department of Criminal Justice at [webadmin@tdcj.texas.gov](mailto:webadmin@tdcj.texas.gov) or 512.475.3250 (phone), 512.305.9398 (fax)

You can reach the Ombudsman at [ombudsman@tdcj.texas.gov](mailto:ombudsman@tdcj.texas.gov), or by ringing 936.437.4927 or toll free hotline 844.476.1289

There's a list of members of the TDCJ's Health Care Committee here:  
[tdcj.state.tx.us/divisions/cmhc/committee\\_members.html](http://tdcj.state.tx.us/divisions/cmhc/committee_members.html)

Of those individuals, you can email [cynthia.jumper@ttuhsc.edu](mailto:cynthia.jumper@ttuhsc.edu) and call 936.437.3542, or use this form [sellersdorsey.com/client-contact-form](http://sellersdorsey.com/client-contact-form) to contact Billy Millwee. Ben Raimer is on twitter at [twitter.com/raimer](https://twitter.com/raimer), and of the other two members, you can ring Dr De La Garza-Graham on 903.593.5500 and Dr Berenzweig at 817.250.4650.

A sample message you can pass on would be:

*Hello, I am contacting you on behalf of inmate Alvaro Luna Hernandez, #255735, held in the James V. Allred Unit. Inmate Hernandez is a 65-year-old man who has been held in solitary confinement for a number of years, and who suffers from Hepatitis C. He is not receiving treatment for this serious condition, and is experiencing significant health problems as a result. The Texas Department of Criminal Justice (TDCJ) and the Correctional Managed Health Care Committee (CMHCC) are seriously failing in their duty of care to inmate Hernandez, and I urge you to act immediately to ensure that he is provided with adequate medication for his health condition and released from solitary confinement on humanitarian grounds.*

*Please be aware that the TDCJ and the CMHCC could be held responsible for any further deterioration in inmate Hernandez's health as a result of continued neglect.*

Xinacthli has also asked for help in getting more mainstream prison reform-type groups to take an interest in his situation, so if you feel like doing that you can contact the following addresses:

[report@aiusa.org](mailto:report@aiusa.org)

[info@aclutx.org](mailto:info@aclutx.org)

[texascivilrightsproject.org/en/get-help/civil-rights-violations/online-intake-form](http://texascivilrightsproject.org/en/get-help/civil-rights-violations/online-intake-form)  
[ccrjustice.org/home/who-we-are/contacting-center-constitutional-rights](http://ccrjustice.org/home/who-we-are/contacting-center-constitutional-rights)

And pass on a message along these lines:

*Hello, I am contacting you on behalf of Xinachtli, a Chicano community organizer and political prisoner being held in solitary confinement at the James V Allred Unit in Texas. Xinachtli is suffering from Hepatitis C, but is being denied medication, with the result that his health is now seriously at risk. Xinachtli has requested that I reach out to you and ask if you could take up his case and help put an end to this dangerous medical neglect.*

*His contact details are:*

*Alvaro Luna Hernandez #255735*

*James V Allred Unit*

*2101 FM 369 North*

*Iowa Park, Texas 76367*

## **28 Jul - A Judge Is Weighing Whether To Dismiss The Inauguration Day Rioting Cases**

*On July 27<sup>th</sup>, lawyers for many of the nearly 200 people charged argued that if the indictment stands, it would make it easier for future protesters to risk facing arrest.*

### **MORE:**

by Zoe Tillman (*BuzzFeed*)

Lawyers representing many of the more than 200 people charged with rioting in Washington, DC, on Inauguration Day are arguing the cases should be dismissed, and they warn if they aren't, the outcome would risk chilling future First Amendment-protected protests.

At a marathon court hearing on Thursday, defense lawyers framed the fight over the Jan. 20 cases as critical for defining when people could face criminal charges for protesting in the nation's capital. Although technical at times, the arguments had an underlying theme: If the indictment were allowed to stand, it would put people exercising their free speech rights at a higher risk of arrest.

The lead prosecutor in the case, Assistant US Attorney Jennifer Kerkhoff, argued Thursday that many of the challenges to the indictment were fact-based — who did what on Jan. 20 — which were questions for a jury to decide, not the judge. She said the indictment on its face laid out facts that supported charges that the defendants willfully incited and engaged in a riot. According to court filings, there was more than \$100,000 in property damage.

A person could participate in a riot even if they were not the one to throw a rock or break a window, Kerkhoff said.

“It is the group ... the group that is the danger, the group that is criminal,” she said.

Police arrested 234 people in connection with demonstrations that turned violent in downtown Washington during President Trump's inauguration. Store and car windows were smashed as the demonstrators, many dressed in black and wearing face masks, marched through the streets. The majority of arrests were made on the scene.

There are 197 cases pending; 17 people have pleaded guilty and prosecutors have dropped 20 cases so far.

Defense lawyers argued Thursday that the indictment was legally deficient and unconstitutional. Attorney Joshua Shiffryn, who spoke on behalf of a large group of defendants seeking dismissal of the indictment, said that the government's legal theories underpinning the charges were "aggressive" and "untested."

Several defense lawyers separately argued for the judge to order the government to disclose instructions that prosecutors gave to the grand jury that returned the indictment. Grand jury proceedings are secret, but defense lawyers argued there were errors in the indictment that raised concerns prosecutors gave the grand jury bad legal information. The government on Thursday agreed to dismiss one count of the indictment that was based on a defunct version of a law against assaulting police officers.

District of Columbia Superior Court Judge Lynn Leibovitz did not rule from the bench.

With 197 defendants pending, almost all of whom have their own lawyer, the case has been a logistical challenge for the court. Leibovitz heard arguments on Thursday over more than four hours from a series of lawyers. Some argued on behalf of a group of defendants, while others only argued for their clients. The courtroom and an overflow courtroom were packed with attorneys, defendants, observers, and reporters.

The judge asked a number of questions about two cases from the 1960s and one from 2009 that addressed the standards for prosecuting rioting offenses under DC law. Given the rarity of rioting cases, lawyers on both sides acknowledged there was limited precedent to draw on.

Defense attorney Veronice Holt argued broadly that the indictment should be dismissed under the First Amendment's free speech protections. She said that although the indictment referred to all of the defendants as the "rioting defendants," it attributed specific acts of destruction to unspecified "individuals." No individual rioting defendant was accused of engaging in acts of violence, she said.

The two 1960s-era cases discussed at length, *US v. Matthews* and *US v. Jeffries*, spelled out jury instructions used in rioting cases that to find a defendant guilty of rioting, they had to find that they were aware of the rioting and willfully participated. Leibovitz asked Holt why those instructions wouldn't satisfy concerns about people engaging in lawful protest activity.

Holt said the government had alleged that people were criminally liable because they did not leave when others around them engaged in criminal activity. If leaving was what was required, Holt said, that would be an "unacceptable prior restraint" of First Amendment free speech rights.

The arguments delved into the nuances of the charges, including what the government would have to prove to show that someone incited a riot, as opposed to engaged in one — the indictment includes separate charges for inciting and engaging — and whether the government could charge someone with being part of a conspiracy if the underlying offense — in this case, rioting — already included a requirement that multiple people be involved.

Shiffryn argued that incitement meant the use of words directed at a certain group of people to encourage certain behavior, which was separate from participation in a riot. There were no message-oriented allegations in the indictment, he said.

And on the question of whether the government met its burden for charging people with engaging in a riot, Shiffryn argued that the indictment had to allege facts that showed the defendants acted with intent to further the illegal conduct of the group, which he said it did not do.

Leibovitz pressed Shiffrin to offer examples of conduct that would clearly show that a person was participating in a riot.

What if they were cheering on others, she asked. Cheering wouldn't be enough, Shiffrin replied. The government had to show that a person intended to incite behavior that created a "grave risk" of injury or property damage, he said.

Kristin Robinson, a lawyer representing two defendants, said her clients were in a different position than many others because there was evidence they didn't arrive on the scene until after much of the marching and property destruction described in the indictment — conduct that was cited to support the rioting charges — took place. Robinson argued that this was proof the grand jury wasn't presented with information specific to her client, in violation of their constitutional rights.

Kerkhoff responded that Robinson's argument assumed the grand jury didn't evaluate evidence that favored her clients in deciding whether to indict them, and that there was evidence Robinson's clients were looking for the rioters and moved to join them.

Kerkhoff argued against revealing the instructions given to the grand jury. She said that speculation by defense counsel wasn't enough to go behind the secret grand jury proceedings.

Michael Satin, the defense lawyer who made the primary arguments in favor of seeing the grand jury instructions, said that he had never made this type of request before, but these cases presented novel circumstances and legal questions.

"I think it's important to realize just how unusual this case is," he said.

### **5 Aug - J20 Pizza Party Fundraiser**

**WHAT:** Benefit

**WHEN:** 4:00pm-4:00am, August Friday, 5<sup>th</sup>-6<sup>th</sup>

**WHERE:** Rebecca's, 610 Bushwick Avenue, Brooklyn, New York 11206

**COST:** Free entry, but bring your wallet for food and drinks

**MORE:**

BEER! PIZZA! SOLIDARITY!

In order to raise funds for the J20 defendants, the New York City General Defense Committee is hosting a pizza party at Rebecca's in Bushwick. Come for the solidarity, stay for the drinks, pizza and jamz. There'll be FREE PIZZA from Norbert's from 4 to 5 PM, so show up early!

There'll be raffles and auctions of donations from Stick and Poke Tattoo Kit (<https://stickandpocketattoo.com>), Traditional Okinawan Karate (<http://www.tokarate.com>) and more!

If you can't make it in person, please consider donating online and sharing this event and appeal widely: [crowdise.com/gdc-bail-fund-for-j20](http://crowdise.com/gdc-bail-fund-for-j20)

### **5 Aug - 39 Years Too Long Free The Move 9**

**WHAT:** History and Culture event

**WHEN:** 2:00-8:00pm, Saturday, August 5<sup>th</sup>

**WHERE:** The House of the Lord Church, 415 Atlantic Avenue, Brooklyn, New York 11217

**COST:** \$20 art reception, followed by FREE evening program

**MORE:**

This August 8<sup>th</sup> 2017 will officially mark 39 years of the unjust imprisonment of our family collectively known as The Move 9. Every year our family does a program on August 8<sup>th</sup> to draw attention to the arrest and unjust imprisonment of The Move 9. This year our annual commemoration will not be in Philadelphia as we are calling on all of our friends and supporters in the New York City and tri-state area to join us on Saturday, August 5<sup>th</sup> 2017 at the historic House Of The Lord Church in the People's Republic of Brooklyn.

The Historic Program will be themed 39 Years Too Long Free The Move 9! And what a program it will be. From 2-4pm, for the first time ever, we will be holding a MOVE Art Exhibit featuring the art of Sophia Dawson that will feature paintings on the MOVE Organization. The cost of the reception will be \$20 and will include a light meal and reception with Sophia Dawson and the children of the MOVE Organization. This will be the first part of our program which will serve as fundraiser for The Move 9.

The Second part of our program will be a free evening program which will focus on the 39 year imprisonment of our family and the fight to bring them and other political prisoners home. The program will go from 5-8pm and will feature Ramona Africa, Pam Africa, Charles and Inez Barron, Daniel McGowan, Lawrence Hamm, Suzanne Ross, James McIntosh, Milton Allimadi, and our brother Mumia Abu-Jamal. There will also be performances by MOVE youth The Raw Life Crew and Infinite Wiz.

This program will be very important as we will discuss the June 2017 parole hearing and now parole denial of Delbert Africa. We will also discuss the August 8<sup>th</sup> 2017 Twitter Storm, highlighting the US Justice Department Petition for The Move 9 (we are still asking people to sign the petition at [causes.com/campaigns/92454-Free-The-move-9](https://causes.com/campaigns/92454-Free-The-move-9)). We are urging all Twitter users to sign on, more info to follow. Last, we will be setting the stage for the 2018 Campaign for the Anniversary for the 40 Year imprisonment of the Move 9.

**6 Aug - J20 Benefit: Namatay Sa Ingay/SPIC/Malcriados + TBA**

**WHAT:** Concert

**WHEN:** 8:00pm, Sunday, August 6<sup>th</sup>

**WHERE:** The Cobra Club, 6 Wyckoff Avenue, Brooklyn, New York 11237

**COST:** \$5-8, sliding scale

**MORE:**

On Friday, January 20<sup>th</sup>, the world witnessed both the official inauguration of a new regressive era, and hope for its overthrow.

Hundreds of thousands of dissidents swarmed the streets of Washington DC, using a diversity of tactics to defy and confront the new regime: blockades, blocs, barricades, breakaways, and massive marches. These are all first steps towards a mighty movement against the expansion of patriarchal and white supremacist State subjugation promised in the coming years.

The next step now that the smoke is clear in the Capital is to support the over 220 protesters charged with Felony Riot, punishable by \$25,000 and 10 years in prison.

Most of these were arrested indiscriminately in a "kettle," a police tactic where a group of protesters are surrounded by police lines on all sides. They were held there, in vans and busses, and in jail cells for over 24 hours. Police denied them food and verbally abused them. At arraignment many were ordered to pay

exorbitant and clearly punitive fees simply for a public defender. Once released they found the police had held their cellphones and backpacks as evidence and stolen many of their personal items.

Find out more at: [defendj20resistance.org](http://defendj20resistance.org)

**BANDS:**

Namatay Sa Ingay - Pinoy HC punk (NYC) [namataysaingay.bandcamp.com](http://namataysaingay.bandcamp.com)

Malcriados - Chris Stuft Crust Punx [malcriados.bandcamp.com/releases](http://malcriados.bandcamp.com/releases)

S.P.I.C. - Super Powered Illness Camp [youtu.be/rG0f8vn\\_f0Y](https://youtu.be/rG0f8vn_f0Y)

Five Borough Anti-Repression Committee will also be there tabling with info and selling J20 shirts to also help raise money for the defense fund.

[facebook.com/5BARC](https://facebook.com/5BARC)