



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for September 26th

12 Sept - Letter from Herman Bell's attorney to Acting Commissioner Anthony J. Annucci

We are including all updates on Herman Bell, including a letter from attorney Bob Boyle, below.

MORE:

Dear Commissioner Annucci:

I am the attorney for Herman Bell, age 69, an inmate now at Five Points Correctional Facility. I am working with Prisoners Legal Services on this particular matter.

As I believe you are aware, on or about September 5, 2017, there was a fight between inmates in the Great Meadow Correctional Facility yard. All parties acknowledge that Mr. Bell was not involved as he was on the telephone with his wife. Officers responded and ordered the yard closed. Mr. Bell ended the telephone call and, as directed, lined up to return to the housing units. As other inmates entered through one door, a guard, identified as C.O. J. Saunders approached Mr. Bell, removed him from the line and escorted him to another door that leads to a corridor between two messhalls. Mr. Bell was the only inmate escorted in this manner. Once inside, now out of the view of other inmates and any cameras, another officer joined the escort. After proceeding some distance, the first officer smacked Mr. Bell. He then pushed Mr. Bell against a wall, causing him to fall to the ground. This officer then beat Mr. Bell about his head and body. Within minutes other officers arrived and joined in the beating. Among other acts, officers raised Mr. Bell's head and slammed it against the concrete floor on at least three occasions. There were numerous blows to Mr. Bell's face. At one point, an officer or officers raised Mr. Bell off the floor partially and kned him in the chest and stomach. Mace was sprayed in Mr. Bell's face, including his eyes, nose and mouth. Finally, Mr. Bell was raised off the floor and taken to the prison infirmary.

A x-ray confirmed broken ribs. In addition to overall pain and bruising, Mr. Bell's left eye is injured resulting in a loss of vision. He is suffering from headaches. Instead of taking him to an outside hospital, your staff moved him to Five Points Correctional Facility where he was served with a disciplinary ticket and placed in SHU. On Friday September 8, I telephoned Prison Health Services. I informed them that Mr. Bell had not received blood pressure medication and prescribed eye drops. I was assured they would be provided. I learned today that the medication was not provided until Sunday September 10. This is irresponsible and dangerous.

Although Mr. Bell likely suffered a concussion, there has been no CT scan of his head to rule out a subdural hematoma or other head injury. Neurologists have informed me that this is standard procedure for even much less serious head trauma. There is also the risk of stroke, especially in someone of Mr. Bell's age. Mr. Bell has not seen an ophthalmologist to evaluate his eyes.

These failures when considered individually or collectively, constitute deliberate indifference to a serious medical need in violation of the Eighth Amendment. *Estelle v. Gamble*, 429 U.S. 97 (1977).

As you know, Mr. Bell is just shy of 70 years old. He has not had a disciplinary infraction in over 20 years. The day following the beating, Mr. Bell had been scheduled to commence a family reunion visit, his first in 2+ years. Moreover, witnesses confirm that CO Saunders led Mr. Bell alone, into an area where he was under the view of staff and not inmates. C.O. Saunders maintains in the disciplinary ticket that Mr. Bell refused to end the telephone call with this wife. Yet the tape of that call, obtained by the IG's office, shows that Mr. Bell terminated it immediately.

At the same time, it appears that guards at Great Meadow targeted Mr. Bell. Visitors to Mr. Bell – including myself – have heard staff processing visitors and in the visiting room refer to Mr. Bell as a "cop killer" or "terrorist". This unprofessional – and juvenile – behavior by your employees has no place in the prison system. Great Meadow itself is notorious for beatings by guards, many racially motivated. In the two weeks prior to the beating, Mr. Bell's cell was searched. No contraband was found but personal property damaged and trashed.

The instant incident was not only a racist attack. It was elder abuse. Moreover, there is certainly probable cause to believe these guards committed assault in the first degree, P.L. §120.04 and/or gang assault in the first degree, P.L. § 120.07. The law applies to everyone. When prison guards commit violent crimes, they should be prosecuted like anyone else.

I am aware that those who have contacted DOCCS have been told that the "investigation" must run its course. That may be true. However, while that "investigation" runs its course, it is Mr. Bell who is in the SHU, suffering from headaches and other pain and denied adequate medical treatment.

Consistent with your legal obligation to insure the safety and well-being of inmates within the Department, the following should take place:

1. Mr. Bell should immediately be removed to an outside hospital and seen by a neurologist and ophthalmologist;
2. The disciplinary infraction should be quashed and, upon Mr. Bell's release from a hospital, he should be placed in general population not at Great Meadow Correctional Facility;
3. C.O. Saunders and the guards responsible for this attack should be immediately suspended from duty, without pay;
4. This matter should be referred to the appropriate agency for criminal prosecution of the guards involved.

I am available to discuss this matter at your earliest convenience.

September 15th - The beating of Herman Bell

by dequi kioni-sadiki (*Amsterdam News*)

On the morning of Sept. 5, 2017, Herman Bell, an elder incarcerated at Great Meadow Correctional Facility near the upstate community of Comstock, N.Y., was brutally assaulted by a vicious gang of prison guards.

Bell has been incarcerated for the past 44 years. He is a former member of the Black Panther Party, and is one many would say "knows how to do time." In the aftermath of the vicious beating, Bell was charged with a Tier III ticket for allegedly assaulting one of the prison guards involved. Despite his serious injuries, he was quickly transferred to the punitive Five Points Correctional Facility and placed in the Solitary Housing Unit, where he is locked down 23 hours a day. If convicted of the ludicrous charge, he faces indefinite time in the SHU and the loss of privileges and "good time." It is also possible that he could also lose the potential for parole in the years to come.

Bell said that it all began with a routine morning telephone call between him and Nancy, his wife of 27 years, but it ended horribly with him suffering multiple injuries that included several cracked ribs, bruises all over his body and a swollen and blackened right eye. His eye-glasses were shattered, and he lay in an isolation unit of the infirmary for hours without treatment, followed by a speedy transfer to another facility and placement in its SHU.

While Bell was on the phone, a fight broke out in the yard (where the telephones are located), and a prison guard ordered Bell to hang up. He says that he did so, but the guard ordered him to put his hands behind his

back and escorted him back into the prison—not through the usual way, where the other men were being led back in, but through the Mess Hall and into an isolated area without cameras.

Reportedly, the guard struck the first blow, and then pushed Bell hard against the wall. Bell said he fell to the ground stunned as the guard continued pummeling him. More guards rushed to the scene and joined the assault, punching and kicking Bell everywhere on his body, spraying him at close range with Mace, seriously affecting his ability to breathe and causing injury to his left eye. The attackers tried to pull off his shoes, likely trying to break his legs, but could not get his state-issued boots off. Instead, one of the guards grabbed his head and slammed it into the concrete floor multiple times. Throughout the ordeal, Bell thought he was going to die.

Bell's family and supporters say that the claim that he assaulted a prison guard is utterly unbelievable. Friends who visit him often overhear prison guards repeatedly refer to him as a "cop killer," yet Bell maintains a professional and respectful attitude. He is known to all to be a kind, gentle, patient, thoughtful and purposeful man in both his words and deeds, someone who offers steady counsel, wisdom and mentoring to all those he encounters.

Bell has mentored thousands of younger prisoners throughout the state on the do's and don'ts of surviving prison. Formerly incarcerated men who are now contributing to our communities report that he was key in helping them rebuild their lives, educate themselves and succeed on the outside. Bell has consistently corresponded with high school and college students across the country about history, the world they live in and how to make it better. Both inside and outside the prison walls, Bell is widely admired, loved and respected. Decades in prison have not lessened his concern for hungry children, which inspired his creation of the Victory Gardens project to provide locally grown fresh fruits and vegetables to poor and working-class families across the city's five boroughs.

Bell has not had a serious disciplinary infraction in more than 30 years and no infraction at all in the past 20 years. He is up for parole in six months, and on the day after the assault by guards, he was to begin a family visit with his wife—his first weekend family visit in more than years. These facts, say his supporters, and his well-known character render the allegation that he would risk everything by assaulting a prison guard patently absurd.

On Sept. 9, four days after the assault, Bell was visited by his wife at the Five Points Correctional Facility. Nancy Bell described her husband as "chained and shackled behind glass and a screen, had a big black eye that was very runny and watery."

She added, "He was in excruciating pain, with the only medicine provided being Tylenol, was experiencing great difficulty finding a comfortable position to sit or lay and was concerned that he may not regain vision in his eye due to the extreme amount of Mace he sustained."

Unfortunately, an incident such as this one is far from an anomaly in the New York prison system, but rather the practice and pattern of oppression and repression of Black men in its custody. A series of articles in The New York Times last year traced a pattern of racist abuse by New York prison guards that has included cases similar to this one. The Department of Corrections and Community Supervision must address this problem, but clearly has not.

That said, the beating Bell endured must also be viewed in a historical context. From the crushing of the prisoner's human rights movements of the 1960s to today, to hunger strikes, work stoppages, to Ku Klux Klan prison guards in facilities across the state, to the well-documented abuse of incarcerated people on Rikers Island, violence by prison guards, like police violence, is a sad fact of everyday life for poor and

working-class Black/Brown people. Prison guards and police are given the "lawful" authority to inflict unfettered and institutionalized terror, violence and often murder on whomever they choose with impunity, especially when the victims are poor and working-class, Black/Brown or in prison.

As in Bell's case, the abused is often charged with the violence. How many times are we told, "He had a gun," only to learn that there was no gun at all? Who will take the word of a stereotyped Black/Brown man, woman or child over that of a police officer? Who will take the word of someone who has been convicted of a crime or is held in a detention center? Who is likely to listen to anyone whose version of an incident contradicts the "official" report made by a prison guard or a police officer? The predicament in which Bell finds himself is analogous to the predicaments of Abner Louima, Kalief Browder, Eleanor Bumpurs, Sandra Bland, Tamir Rice, Rekia Boyd, the Central Park 5 and many others have found themselves in. It is the modus operandi in which far too many prison guards and police officers lack the moral compass, public scrutiny and certainly concern over accountability or consequences for the violence they commit against Black/Brown people inside or outside the prison walls.

It is said that if you want to know how civilized a society is, just take a look into its prison. Bell is an elder who had to endure a mob beating by prison guards. Whether a targeted attack because they knew who he was—a widely loved and respected former Black Panther political prisoner—or unchecked rage at a Black man, their actions were unconscionable and unacceptable.

As we mark the 45th anniversary of the Attica rebellion and massacre, this act of state-sanctioned violence sends a chilling reminder that the more things change, the more they stay the same. The U.S. prison system has always been used as a tool of oppression to repress, control, demonize and dehumanize poor and working-class Black/Brown people, but this attack on Bell exemplifies the need for meaningful and structural change right now to hold prison guards and administrations accountable for the violence inflicted on people in their custody. That six grown men wearing steel-toe boots, could beat, punch and kick another human being—an elder especially—as he lay prostrate on the floor, demands swift and decisive action to hold those who participated accountable.

Bell's supporters are asking people to make the call for justice in the name of Herman Bell, who Jan 14, 2018, will turn 70 years old. "Let us call on the attorney general to indict the prison guards involved in the vicious mob assault on Herman Bell," his friends and family are demanding. "Let us call on the Department of Corrections and Community Supervision to fire the prison guards and drop the ludicrous charges against Herman."

The paper did not get a response from the New York State Department of Corrections and Community Supervision by press time.

September 23rd - What YOU can do to support Herman Bell

While Herman did see an ophthalmologist last week, we must keep the pressure on to make sure that all the demands are met.

We are asking that you snail mail Anthony Annucci, Commissioner of New York Department of Corrections and also New York Governor Andrew Cuomo.

If you have already written, please get family, friends, co-workers, et cetera to write as well.

Please use this sample letter:

Anthony J. Annucci

Acting Commissioner
Department of Correctional and Community Supervision
The State Office Building Campus
Albany, New York 12226

Cc: Governor Andrew Cuomo

The Honorable Andrew M. Cuomo
Governor of New York State
NYS State Capitol Building
Albany, New York 12224

Dear Commissioner Annucci (Governor Cuomo):

I am writing in concern and outrage over the unprovoked beating by Great Meadow C.F. correctional officers of Herman Bell, #79-C-0262.

On September 5th, with no provocation, five or six correctional officers assaulted this widely respected elder. These guards punched and kicked Mr. Bell all over his body while he was on the ground. He was kned in the chest and stomach, breaking two of his ribs. One guard then grabbed his head and slammed it into the ground three times, at which point Mr. Bell thought his life would be ending. He was excessively maced at close range all over his face and eyes, causing temporarily blindness and inability to breathe.

Mr. Bell is accused of assaulting one of the officers. This charge is absurd. The assault on Herman Bell is part of an epidemic of violence by NYS prison guards against the incarcerated population--an epidemic documented by the New York Times and other journalists, as well as by criminal justice agencies.

The idea that this 69-year-old man would have hit an officer is ludicrous, as he was about to have a family visit (the first in two and a half years) and was beginning preparations for an appearance at the Board of Parole this coming February. Mr. Bell was looking forward to the family visit with great anticipation, and he is optimistic about his chances at the Board, given recent changes in parole regulations and the appointment of new commissioners. There is absolutely no doubt that he did not commit any infraction on September 5th; he also has not had a ticket in the past 20 years. Mr. Bell has been imprisoned in the NY State system for over 38 years and has never been accused of assaulting staff.

This brutal assault by Great Meadow guards constitutes not only staff abuse but also elder abuse. Mr. Bell will be 70 years of age in four months. He was badly injured in the beating. Mr. Bell requires both a CT scan of his head and an ophthalmology examination. I write to demand that you take these actions:

That Herman Bell be immediately given adequate medical screening and attention at an outside hospital;

That Corrections Officer J. Saunders and the other officers responsible for the beating be fired;

That the ridiculous charges brought against Herman Bell be dropped immediately and that he be returned at least to general population (he had been on the Honor Block at Great Meadow and despite his request was never given a reason for being moved to general population);

That Mr. Bell's family visits be reinstated;

That Mr. Bell be moved to a facility where his family visiting can take place and be rescheduled at the earliest possible date.

Sincerely,
NAME/ADDRESS

14 Sept - Mumia's Legal Update

Below is the announcement from Bret Grote and Bob Boyle of Judge Tucker's Order in response to Mumia's Last Discovery Request, that included a request for an evidentiary hearing that would have included questioning witnesses who were prosecutors involved in Mumia's case.

MORE:

Instead, the Judge ordered that the DA's office turn over all 31 boxes, plus of prosecution files for the Judge's personal in camera view. By the Judge's order this scheduled for Thursday, September 21 in the Judge's chambers. This procedure puts the review of the DA's files solely within the Judge's control and determination. This procedure does not allow Mumia's attorney's any direct review of the files.

Please note that in four other "Williams" cases, Judge Tucker issued the same order that the DA turn over its case files on September 21 for his in camera review. In one case, an evidentiary hearing is set for September 22.

The DA's office must be fuming. We should anticipate the DA's request for a continuance (postponement) and an attempt to appeal Tucker's order.

While it is positive that the Judge has not accepted the DA's position--that the prosecution's record contains no evidence of Castille's involvement in Mumia's case--we are dependent on the Judge's review and evaluation of what he finds in that file. In its own Discovery responses, the DA indicated that its search for documents was incomplete and contradictory and they never fully disclosed which files they reviewed.

There is every reason to assert that Castille was personally involved in Mumia's prosecution -- from the interest of the FOP in his death sentence and conviction, to the constitutional issues raised in his appeals, including the racially biased jury selection. We have no reason to rely on an assertion of impartiality of the courts. The judicial record of review of Mumia's case in state and federal courts, including to the U.S. Supreme Court over five times, left him facing execution for almost 30 years and has him now on the slow death row of life imprisonment. As much now or more, we need to make ourselves heard demanding Mumia's freedom.

From Bret and Bob:

Greetings,

We received the latest order today from Judge Tucker, dated from September 7th, ordering the DA office to produce "all information and the complete file" for Mumia's case to his office for an in camera review by Judge Tucker himself, meaning he will personally inspect the documents produced. The order is attached. They have until September 21st to comply. It is our continued position that this requires more than production of the entire case file, but also any and every file that could potentially contain any relevant information pertaining to Ronald Castille's involvement in this case.

While we requested such a review in one of our earlier filings in the event the DA continued to refuse to turn over relevant documents, in our last filing we requested an opportunity to appear in front of the court to argue for further discovery. Instead, Tucker wants to inspect everything himself.

in solidarity,
Bret & Bob

15 Sept - Looking back: three years since Eric King's arrest

Eric has been locked up for three years now, he was arrested on September 16th 2014.

MORE:

Between Kansas, Oklahoma, and now Colorado he has seen a lot of different jails and prisons and has had his share of struggles along the way. There's no denying it has been a long road and unfortunately there's an even longer road ahead.

The support and solidarity we can provide Eric in the coming months and years will only help him in maintaining his spirit, fortitude and overall position in a very tough place. He has said many times that the time he has spent in the S.H.U (secure housing unit) at various points along the way would have been much harder if it wasn't for the love and support he received in the form of letters, cards, and books. It's clear that is also the case while he does his time in the general population.

There are a multitude of reasons why it may take Eric time to write you back, or unfortunately not be able to write back at all. However, please know he very much appreciates and gains strength from every piece of mail he gets. So please keep him on your mind, spread the word about his plight, and keep the mail coming.

We'd also like to take the time to remind you about a new addition to our website which is the merchandise page <<https://supportericking.org/merch>>. Please take some time to see if there's anything you'd like that we are offering there and then pass around the link. The money we raise will go towards commissary, phone calls for Eric as well as travel funds so his partner can visit him more easily.

A poem written by Eric:

I was arrested by two ugly shades,
holding two ugly guns
pointed directly at my face
wearing a backpack full of gasoline and paint thinner

One to create, one to tear down
pockets full of shells and notes to remember
my tshirt was solid black
my jeans hadn't been washed in weeks

Calvin was patted and released
he had to work for me that night
the cops of me of the beatings and sexual assault
that I had to look forward to that evening in holding
while handcuffed to a bench
stayed there for 3 days
ate 1 cinnamon bun

Was wearing the red pumas with the white laces
that Andrea had given me for surviving to be 25
achievements of all sizes

I was arrested on September 16th, 3 years ago
although it always feels
much longer ago

the interrogator was
fuming after my laughing
subsided
after they asked if “was
this an occupy plot?!”

They had a warrant for my
body
A warrant for my spit

My mom cried on the
phone ” your family saw
you all over the news!
And they used a terrible picture!”

September 18th - “Not everyone makes it” a poem by Eric King

Not everyone makes it
Not everyone sees a date on the calender
as the second coming, as the first day of their life
Some never get that ressurection
We all do our part, and some of us get tied up
Maybe protested, bured something, broke something, freed something
We acted according to our conscious and got hit
and that fucking sucks, bad.
We have a privilege though, a privilege of having that date
The state fucked us and hurt us and we will never get that time back
and FUCK it hurts! We have stains that will never come clean
and ink on us that will never dry..Bday parties and anniversaries and deaths
Time doesn’t go in reverse and those moments can’t be re-lived
But...we have a future outside..
Some of the people who followed their hearts won’t make it out
20, 30, 40, 50 years captive..Being treated as subhuman
being disregarded as not worthy of love or life or respect
or god damn common decency
They age and become old, yet they are still beaten and robbed
of the dignity their will and spirit and existense deserves
The calender mocks them
and that gate will never show the compassion we deserpately how it will
It just won’t..
Some never make it out and we need to remember them
everytime we hit the streets, every protest we attend
When Herman gets beat we all need to feel those blows
and act accordingly
Everytime the pigs get away with murder we need to remember
that good, loving, brilliant, strong, compassionate people
walked their talk and put their lives on the line to end the barbarity

of the state, to raise their people up
and they carry that struggle everyday and we MUST help
lighten that load always..fight everyday to open that gate
Not with our will but with our action, with our bodies and minds
Until All are Free.

16 Sept - Code Blue Called on Robert Seth Hayes

A comrade from New York Jericho Movement received a call from a friend of Seth's at Sullivan Correctional Facility on September 16th.

MORE:

Seth was in his cell looking like he was passed out, so the brother told the CO, who called medical. It took the nurse 20 minutes to arrive. They asked Seth to stand up, which he obviously could not. They called a Code Blue and rushed him to the clinic.

The brother says he will call at about 7 p.m. with an update. As soon as I have more information, I will update everyone.

UPDATE, 9:54pm: Just heard from Seth's friend exactly 5 minutes ago. Seth was taken to outside hospital, but is now back in cell. He meant to call tonight, but is too exhausted.

16 Sept - D.C. judge presses government for details on its search of web data on Inauguration Day riots

A D.C. Superior Court judge September 15th ordered prosecutors to provide additional details about how they will sort through data from a website linked to Inauguration Day protests without violating users' privacy and First Amendment rights.

MORE:

by Keith L. Alexander (*Washington Post*)

Judge Robert E. Morin last month ruled that Los Angeles-based tech company DreamHost must provide authorities with emails and user information of individuals who requested information from the anti-Trump website Disruptj20.org. Prosecutors sought the details in connection with their investigation into violent Inauguration Day riots.

Morin on Friday said prosecutors have since failed to outline how they plan to streamline their searches so users of the website with no links to the riots are not caught up in the process. Morin said he wanted to know who in the U.S. attorney's office would review the data and what prosecutors plan to do with information obtained that is not connected to their investigation.

The judge said that, "at this stage, the Court anticipated the government would have included procedures, or at least methodology, by which this minimization would occur."

The Inauguration Day riots left six police officers injured and caused tens of thousands of dollars in damage when downtown D.C. businesses were vandalized. Prosecutors have filed felony rioting charges against some 200 people who they say participated.

DreamHost had challenged an initial request from prosecutors for data, saying it was overly broad. Prosecutors later narrowed that request, and Morin found the government had legal cause for the search and DreamHost must comply.

“The government must show a compelling interest when it seeks to compel disclosures, such as membership lists, that may indirectly restrict an individual’s ability to freely associate,” Morin wrote.

DreamHost executives have said they are considering appealing the ruling requiring them to turn over the data.

Trials for defendants in the rioting cases are set to begin in November and continue through 2018.

A spokesman for the U.S. attorney’s office declined to comment on Morin’s request. A hearing has been set for Wednesday.

18 Sept - FBI Seeks To Question A Minor in Western North Carolina

On September 8, 2017, an FBI agent attempted to visit a comrade in western North Carolina.

MORE:

They visited a house, and the person there stepped outside to talk to the agent, who repeatedly asked if the comrade in question lived there. The person at the house did not engage with those questions, and instead insisted on a card from the agent that a lawyer could call later. The agent said it was regarding a case being handled by another office.

This comes at a time when anarchists have been standing up to a grand jury and other FBI harassment across the state of North Carolina. The person who the FBI agent was seeking secured legal representation. On September 13, 2017, their lawyer called a number the agent wrote down, and the FBI specified that they were actually looking to speak with the person’s child, a minor. The FBI said that they were seeking the original person because a legal guardian had to be present for the agent to talk to the minor. During that call the agent stated she wanted to ask about graffiti on a car related to a case being investigated by the FBI Field Office in Raleigh, NC. The minor in question has now secured legal representation. Nobody above is speaking to the FBI.

We cannot just hope that harassment like this stops. Get educated on how to protect yourself if the FBI shows up. If you are approached by the FBI, refuse to answer their questions. Know your rights! Please read *If An Agent Knocks* <ccrjustice.org/if-agent-knocks-booklet> for more information. We cannot let them intimidate us and raise fear and distrust.

19 Sept - 10 Arrested in Pipeline Protest at Tennessee Gas Co. Headquarters

On September 13, another round of anti-pipeline protests and arrests in Sandisfield, Massachusetts stalled pipeline workers and pulled more than 20 Massachusetts State Police cops into the area.

MORE:

by Heather Bellow (*Berkshire Eagle*)

A total of 10 activists were arrested at or near the local Tennessee Gas Pipeline Co. headquarters on South Beech Plain Road, a dirt road that intersects a farm and the company’s nearly completed and existing natural gas pipelines.

Protesters from both Sugar Shack Alliance and a water protector camp in Central Massachusetts began the blockade around 11 a.m. while another group that dubbed themselves the “pink police” knocked on the door at company headquarters, and presented a mock arrest warrant for Kinder Morgan Executive Chairman Richard Kinder and former Vice Chairman William Morgan.

Kinder Morgan is the parent company of Tennessee Gas.

Four activists were arrested in that incident, and from inside police cruisers continued to shout “mni wiconi,” which means “water is life” in Lakota, and is the watchword for resistance against fossil fuel infrastructure.

Another group of six protesters were arrested for blocking the road, which held up company contractors and at least one local resident.

When asked why continue the protest actions when this four-mile stretch of the company’s larger natural gas storage spur is nearly complete, protesters said it wasn’t over yet.

“The gas is not yet in the pipe,” said Susan Bryant, an Otis resident.

Sugar Shack activist Ron Coler agreed and said the point was to “keep the issue present in people’s minds.”

“We are water,” came another shout from inside a police cruiser.

A company spokesman previously told The Eagle the company respects the rights of activists to protest peacefully.

More than 70 arrests have been made since early May when Tennessee Gas began tree cutting in Otis State Forest to make way for this section of its 13-mile Connecticut Expansion Project that will also run through parts of New York and Connecticut.

The project has been packed with controversies that range from whether the extra gas is needed to the company’s use of about two miles of what is state-owned and protected land. This will be a third gas line in an existing corridor with three other pipelines built before the state bought the land and put it under constitutional protection.

A variety of complaints about the company’s management of environmental issues at the site have come under the microscope, but the company says it is under the regulatory eyes of federal and state environmental authorities and is adhering to the rules.

Sandisfield resident Susan Baxter sat on a small tractor she had driven to the scene of the protest and hoisted a Federal Energy Regulatory Commission document for an erosion control and revegetation plan for such projects. In her other hand was a sign that said “stick with the plan!”

About five activists who participated in the Standing Rock North Dakota entrenchment have been coming to the Otis State Forest protests. Some have joined water protector camps around the country after being forced from the Standing Rock Sioux reservation, where they tried to stop construction of the Dakota Access pipeline.

One former Standing Rock protester, Micah Lott, is a Northern Arapaho man from the Wind River Indian Reservation in Wyoming. He was arrested here for the second time Wednesday.

And Antoine American Horse is from a town on the Standing Rock reservation. When asked why he came all this way to protest this pipeline, he said it is about the larger movement of indigenous and other groups pulling together and continuing the work that began at Standing Rock.

“We’re starting a new relationship,” he said. “This is something lasting nationwide and on a global scale. It’s catching on. We’re able to do anything as long as we come together.”

American Horse said fighting pipelines and trying to protect land and water isn’t just about Native Americans.

“We’re doing it for everybody,” he added.

State police Capt. John Penniman said yet another unpredictable protest had required him to pull many on-duty troopers from other deployments.

“We have to hope for the best and plan for the worst,” he said, with a large cluster of troopers, and a long line-up of cruisers and other police vehicles behind him.

19 Sept - 6 Standing Rock Dakota Access Pipeline Protesters Face Unprecedented Federal Charges

The national media has moved on, but the story is not over.

MORE:

by Natasha Lennard (*Esquire*)

Rattler sat on the sofa scrolling through his phone. It was a drizzling, cold spring day in Bismarck, North Dakota, but he wasn’t going outside much anyway. A great mountain of a man with thick black hair to his waist and a disarming gentleness, Rattler made the objects around him look small. The sofa on which he sat, the phone he held, the homey living room where we met, the whole city of Bismarck seemed too small for Rattler. But his bail conditions and an ankle monitor confined him to the area for over half a year as he awaits trial.

He put the phone down. "I was looking for a quote," he said, "about how the people have the right to overthrow the government if it abuses its power. Who said that?"

Sandra Freeman, Rattler’s attorney, sat with him on the sofa. She ventured that the line he was seeking might be from the Declaration of Independence. Rattler didn’t return to his phone to check. If he had, he may have noticed that Jefferson’s founding document, that vaunted proclamation of America and its values, described the land’s native peoples, his ancestors, as “merciless Indian savages.”

Rattler, 45, legal name Michael Markus, is one of six native activists facing near-unprecedented federal charges related to the Standing Rock protest camps against the Dakota Access Pipeline (DAPL). The federal cases sit alongside hundreds and hundreds brought by state prosecutors, stemming from vast numbers of arrests made over the six months that the camps stood—a protest which at its height drew up to 15,000 participants from around the world and, for a short time, the dilettantish gaze of the mainstream media. The authorities razed the last major holdouts of the camps on February 23, by which point numbers had already dwindled as blizzard conditions pummeled the prairie lands. The camera crews packed up and most of the country went back to focusing on Trump.

But for Rattler, his federal co-defendants, the many hundreds of arrestees facing state charges, and their lawyers, the fight on the ground in North Dakota is far from over. They face a terrain as brutal and unforgiving as any winter on the Standing Rock reservation: a small-town court system in conservative rural counties with no experience of anything nearing this scale or political valence.

The fate of the DAPL standoff does not only reside in judicial decisions about the flow of oil. Those who stood on the frontlines for clean water, for indigenous struggle, for their ancestors and for our future, are being brought to alleged justice in an area where the very possibility of an impartial jury is in serious doubt. North Dakota prosecutor Ladd Erickson told me over the phone that prior to the Standing Rock cases, the only mass arrest incidents that these local counties had dealt with involved breaking up graduation parties of drunk high-schoolers. And while thousands flocked to the protest camps, only a few dozen lawyers and supporters remain and return to continue the arduous and overwhelming task of defending these cases in an area where towns consist of interconnected parking lots, strip mall restaurants and boxy houses, surrounded by unending sightlines of rolling grassland. At the time of writing, 140 defendants still don't even have legal representation, according to figures from the WPLC.

“The reality is that the frontlines are in the courthouse now,” said Freeman, a former public defender who moved from Colorado to live in North Dakota full-time to fight the DAPL arrest cases. She is one among a small cadre of lawyers and legal support workers who have put their normal lives on hold in order to seek justice for water protectors facing trial in the conservative, rural midwest. “The celebration and camaraderie of the camp—that’s gone,” she said, “but we’re left to stand with people going into the gauntlet, facing incarceration for being who they are.”

The Dakota Access Pipeline is now fully built, following President Donald Trump's January order to expedite its completion, which reversed President Obama's block on the project. In June, crude oil began pumping from North Dakota's Bakken Formation to Illinois, under the Mississippi river and through sacred Lakota land and burial sites. There has already been one spill, albeit small. A major spill would contaminate the main water source of the Standing Rock Sioux and 17 million people who live downstream. Last month, a federal judge ruled that the Army Corps of Engineers, responsible for approving the pipeline's route and completion, had not adequately considered the impacts of a spill into the Missouri River. The decision is a partial victory for the Standing Rock Sioux Tribe, but too little too late and oil is still flowing through the DAPL. Since February, anti-pipeline activists have taken their fight from North Dakota to new camps across the U.S., against pipeline construction and fracking operations in Nebraska, Iowa, Pennsylvania, Louisiana, Texas, Florida, New Jersey, and Massachusetts.

On the first night I spoke to Freeman in the dingy apartment rented by her legal collective in Mandan—the small town in which most of the hundreds of state cases will be tried—she pulled out a dog-eared map of the area. On it were the lines of the Fort Laramie treaties, which drew up the Great Sioux Reservation in 1851 and 1868. And next to it, Freeman roughly sketched how the land today—the site of the pipeline standoff—is broken up into federal, private and reservation property. “The history of exploitation and extraction cannot be disconnected from what’s happening here,” she said.

The unbroken American history of native oppression is not lost on Rattler, a marine veteran, truck driver and card-carrying Oglala Lakota Sioux Indian who lives on the Pine Ridge Reservation, South Dakota—designated one of the poorest areas in America. His great-great-great-great grandfather was Chief Red Cloud, the storied Oglala Lakota leader who oversaw successful campaigns against the U.S. Army in 1866 and signed the 1868 Fort Laramie treaty, delineating the Indian Country through which the DAPL now runs. Red Cloud died at Pine Ridge in 1909. The same Pine Ridge where over 250 Lakota were massacred and buried in a mass grave in 1890 at Wounded Knee; the same Wounded Knee where, in 1973, American Indian Movement (AIM) activists and supporters from every Indian nation occupied the town. Unlike the Standing Rock standoff, the Wounded Knee occupation was armed. But like the water protectors four decades later, the AIM resistance at Wounded Knee faced militarized, multi-agency law enforcement repression, followed by protracted court battles aimed at defanging and punishing the movement.

And it is with this historic struggle in mind that Freeman chose to join the camp, originally “supporting the DAPL resistance not in [her] capacity as an attorney.” She told me that after seeing water protectors “brutalized by police,” and recognizing the expansive need for legal support, she applied in November to work as the Criminal Case Coordinator for the Water Protector Legal Collective—a group that originated in the camp to provide on-the-ground jail and legal support for arrestees and is now one of two interconnected, donation-funded groups overseeing the daunting task of coordinating defense and logistics for hundreds of disparate defendants. The other, the Freshet Collective, works largely on arrestee support, such paying nearly a half a million dollars in cash bail, coordinating criminal defense, travel, accommodation, and logistics for the out-of-state lawyers and hundreds of defendants who live nowhere near the site of their court dates. Freeman moved to North Dakota, leaving her family and her regular legal practice in Denver for months at a time.

“For a lot of the lawyers and the defendants here, there’s a spirituality and a politics involved in this fight that can’t be untangled, and it would be hard to keep working without it. So much out here is hard,” Freeman said. “The attorneys and legal workers who come here, we wake up every morning and put our bodies and spirits upon the gears, upon the wheels, upon the levers, upon all the apparatus of this colonial behemoth—the state violence and repression that is occurring yet again in order to deny indigenous people sovereignty over their own lands in the name of resource extraction.”

The Standing Rock federal trials are not likely to begin until October, at the earliest. The six federal defendants have all been charged with use of fire to commit an offense and civil disorder, stemming from events on October 27—a major date in the pipeline standoff on which 141 people were arrested. Police deployed armored vehicles, lashes of pepper spray and LRAD sound cannons to clear water protectors from one of the campsites, while barricades were set alight and DAPL equipment was damaged. The civil disorder charge is a rarely used federal statute with a fiercely political history—it was passed in the late 1960s at the height of the Black Liberation and anti-war movements. AIM members from the Wounded Knee occupation faced the very same charge.

It was not until January 23, three days after Trump’s inauguration, that the Justice Department moved to file federal charges. This, Freeman said, was “no accident.” Each defendant now faces up to 15 years in prison if convicted.

Meanwhile the state cases are already trickling through Morton County, with hundreds still unresolved. “The size and scope of the thing, it’s overwhelming,” said Freeman.

It’s hard to imagine a starker visual disconnect between the dramatic spectacle of the protest camps and the boxy smalltown blocks and parking lot grids that make up the nearby cities. The pipeline fight provided a visual language of indigenous resistance and frontline militarized battle: the bright flags of every tribal nation flying, the temporary tent and tipi towns, hundreds of bold banners, water protectors in traditional dress on horses, law enforcement officers and National Guardsmen in riot gear. Tear gas. Water cannons. Fire.

Just over 70,000 people live in Bismarck, where the federal court is small enough to share a building with the post office, the granite stone entrance of which became a regular backdrop for protests. In bars decked in mock saloon style and American flags, “Backing the Blue: Friends of Law Enforcement” signs are posted in the windows. Neighboring Mandan has a mere 21,769 residents—slightly larger than the population of the protest camps at their largest. Mandan, named after the indigenous tribe that historically lived on that land, has a 90 percent white population and boasts the slogan “Where the West Begins.” If you squint, it could almost be quaint; a late 19th-century railroad town with morning-trimmed store fronts and saloons. But to look at it clearly is to see cheap, beige concrete facades and dilapidated motels, sports

bars and chain restaurants. Here, the lawyers and legal support workers live and work out of a former hotel-turned-flophouse, with a makeshift office on the ground floor. Inside the main building entrance sits an old-timey buggy car—no doubt once an ornament from the hotel days. A Christmas wreath hangs on the wall in mid-Spring.

The curtains are drawn over the office windows and there are no signs on the door. They work in one large room with mismatched felt sofas and plastic chairs, a shit-brown carpet, a defunct popcorn machine, and a poster of Leonard Peltier pinned to the wall. According to Freeman and her colleagues, the first two buildings in which they tried to rent turned them down after hearing that they were in town to defend water protectors. “It’s hostile environment here, for sure,” Freeman said.

Rattler told me in the previous weeks, on two occasions, two different unmarked cars pulled up beside him on the street and a passenger brandished a Glock 10 before the vehicles sped away. He said that numerous local residents have driven by and yelled, “Go home!” while he smoked on the porch. “It’s funny, because I want to get out of here, too,” he said. “But part of me wants to yell back, ‘Go home? We were here first!’” He’s staying at the home of a member of the local Unitarian Church, a small detached house near the center of Bismarck in a row of small detached houses, in organized, anonymous, suburban-looking blocks.

I came to North Dakota three months after the February eviction. There was all but no sign of the once sprawling camps that had stood 40 miles south of Bismarck. You have to look hard for relics left on the wind beaten, sand-brown grass, like a lone cinder block bearing “#NoDAPL” in black spray paint, or razor wire piled up in a mound by the 1806 Highway, gleaming in the sun. Riot police had used the wire to surround and block off a sacred burial site named Turtle Island after water protectors crossed near-freezing water to pray there in November.

I traveled to the site with Freeman and some of her co-workers. An ebullient paralegal named Jess in gold eye-shadow and a floral skirt pointed out where the various camp areas had stood. She hadn’t returned to the site since the February eviction. Nor had Dandilion Cloverdale, a sex worker and educator from Montana who now works for the Freshet Collective in North Dakota to coordinate travel and lodging for defendants. Cloverdale walked around solemnly, eyes streaming from the winds blowing sideways on the plains. “It’s sad coming back here, it looks so different” they said, adding “it’s hard,” a phrase I heard like a refrain that trip.

Cloverdale had been the camp manager for the small Two Spirit Nation camp at Standing Rock, which brought together the intersection of the indigenous and LBGTQ struggle and many Two Spirit youth. “Before the occupation there were two teen suicides a month on this reservation” said Cloverdale. “During the occupation, there were none. There was promise and hope, young people believed in themselves.” Native teens and young adults are 1.5 times as likely to kill themselves as the national average. The Standing Rock movement’s guiding words, Mni Wiconi (water is life) meant more than clean water advocacy. Water protectors and land defenders see themselves in a struggle to affirm and sustain life, which is as much spiritual as it is material and environmental.

Not all the lawyers and organizers are in North Dakota full-time like Freeman; some come for a few weeks at a time for hearings and meetings—a semi-rotating cast of legal activists, who join the close quarters of the Mandan office and apartments. Most nights they cook and eat vegan food together, crammed into Freeman’s temporary living room on two sofas and the floor. Files and paperwork take up every table surface, with extension cords and wires from four to five laptops at a time snaking around the sparse furniture. Outside of their temporary lodgings, the Freshet and WPLC workers stand out in white Trump country; their ranks include Native Americans, gender nonconforming and queer individuals, trendy New Yorkers and what your grandparents might call hippies. “I was picking someone up from Bismarck

airport,” Cloverdale told me, “and a group of white folks told me ‘you need to go home.’ They don’t like out-of-towners around here; they give dirty looks to out of state [license] plates.”

Freeman concurred. “I’ve never had to work as a defense attorney and endure this kind of hostile environment,” she said. A longtime activist lawyer, she noted that “unlike movements we’ve seen recently, there’s not a robust well of attorneys here. And the court system could have never anticipated this.”

The state Supreme Court deemed the situation an “emergency affecting the legal system of North Dakota.” Seventy defense lawyers from all over the state have been appointed to cases; “typically they live and work about four hours away,” Freeman said. But only about ten local defense council are working directly with the WPLC. With only so many barred criminal defense attorneys in North Dakota, a number of whom expressed negative bias against water protectors, the state has had to change its rules to let out-of-state lawyers practice in the Standing Rock cases in what’s known as a pro hac vice capacity. Pro hac vice lawyers must work with a barred North Dakota counsel—the local lawyers working with the WPLC are currently serving as local counsel for around 40 to 45 out-of-state lawyers.

North Dakota as a whole has an entrenched conservative bent with Republicans in firm control of the state house and executive. Local landowners and residents in the surrounding rural areas described the camps as a source of disruption, crime and vandalism.

“These were situations and circumstances we’d never seen before. It was emotionally, physically and economically taxing to the community,” said Julie Ellingson, the executive vice president of the North Dakota Stockmen’s association, a trade organization which represents livestock producers. “This is a quiet, agricultural area; the largest cattle producing county in the state,” said Ellingson, who has lived in the area all her life. She told me that during the time of the camps, livestock producers couldn’t move their cattle from field to field, faced protest-related roadblocks, and an alleged uptick in stolen, injured and killed animals.

On top of a uniquely brutal winter, these were unwelcome interruptions, which provoked ire against protesters, but not the pipeline that drew them to North Dakota. Ellingson was one among a number of local residents who told me that they believed the pipeline construction abided by relevant laws, regulations and necessary agreements—a view challenged by the (equally local) Standing Rock Sioux and their recent federal court victory over the lack of adequate environmental studies and adherence to treaty protections.

Ellingson said that locals felt like “collateral damage” in the Standing Rock standoff, a view echoed by Jerry Hintz, who owns a popular local tea shop and cafe with his wife in Bismarck. “Nobody in the media came to talk to the locals. They didn’t hear about how our businesses were affected, or about how police officers and their families were threatened,” said Hintz, who had joined hundreds of North Dakotans taken in a “Backing to Blue” rally last November and told me of “fierce loyalty” in the area to law enforcement and the military.

I met Hintz, a friendly, athletic 46-year-old with a shaved head and bright blue eyes, in his well-lit shop just a short walk from the federal court-cum-post office. The gray day poured in through the store’s glass front, deadening any touches of coziness in the strip mall space, which shares a bland Bismarck block with a Burger King. Hintz spoke of “agitators”, “trolls,” and “criminals” from the camps; “we wanted to be left alone,” he said.

Local fear and antipathy was further stoked through the concerted efforts of law enforcement officers, county authorities and mercenary security contractors (hired by DAPL owner Energy Transfer Partners) who spent months painting the water protectors as criminals and security threats. The Intercept’s

TigerSwan leaks confirm that the private contractors, working with law enforcement agencies, carried out explicit propaganda campaigns in local and social media to demonize the protesters.

It worked. A survey conducted by consulting firm The National Jury Project in the relevant counties—Morton and Burleigh—found that 77 percent of the jury-eligible population in the former, which covers Mandan, and 85 percent of the latter, which covers Bismarck, had already decided the water protectors were guilty. “A substantial number of the surveyed population have connections to law enforcement, the oil industry, landowners and others who have been affected by the protests,” the survey results stated, noting, “Many respondents made statements indicating that they perceive protesters as a threat to community safety and described the water protectors as ‘eco terrorists,’ ‘criminals,’ and ‘idiots’ who ‘hopefully all freeze to death.’” One hundred percent of respondents admitted prior knowledge of the issues involved in the cases. Motions have been filed by attorneys in both state and federal court for a change of venue, to move the cases out of rural areas directly affected by the camps; at the time of writing, none have been granted and concerns about the very possibility of fair trials runs high.

For Freeman, the jury survey is a reflection of the sort of hostility she and clients and colleagues have felt in the area. “It’s also why we are trying to have Rattler’s bail conditions relaxed as soon as possible,” she said. “This is a threatening environment.”

(In the first week of September, after months of filing motions and waiting, Freeman received the news from the Court that Rattler’s bond conditions would be relaxed to allow him to leave Bismarck to live somewhere else—somewhere approved by the court—while awaiting trial. Out of concern for his safety, Freeman does not want to make details of his next location public.)

Erickson, the state’s attorney known for theatrical language in court and chain smoking outside of it, told me that “the fatigue the whole area felt, it got raw.” A striking admission from a prosecutor about the risk of local bias. If the whole area was affected, I asked, how could impartial jurors be found for all these cases? “It’s challenging,” he admitted, before asserting swiftly that fair juries were nonetheless being found. He stressed that, contrary to charges of racism in the area against Indians, his Native American friends (“my guys” as he called them) in the sheriff’s department were also burned out by the camps. The same state’s attorney filed motions in December to disallow defendants from mentioning the following in court: “historical treaties between the U.S. Government and the Sioux Nation; tribal sovereignty; the merits and demerits of the Dakota Access Pipeline; climate change; sacred sites.” Erickson argued these issues had “no relevance” to the criminal cases at hand.

If an individual defendant did want to raise the fact that 99 percent of the arrests took place on land accorded to the Lakota tribe in either the 1851 or 1858 Fort Laramie treaties, the point would have little legal traction. But if these treaties—harsh compromises in and of themselves—were truly respected, none of these trials would be happening: state and federal powers have no jurisdiction on treaty land. If they had been historically respected, they would be no DAPL in the first place. The grim irony that many of the arrests led to trespass charges for natives on what should be their land is one that animates the history of this country.

The attorney noted that there is hardly anywhere to bring an argument from a sovereign nation’s claim—international courts are not going to weigh in on the Standing Rock criminal trials. But according to the lawyers I spoke to, including Bruce Ellison, a veteran attorney who represented AIM leaders after the 1973 standoff and continues to represent Leonard Peltier as well as a number of Standing Rock defendants, many of the cases are eminently defensible on points of law and proof, regardless of a treaty defense. The challenge is to defend what they believe to be defensible in this tough rural context with only a small legal operation handling hundreds of cases.

After a group dinner in her living room one night, Freeman and I sat in her equally jumbled adjoining bedroom. “In these cases we have both law and proof on our side. But really,” she said, with a quiver to her voice, “it’s the righteousness of it.”

In early July, Freshet published a tally of case statistics. Six hundred and four state cases were unresolved (517 open cases, 85 warrants issued and two cases going through appeal), with charges ranging from minor disorderly conduct violations to felony arson and assault on an officer. One hundred and fourteen people have already taken plea deals instead of traveling back to Bismarck—no small journey for activists coming from all around the country to face the possible risk of an unsympathetic jury. There had been eight convictions and three not-guilty rulings; the courts will take well over a year to get through the caseload. But by early August, prosecutors, lacking witnesses, evidence, and appropriate paperwork by arresting officers, began to dismiss cases by the dozen, often at the eleventh hour as court dates approach, but hundreds remain.

Accounting for every arrestee and finding each defendant appropriate representation has been a mammoth task in and of itself, and one that is not yet complete. In the meantime, Freshet and WPLC are working with the local lawyers and building collective defense strategies around major days of mass arrests—like October 27—from which scores of protesters face similar charges, while allegations of infirm arrest and police brutality are high.

And for the prosecutors, mass arrest days, which involved law enforcement officers from around the country and state, are proving a challenge. At the time of writing, over 168 charges have been outright dismissed by prosecutors before even attempting to extract pleas or go to trial, evidencing the illegitimacy of these charges in the first place. “The prosecution is realizing that they can’t make out the elements of the charged offenses,” said Moira Meltzer-Cohen, a New-York based attorney who travels back and forth to North Dakota to represent nine defendants with cases in state court in Mandan. “Some of their cases have been dismissed by judges, and also because, having brought in law enforcement from all over the country, those extra-jurisdictional cops made arrests, failed to complete any meaningful paperwork, went home, and are not keen to return to testify about something that happened in a chaotic environment months ago,” she said, noting that without evidence showing individualized probable cause and without witnesses, the prosecution has been dismissing charges, which should have never been brought. Meltzer-Cohen, whom I’ve known for many years through her work on activist cases in New York, called the legal situation “a mess.”

The fact that numerous cases have already been dismissed, and juries have delivered not-guilty verdicts in three cases already, including those of Standing Rock Sioux Tribal Chairman Dave Archambault and Tribal Councilman Dana Yellow Fat gives hope to the defense attorneys. Local paper, the Bismarck Tribune, which skewed dramatically against protesters and in favor of law enforcement in its editorial pages took the acquittals as an occasion to opine that “the system works for everyone.” Meltzer-Cohen scoffed at the editorial. “They had to acquit,” she said, “there was absolutely no basis for the charges.”

The lawyer does not see the recent wave of dismissals as an outright victory, but evidence of vast police misconduct and original prosecutorial overreach. “The way the cops use arrest as a form of crowd control dovetails so neatly with the way prosecutors drain us, even without getting any results. It’s such a stupid war of attrition, with such pyrrhic victories on both ends,” she said. And for hundreds of arrestees, particularly the federal defendants, a reprieve is not on the near horizon.

Freeman believes that in the many cases that remain, only 10 percent of defendants will seek to settle out of court, but that the majority of water protectors will want to fight their cases. “I will go to trial, I will not

take a plea,” said a 21-year-old named White Wolf, who faces state charges of riot and trespass from an October 22 arrest. White Wolf was born and raised in Louisiana and comes from the Houma tribe. She went to Standing Rock “because she had to. For the next generation. I went because my ancestors would have done it,” she said via phone. She was among the injured of November 20, shot squarely in the body by a police concussion grenade—a traumatic event from which she said she is still “healing.”

During the camp protests, the pipeline was dubbed “the black snake.” But for the Lakota, the black snake is not just one pipeline. It harkens back to a prophecy in which a great black snake would come to the Lakota lands and devastate the earth. According to the prophecy, it would be the youth who would rise up to slay the black snake—a detail not lost on the Standing Rock Sioux youth who were the first to set up camp against the pipeline in April 2016.

“The black snake is greed and violence and oppression; we have to come together to fight more than just one pipeline to defeat the black snake,” said Rattler as we sat in the warm, wood-accented living room. Depending on one’s spiritual orientation, there could be either irony or destiny in the fact of Rattler’s position as a high profile defendant in the Standing Rock trials. He earned his name during his marine corps service in the early ‘90s. One night, he was sleeping outside at bootcamp in Pendleton, California—diamondback rattlesnake territory—when he felt a weight along the side of his body. He carefully felt along the mass. A six-foot long poisonous diamondback had wedged itself head down along the side of his sleeping bag. In one move, Rattler grabbed his service knife, grabbed the snake, and cut off its head. His lieutenant, emerging from a tent, watched on. He retells the story with gusto, a grin and dramatic hand gestures. “I was known for pissing off dangerous snakes,” he said. The name Rattler stuck, now an appropriate nom-de-guerre for a man who came to North Dakota to fight the black snake, and whose liberty is under threat because of it.

Back in South Dakota, Rattler worked as a truck driver and a handyman, preferring to barter his trades and skills for items he needed to live, rather than money. Ceremony was already part of his life, as an entrusted Lakota pipe carrier—an honored role in ceremonial practice and tradition. He had first come to Standing Rock to deliver donated supplies from Pine Ridge in Betty Boop (his truck, for which he uses bio-fuel whenever possible). He made three return trips until one event in September prompted him to stay for good.

“The dog attacks,” he said. In early September, protesters claimed that private DAPL security guards released attack dogs and sprayed mace on protesters. A spokesperson for Energy Transfer Partners told press at the time that protesters had “attacked” its workers first, but footage of clashes between law enforcement and water protectors catalyzed national attention. “After the dog attacks I knew I had to stay, it’s in my nature to want to protect people,” Rattler said. Freeman nodded as she listened to him, a hand on his shoulder. In that sense, they both had stayed in North Dakota for the very same reason—as protectors.

During his months stuck in Bismarck, the water protector has been waiting and praying. Most days, he stays inside, reads, writes and sketches. Rattler re-reads letters of support and solidarity he received from supporters around the country while he was in jail. “I even got some postcards from a woman in France,” he said, leaping up to pull from a cabinet a pile of assorted, well-handled cards and papers. He’s also working on a children’s book, he told me, a story about a young indigenous boy and his adventures in pre-colonial times. He wants to give children “an image of what we looked like, before Hollywood made us look like savages.”

“I’m not smart about a lot of things. I’m more of an action guy. But I have 100 percent trust in them,” he said turning to Freeman and wrapping her in a vast hug. “My life is in their hands,” he said. When we returned to her apartment above the office that night, Freeman briefly burst into tears, wiped her eyes, and got back to work.

20 Sept - Letter from #J20 Anarchist Prisoner Dane Powell

Dane recently had a birthday while behind bars and has written the following.

MORE:

Throughout my whole life, I've had a running list of worst fears that changed over the years, as many times as I have. My latest, having been the most likely to occur were fears of houseless-ness and prison. I used to have nightmares of the two where I would wake up in sweats. I've since been cured of them both but only by living through each.

With work inside our local communities, most, if not all, activists see people when they need solidarity the most. The houseless, the jobless, the drug addicts, the ones that have been tossed out, abused, and left for dead by our capitalistic system are the ones who we eat dinner with, laugh with, seek treatment with or aid mutually more than most others. A lot of these people have hit the preverbal bottom with unwavering abandonment from the state. The presence of these fears was only the state legitimizing itself in my subconscious mind. Facing my fear of houseless-ness was voluntary and a choice I made before leaving for Standing Rock last year. My arrest on Jan 21st was not voluntary what so ever and I would soon learn how to de-legitimize the state through control of ones own fears.

After the courts released me on January 26th, my fears were put into overdrive after five days in DC jails' intake wing. Our culture is centered around punishment. Our TV's highlight it, our movies romanticize it, our politicians run on it's platform, and our judges make a mockery of it by sending youth to "Scared Straight" programs. The latter of these I had the honor of attending at the youthful age of 14. Having grown adults insinuate that they would kill you if given the chance at such a young age is a shining example of just how loving our justice system is. Occupied Turtle Islands' obsession with punishment is unavoidable and a symptom of society's sickness in the same way that cops are glorified and reality TV stars become president.

This fear was so crippling that it started to consume my personal life. I allowed it to consume me so much that the state had already won. I lost my closest comrade and became closed off to others. The only way I was able to de-legitimize the fear was by living through it. I hope these words find the eyes of my J20 codefendants and others who may be in similar situations. I hope through my own experiences to assist others in helping to deal with their own fears that they may be holding in with the possibility of becoming another statistic to the state. What my codefendants are facing now is real, but nothing new for those who seek a better world on the ashes of theirs. We should never seek their cages, but if we happen to find them our work will continue and we'll become more caring, more loving, more understanding, and more reliant as we use that time to improve ourselves and the others around us.

I challenge the reader to find a revolutionary who has stood against the imperial, capitalistic, and centralized state while not finding the inside of a cell throughout their course of work. It almost seems like a right of passage in many revolutionary autobiographies. There's a distinct reason for this; jail cells radicalize. What is radicalize but another word for educated. Not educated with their reactionary lessons but an education from our own teachers based on revolutionary thinking. They fear this education which is why the word "radicalize" has become so stigmatized.

Even those who are on the fringes of political space, know exactly what is keeping them from their loved ones and freedom when they're locked up, the state. If one enters in prison with a support structure of radicals, that captive will be digesting Kropotkin, Bookchin, Goldman, and Proudhun in no time. Free of the excuses one gives when they have access to Netflix, YouTube, or the vast diversity of services that we

have filled the void of cable TV with, these captives are drawn to their books and the ideas within them. The education gained behind bars is greater than any to be found at Ivy league colleges. Prisons have always been the colleges of the revolutionaries.

As a present day anarchist I have felt my main weakness was in my theory. I knew the basics of our theories, but I never made it a priority to improve my revolutionary theory. What I failed to realize was that a clear understanding of theory allows the revolutionary to criticize current models, including their own, instead of just being a parrot with no ideas they can call their own. Lessons learned in prison provide the revolutionary with the proper re-education to be able to hold a conversation on something as basic as whether an issue is reformist or reactionary and the reasons why. So many of us are able to walk the walk but can't talk the talk when the time presents itself, and what does that make us but a rebel without a cause. Not being able to properly put voice to our beautiful ideal de-legitimizes our movement more than any reactionary can. As revolutionists' we need to be as well rounded as possible to be able to bring our beautiful ideal to the masses in a way that divorces reform; with theory and action. We need to turn our weaknesses into our greatest strengths.

One thing that revolutions of the past have in common is that the common people were facing oppression from above that was unbearable. In this way, prisons are a micro-cosism consisting of those same conditions that breed revolutions and could very easily become the revolutions vanguard. Washington DC jail is 98% people of African decent. Once prisoners learned of my charges I was sought after for questions on my leftist views. I planted as many seeds as I could in that short amount of time. I left books and zines that I'm sure are still being passed around today, and for months to come. Was the BPP main recruitment not done in the prisons and jails? Like our martyr August Spies said before he was executed, "Here you will tread upon a spark, but there and there, and behind you and in front of you, and everywhere flames will blaze up." The conditions are the tinder and we are the sparks of Spies' blaze.

When I first got to prison in Florida the guard who was processing me in exclaimed to his co-worker, "We got our first Trump protester!" They laughed at my expense for a couple of hours but I didn't play into their games. I was soon approached by the prisons gang task force and threatened over organizing in their prison. They said that if there was a strike they were coming for me and my time would be extended. The state knows our capacities and they're threatened by it. Earlier this year saw one of the largest prison strikes in history. We have what it takes and the most important denominator in that equation is time.

The legitimizing factor of all oppressive centralized states is the complacency and domination over the masses through state sponsored murder, kidnapping, and extortion. The regime of occupied Turtle Island is no different. A wise man one said that when we no longer fear death, we can truly live. Once these chains of the mind are removed so too will the physical ones of the body follow. Change has always proceeded the de-legitimization of the state. Just as in the past, occupied Turtle Islands' regime will do the same, but we can help speed that process up.

Until the last wall is torn down, we need to use their own weapon against the regime as best we can while simultaneously dismantling the power structure it creates. While doing time we can make others and ourselves better comrades. While outside, we should remove the power the state holds over us and, while not seeking it, we should lose the fear of prison for this is the best way to delegitimize the power it holds over us. Doing so will help us attain our goal that a more just world is possible for all instead of the few.

21 Sept - Report from International Leonard Peltier Defense Committee on Recent Visit

Leonard has some serious needs. Please read the following for more information.

MORE:

We are each overloaded with information, data, and advertising. So much so that while I desperately want to share what occurred on my recent visit to meet with Leonard, if time constraints and energy demands limit you at present, please at least read the end of this letter – our good friend Leonard Peltier has a serious need.

That said, I wanted to bring you up to date on Leonard's recovery and my visit with him this last weekend. After arriving at Coleman, FL about 7:40am Saturday and filling out visiting forms, the officer at the desk told us that visiting was cancelled. All units were locked down. I was equal parts upset and disappointed. What was most heartbreaking was not the 1,500+ miles I'd traveled, but the knowledge that Leonard's disappointment would easily exceed my own. After enduring triple by-pass heart surgery on his own in a maximum security prison, he now had this further insult to endure. He would see no friendly face today. The incident should serve as a reminder to us all that we must do all that we can to free this man ASAP!

Trying to use my unwanted free time wisely, I set out for St. Petersburg to meet members of Leonard's support group and an AIMster friend. Leonard has requested we move the International Leonard Peltier Defense Committee to Florida, so our local group showed me possible locations for the new office. St. Pete is just a little too far, but Tampa – with its major airport and highway system – seems a much better fit. It is only about an hour south of Coleman Correctional.

The rationale for the move is straightforward. Leonard has advised that his surgery and recovery, not to mention his other elderly health problems and increased legal work, has made it clear to him that the committee needs to be closer. We need to be present in order to readily deal with the prison when something happens to him. (If anyone in the Tampa area is aware of a 3-bedroom place that we can rent and use for both our house and office, please give me a call @ 701-293-4806 or my cell 218-790-7667) Thanks so much!

Following our search for office/rental space, I contacted Coleman and was told visiting would take place on Sunday. I was there at 7:30am, cleared by 8:15, and Leonard came out about 9am. I was so glad to see him walk through the door! What a relief that he is able to walk with a walker now instead of a wheelchair. He pushes himself a little too much, but says he doesn't want to be appear too vulnerable in case something breaks out inside.

Much of our discussion was on the strategy for legal work to be done as well as looking at various ways to raise the necessary \$125,000 the lawyers require. The funds are essential to do the research as well as write & submit the legal briefs to get Leonard's case back into the court. There is also the possibility of parole in about 2 years. While we are preparing the court strategy, we are also petitioning to have Leonard moved to a lower security prison and/or one closer to his home. Other facilities may also be better equipped to address his various medical conditions.

Leonard was pleased that so many people sent him birthday cards and that we had raised over \$5,000 in donations for the legal fund. But there is so much more to be raised. He said, "I realize that there are many tragedies from the hurricanes, and we need to take care of one another, but I also don't want to die in prison." My heart dropped. I told him the committee, as well as his supporters, were doing everything to bring him home. It is disheartening for us all that obtaining a measure of justice for him after 40+ years demands so much money.

We only visited about 4 hours on Sunday as he tires easily as he struggles to recover from the open heart surgery, but I left him happy to have seen a friend and assured that I would be back Monday morning for a few hours before I had to return to Fargo. I left and returned to searching for office space.

Monday was somewhat easier for him, though he was very tired and his chest obviously still causes him pain as he heals from major surgery. Unfortunately, I had to report that I hadn't found a place for the new office. Leonard said it was too bad he doesn't have a computer with internet as he has nothing but time to look for a place. It made for a good laugh and a pleasant way to end our visit!

He reminded me to let folks know how much he appreciates their support and prayers for him. I am always thankful that I am able to spend both good and hard time with him, but it remains so difficult to walk away and hear that door slam behind me not knowing what his next day will bring to him.

As I drove to the airport and during the flight north, I began preparing this letter. Plainly stated, Leonard's recent health scare has shaken us all. Should Leonard succumb while imprisoned, there can be no justice for anyone. His legal team has generated a solid multi-faceted approach which outlines several avenues which may lead to Leonard's release. The formula is prepared, but the attorneys can't do it all pro bono. Our lead attorney, David Frankel, has drastically cut his fees and is imploring assisting counsel to follow suit.

Still, this is an expensive process. Will you help? Please consider a tax-deductible donation to Leonard's legal team. The ILPDC will insure your gift goes 100% toward the pursuit of Leonard's freedom. He hates to ask. He knows these are difficult financial times. He'd love to be able to create 500 paintings to raise what is needed, but his health severely limits his ability to pursue the art he loves. He wishes he had a room full of paintings stock piled to donate to the committee. But he doesn't.

What he does have... is YOU. "Many hands make for a light burden." Please send what you can today! Don't hesitate. Don't depend on someone else. Please lend a hand today. Let's do this together and position Leonard's legal team for success!

21 Sept - EPA Adds Prison Locations to its Environmental Justice Mapping Tool

Environmental justice activists celebrate move as an advance in the struggle to recognize the environmental rights of prisoners.

MORE:

by Zoe Loftus-Farren (*Earth Island Journal*)

As an environmental reporter, it's not every day that I get to communicate good news — the state of our environment often feels pretty bleak. But today, at least, there is a victory to celebrate: Thanks to the persistence of a small group of prison ecology advocates, the support of their allies, and the assistance of the US Environmental Protection Agency (EPA), prisoners rights and environmental justice advocates have a new tool to add to their activist arsenal.

This summer, the EPA added a “prisons layer” to its Environmental Justice Screening and Mapping Tool. Known as EJSCREEN for short, the tool can be used by the public to assess possible exposure to pollutants that might be present in the environment (i.e., land, air, and water) where they live or work.

The new layer allows the public to overlay the locations of the country's 6,000-plus prisons, jails, and detention centers with information about environmental hazards like superfund and hazardous waste sites, something the nonprofit Human Rights Defense Center has been pushing for as part of its campaign for the EPA to consider prisoners within an environmental justice context. For the prison ecology movement,

which addresses issues at the intersection of mass incarceration and environmental degradation, it could be a game changer.

“It’s huge,” says Panagiotti Tsolkas, cofounder of the Prison Ecology Project, a program of the Human Rights Defense Center. “It’s one of those things that I think if you just look at it quickly, it seems almost mundane to have added a layer to this existing map. And in the absence of a movement present to actually use it for something, it could be meaningless.... But in the presence of what we’ve been doing over the last three years, of building this national movement and organizing model of looking at prisons from an environmental justice perspective ... this is pretty massive.”

The Prison Ecology Project was thinking of creating its own map in the absence of an EPA version. And during our own reporting on toxic prisons earlier this year, Earth Island Journal and Truthout attempted to create a map of prisons and superfund sites across the country, but were stymied by a lack of adequate mapping tools.

Tsolkas thinks the tool will prove valuable in the fight against new prison projects. Prisons are often built on marginal lands that, after having been mined, logged, or otherwise contaminated, may not be seen as suitable for any other use. At the same time, the Federal Bureau of Prisons (BOP), a subdivision division of the US Department of Justice, doesn’t typically address the impact of prison-siting decisions on the health of prisoners when completing federally mandated environmental impact statements (EIS).

That was originally the case with the proposed construction of a maximum-security prison atop a former mountaintop-removal coal-mining site in Letcher County, Kentucky. The BOP’s initial environmental impact statement for the project didn’t mention the potential environmental impacts — like mining-related pollution and water contamination — on the estimated 1,200 people who would be held at the prison if it were built. A revised EIS released earlier this year (following extensive comments by groups like the HRDC and the Center for Biological Diversity), mentions some of the health implications for prisoners, but does not provide a robust discussion of the impacts. According to HRDC, this EIS may represent the only example of an environmental review in which the BOP has made any mention of prisoner health. The final EIS for the new prison is still pending. (Read more about the status of the Letcher County proposal.)

Tsolkas says that the new EJSCREEN prison layer implicitly endorses HRDC’s contention that the BOP must consider prisoner health when evaluating the Letcher County project, and others like it.

“What the BOP has been saying is that they basically have no reason, no mandate, nothing that points them to have to look at environmental justice concerns related to prisons,” Tsolkas says. “And having the EPA include prisons on the EJSCREEN basically implies the opposite, that federal agencies now need to look at prison populations when they’re considering the placement of industrial facilities including prisons themselves.”

The new prison layer may also give prison ecology advocates the edge they need to go on the offensive. “Instead of reacting to abuses in existing prisons or responding to proposals for new prisons, we can actually initiate campaigns, and say, ‘Hey, this overpopulated prison has documented issues with x, y, and x.’” Tsolkas explains. “So we can create campaigns basically using the EJSCREEN tool.”

Tsolkas says he’d like “to give a shout-out to the folks at the environmental justice office of the EPA” for making the prison layer a reality. But he’d still like to see more from the agency, especially in the form of a robust national prison-inspection program.

Such a program is not without precedent. The EPA's Region III office — which covers the Mid-Atlantic states of Pennsylvania, Virginia, West Virginia, Delaware, Maryland, and Washington, DC — used to run a “prisons initiative” to improve environmental compliance at prisons and jails across the region. Under the initiative, which ended in 2011, the EPA conducted inspections at prisons, and engaged in outreach and training work.

In a written statement, the agency said it ended the prisons initiative because it “felt prisons in the Mid-Atlantic region were able to ensure environmental regulation compliance by themselves.” It seems, however, that there is still room for improvement: A recent investigation by Earth Island Journal and Truthout found that mass incarceration impacts the health of prisoners, prison-adjacent communities, and local ecosystems across the United States.

“It shouldn't be like pulling teeth,” Tsolkas says, referring to the difficulty of getting EPA inspectors out to prisons. “We have hundreds of letters from prisoners across the country saying the water is dirty. It shouldn't take that much to get an EPA representative to go.... They have a key to get into the prisons that most of us don't have short of visitation and breaking laws.”

22 Sept - 350 Miles Against State Repression

On September 27, a collective of DC-based riders will kick off a 350-mile bike ride as a fundraiser for groups on the front line of state repression.

MORE:

Will you give them a good send off by donating? counterrepressionspokes.org/#donate

The bike ride will begin at 12th and L Streets NW in Washington, DC, the site of the illegal kettle on January 20, 2016. From there, they will ride for five days—350 miles—to Pittsburgh, Pennsylvania, a longtime hub of radical organizing. In this time of increased state repression, our comrades—be they J20 defendants, anti-fascist organizers, or BLM activists—need support now more than ever. This may sound like a lofty goal physically—but we think the goal of raising \$10,000 shouldn't be!

Can you donate \$20, \$50, or \$100 to fight state repression? Every dollar you donate will go directly to organizations on the front lines, and it will also lift the spirits of our pedaling pals! Donate today.

100% of the money raised as part of this ride will go to organizations working to fight immediate threats to our freedom. Riders are subsidizing all of the overhead cost to show solidarity and ensure the most resources go directly to those that need them. For more information, visit their website.

The goal is to raise \$10,000 – will you help them reach it?

P.S. If you're in the DC area, join Resist This for the Counter Repression Spokes kick-off event at 12th and L the morning of September 27!

24 Sept - Revolutionary Abolitionist Movement prisoner support

RAM – NYC: Prisoner Support is an abolitionist and anarchist organization that sends revolutionary literature (zines) to US prisoners.

MORE:

We recognize the prison industrial complex as one of the most draconian institutions in the United States and we want to offer this support as solidarity. To start, write us at the address below to request a catalog.

Choose a list of zines from the catalog that you would like to receive, and send us that list. We will send them your way. We are limited by how many zines we can send in one envelope, so we'll typically send two or three titles per request. We also encourage you to share these zines with fellow prisoners, start discussion and study groups, please send us any other questions you may have. We hope the literature will inspire you and offer solace in the days to come.

Write us at:

RAM-NYC Prisoner Support
113 Stockholm Street, #1
Brooklyn, New York 11221

24 Sept - Judges Petition Supreme Court to Revoke Provisions for Out-of-State Legal Representation

Judges in the South Central Judicial District of North Dakota have petitioned the Supreme Court of North Dakota to revoke provision of services by attorneys from out-of-state to represent Water Protectors with criminal charges from protest activities against the Dakota Access Pipeline (DAPL).

MORE:

Filed on September 11th, the petition targets the legal mechanism called “pro hac vice” representation by which many Water Protectors have obtained counsel from out-of-state qualified criminal lawyers who would otherwise not be allowed to represent them.

Claiming that “there is no indication that local attorneys are unavailable to provide representation,” the petition cites erroneous statistics which inaccurately minimize the number of Water Protectors who would be impacted by granting the petition.

With over 150 open cases without representation, the need for out-of-state attorneys remains significant. Moreover, the Supreme Court’s current stipulation that pro hac vice attorneys represent criminal defendants pro bono (without being paid) has already saved the State of North Dakota money that would otherwise be needed to provide defendants with court-appointed representation.

The Water Protector Legal Collective (WPLC) encourages anyone who feels that pro hac vice representation is still needed, or that out-of-state representation has helped them, to send their comments directly to the Court. Written comments will be received for consideration by the Supreme Court until October 2nd at 4pm CST, by emailing the court clerk, Penny Miller, at supclerkofcourt@ndcourts.gov or addressed to 600 East Boulevard Avenue, Bismarck, North Dakota 58505-0530.

29 Sept - 5BARC Fundraiser

WHAT: Punk show

WHEN: 8:00pm, Friday, September 29th

WHERE: Bar Matchless - 557 Manhattan Avenue, Brooklyn, New York 11222

COST: \$10 - \$15 sliding scale

MORE:

The 5 Borough Anti-Repression Committee is hosting a benefit show to support NYC J20 defendants. Each trial is expected to be weeks long in Washington D.C and expensive as hell. Defendants will have to take time off work, find housing, and hire expert witnesses. An NYC based defendant is going to trial this December, with many more NY defendants to follow throughout 2018.

On January 20th, during massive protests at Trump's inauguration, protestors, journalists, legal observers, and by-standers were subject to police misconduct by the Metropolitan Police Department in Washington DC. Hundreds of participants were chased with less than lethal munitions and cornered at the intersection of 12 and L street by police. Over 200 people now face at least 8 felony charges and 75 years in prison if convicted.

|| We're pumped for our sick line up ||

- Our very own Cush Dankson soundcloud.com/cushdankson
- Sister Munch sistermunch.bandcamp.com
- Huasipungo huasipungo.bandcamp.com
- Material Support materialsupport.bandcamp.com

29 Sept - 9th Annual Black Panther Film Festival

WHAT: Film Festival

WHEN: Times and dates vary, beginning 7:00pm, Friday, September 29th

WHERE: Maysles Cinema - 343 Lenox Avenue/Malcolm X Boulevard New York, New York 10027

COST: \$11 per film

MORE:

THEME: No. 8 of the 10-point party platform

We Want Freedom For All Black Men Held In Federal, State, County And City Prisons And Jails. We believe that all Black people should be released from the many jails and prisons because they have not received a fair and impartial trial.

Festival details, including showtimes, are available at maysles.org/9th-bpp-film-festival

6 Oct - Remember Lynne Stewart

WHAT: Remembrance

WHEN: 6:30pm, Friday, October 6th

WHERE: Theater 80 St Marks - 80 Saint Marks Place New York, New York 10003

COST: Donations taken at the door

MORE:

Because We Remember

We must continue the struggle and free all political prisoners!

Join us for a special evening

The program will include:

1. Singers, poetry, music
2. An updated excerpt of The Lynne Stewart Documentary and
3. A panel discussion about where we must go from here to free our political prisoners

The proceeds will be donated (after expenses) to 2-3 political prisoners organizations.

~ Refreshments will be served ~