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Updates for October 24<sup>th</sup>

## **6 Oct - FBI terrorism unit says 'black identity extremists' pose a violent threat**

*A leaked report, citing concerns of retaliation over “perceptions of police brutality against African Americans,” prompts fears of crackdown on activists.*

### **MORE:**

by Sam Levin (*The Guardian*)

The US government has declared “black identity extremists” a violent threat, according to a leaked report from the FBI’s counter-terrorism division.

The assessment, obtained by Foreign Policy, has raised fears about federal authorities racially profiling activists and aggressively prosecuting civil rights protesters.

The report, dated August 2017 and compiled by the Domestic Terrorism Analysis Unit, said: “The FBI assesses it is very likely Black Identity Extremist (BIE) perceptions of police brutality against African Americans spurred an increase in premeditated, retaliatory lethal violence against law enforcement and will very likely serve as justification for such violence.” Incidents of “alleged police abuse” have “continued to feed the resurgence in ideologically motivated, violent criminal activity within the BIE movement”.

The FBI’s dedicated surveillance of black activists follows a long history of the US government aggressively monitoring protest movements and working to disrupt civil rights groups, but the scrutiny of African Americans by a domestic terrorism unit was particularly alarming to some free speech campaigners.

“When we talk about enemies of the state and terrorists, with that comes an automatic stripping of those people’s rights to speak and protest,” said Mohammad Tajsar, staff attorney with the American Civil Liberties Union. “It marginalizes what are legitimate voices within the political debate that are calling for racial and economic justice.”

The document has emerged at a time of growing concerns about Donald Trump’s links to the far right and white nationalists, and increasing anxieties about his administration’s efforts to further criminalize communities of color and shield police from scrutiny. Anti-Trump protesters and Black Lives Matter activists have continued to face harsh prosecutions and close federal monitoring.

The FBI did not immediately respond to the Guardian’s request for comment on Friday, but defended its tracking of “black identity extremists” in a statement to Foreign Policy, claiming the “FBI cannot initiate an investigation based solely on an individual’s race, ethnicity, national origin, religion, or the exercise of First Amendment rights”.

The FBI’s report noted specific cases of recent violence against police, most notably Micah Johnson, a 25-year-old shooter in Dallas who killed five officers and said he was targeting white people and law enforcement. Black Lives Matter – a movement protesting the disproportionate killings of black citizens by police in the US – had no ties to Johnson or other targeted killings of police and has condemned those shootings.

The number of police officers killed on the job also remains a fraction of the number of citizens killed by officers each year, and statistics suggest that more white offenders than black offenders kill officers.

The new FBI report said “BIE violence” peaked in the 1960s and 1970s “in response to changing socioeconomic attitudes and treatment of blacks”, adding that possible indicators today for “BIEs posing a violent threat to law enforcement” include “violent anti-white rhetoric” and “attempts to acquire illegal weapons or explosives”. BIE appears to be a very new term within law enforcement, Foreign Policy noted.

Elsa Waithe, a comedian and activist with Black Lives Matter, said she feared the FBI’s classification could deter people from joining protests and further “criminalize anyone who is already in the movement”.

She noted that she often wears a “black power” button and could easily see the FBI labeling her as a threat as a result: “The term ‘black identity extremist’ is so vague on purpose ... If I wanted to do a picnic for black folks, is this now some sort of terrorist activity?”

But law enforcement threats would not discourage her, she said. “This changes nothing. For some people, this means we fight harder.”

Some reports have suggested that the Trump administration has also pushed to focus counter-terrorism efforts solely on Islamist extremism and no longer target white supremacist groups. The president further faced significant backlash in August for saying there were “very fine people” on both sides of a neo-Nazi rally where a civil rights activist was killed by an alleged white nationalist.

The FBI document seemed to be aligned with far-right figures who have increasingly called Black Lives Matter a terrorist group, some comparing it to the Ku Klux Klan, noted Tajsar.

DeRay Mckesson, a prominent Black Lives Matter activist, likened the “black identity extremist” monitoring to the FBI’s highly controversial domestic counterintelligence program known as Cointelpro, which was used to target political groups and activists like the NAACP, Martin Luther King Jr, socialist and communist groups and anti-war protesters.

“We knew that we were likely being watched,” said Mckesson, who has spoken out about being monitored by the US government and FBI. “This is confirmation that the work of social justice continues to threaten those in power.”

## **6 Oct - Alleged NSA Leaker Reality Winner Denied Bail Because Judge Believes She ‘Hates’ America**

*Federal magistrate judge Brian Epps once again denied bail to alleged NSA leaker Reality Winner. This time, Epps contended Winner’s “hate” for America and supposed admiration of NSA whistleblower Edward Snowden and WikiLeaks editor-in-chief Julian Assange make her a dangerous threat.*

### **MORE:**

by Kevin Gosztola (*Shadowproof*)

Winner is accused of “removing classified material from a government facility and mailing it to a news outlet.” She allegedly mailed a classified document on Russian hacking to the Intercept and is in pretrial detention awaiting a trial that is currently scheduled for March.

“By her own words and actions, defendant has painted a disturbing self-portrait of an American with years of national service and access to classified information, who hates the United States and desires to damage national security on the same scale as Julian Assange and Edward Snowden,” Epps wrote in an order [PDF]. “The nature and seriousness of the danger she poses to our nation is high.”

Her efforts to develop “stealth internet capabilities” strongly suggest “defendant was planning to leak classified information from the outset of her NSA employment while all the while swearing allegiance to the United States and promising to safeguard its national secrets.”

Epps further contended there were no “combination of conditions” that could “assure the safety of the community” because she presents an “ongoing risk to national security.” He suggested there remains a “potential for additional disclosures given her access to a wealth of classified information during her service in the Air Force and with NSA.”

“I am truly heartbroken and crushed. I am disappointed in the court’s decision and believe it is unfair. Her service to the country, and every community she has ever lived in, should have been weighted,” Billie Davis-Winner, Winner’s mother, said.

Her stepfather, Gary Davis, reacted, “A great miscarriage of justice has taken place today. Justice is supposed to be based on proof and evidence not unsubstantiated innuendo, fabrication, and misrepresentation of selected snippets of conversations taken out of context.”

Assistant U.S. Attorney Jennifer Solari was previously caught lying to Epps about jailhouse phone calls, which highly influenced this order. Solari claimed Winner said “documents” on a call and that indicated she gathered more than the report she is accused of leaking. But on June 29, Solari emailed Winner’s attorneys to say Winner only referred to a singular “leaked document” when talking to her mother.

Epps claimed that he considered Winner’s “service in the Air Force, clean criminal history, and loving/committed parents,” as positives weighing in favor of release from pretrial detention. However, he focused on text messages, jailhouse calls, and the interview FBI agents conducted when they executed a search warrant to harshly characterize her as a traitor.

“Based on compelling evidence presented by the government, the defendant admittedly ‘hates’ America, misused a top-secret computer during her Air Force career, admires Edward Snowden and Julian Assange, and began preparations to leak classified information from the very outset of her work as an NSA subcontractor.”

The argument that Winner “hates” America depends upon one singular text exchange that was not reproduced in the court order. The exchange is not explicitly quoted so it is hard to tell if this was language Winner used when sharing her frustration on a recent political development or perhaps something President Donald Trump said.

According to Epps, “On February 25, 2017, during training for her new NSA job, defendant wrote her sister that she would fail a polygraph because of questions concerning whether she had ever plotted against the United States government. On the same day, defendant wrote her sister she hated America. When her sister responded with incredulity, defendant proclaimed again she hated America and explained she feels this way because America is ‘literally the worst thing to happen to the planet.’”

Notably, Epps does not quote any emails or messages, where she specifically says she hates America. It seems far more likely—given what is known about Winner—that she meant she would fail a lie detector test because she has complex attitudes about the role of the United States in the world.

In fact, the FBI agents who interrogated Winner suspected that she allegedly leaked the document because she was “angry over everything that’s going on, politics-wise.” Special Agent Justin Garrick said, “You can’t turn on the TV without getting pissed.” Would Epps read that comment and say he “hates” America?

“On February 9, 2017, defendant messaged her sister through Facebook it was ‘hard not to laugh’ when an NSA security officer emphasized during training the enormity of the security threat posed by insiders such as Edward Snowden,” Epps added. “On March 7, 2017, in Facebook messages with her sister, defendant lauded a recent WikiLeaks cache of classified information as ‘awesome’ because it ‘crippled’ a government program, and explained to her sister she is on the side of Assange and Snowden.”

Again, the full messages are not quoted. The order merely includes cherry-picked words that advance the government’s interest in demonizing Winner as a disloyal American so she remains in jail.

Pew Research Center found in 2014 that most young Americans believe Snowden “served” the “public interest.” That makes Winner’s attitude toward Snowden fairly typical, since she is 25 years-old, something Epps entirely ignored.

Winner was stationed at Fort Meade. On her last day, November 9, 2016, she inserted a thumb drive in a computer with access to classified information. She told FBI agents this was to see if it could be done without being detected. She wondered how personnel were getting “unclassified pictures onto the high side.” An administrative notice popped up and so she threw her thumb drive away.

The government has taken this admission in her interview and manipulated it into the following: “The government has been unable to determine why defendant inserted the thumb drive, whether she saved anything to the thumb drive, or where the thumb drive is located today.”

Epps relied on this fabrication and speculation to justify keeping Winner in jail.

Even though the government has her passport, Epps wildly argues “this obstacle provides little assurance given her self-described desire to ‘burn the White House down’ and ‘[f]ind somewhere in Kurdistan to live...or Nepal.’” When she suggested that and why is not stated and how that “desire” would magically grant her the ability to flee the country before trial is unclear as well.

But the judge believes Winner would be able to create a “covert communications package,” as the FBI describes it, because she researched how to anonymously send information to news outlets, setup anonymous email, and unlock her cell phone for use anonymously. He says nothing about imposing heavy restrictions on communications and use of technology.

The support group, Stand With Reality, condemned the decision.

“This is the opening salvo in the new war on whistleblowers and sets an extremely dangerous precedent,” explained government transparency advocate Rainey Reitman, who is affiliated with the support group. “By this logic, anyone who has ever held a security clearance and disagrees with the U.S. government is a danger to society and should be in jail. But where does this end? Should Winner be in prison for life because of opinions and information she has in her head?”

Winner’s defense referenced the cases of Bryan Nishimura, a former Navy reservist who transported classified material from a base in Afghanistan to his home; David Petraeus, a former CIA director who improperly handled and disclosed classified information to his biographer with whom he was having an affair; Sandy Berger, a former Clinton national security adviser who removed classified information from the National Archives without authorization; and Shamai Leibowitz, a former FBI linguist who was prosecuted for showing classified information to a journalist on what he described as illegal and constitutional acts.

In those cases, there was a measure of leniency and discretion on the part of prosecutors, but Epps dismissed comparisons because Nishimura and Petraeus were only charged with misdemeanors and Berger and Leibowitz had plea agreements.

Winner was open to the court restricting her to Richmond County, Georgia, and her home in Augusta until trial. Her parents were willing to post property as bond so she could teach yoga and spin classes and also volunteer at an animal shelter. But now she is most likely to remain jailed until her trial.

### **10 Oct - Medical Update on Sundiata Acoli**

*Sundiata wrote the following after surgery to repair a partially blocked carotid artery.*

#### **MORE:**

They took me to an outside hospital for surgery on my right carotid artery which carries blood thru the neck to my brain. Blockage of these arteries can lead to brain damage called a stroke.

The surgery was done to remove deposits or plaque from my neck artery. The deposits/plaque can slow or even stop blood flow thru the artery.

An opening was cut in my neck, clamps placed above and below the plaque in my carotic artery where sometimes a temporary bypass is used to maintain blood flow around the area being operated on. The artery was opened, cleared of plaque and sewn back together. The clamps and any bypass tubes were removed and the neck incision was closed with stitches. The operation lasted 1 and 1/2 hour.

I was returned to FCI Cumberland, Maryland that afternoon or the next and full recovery is expected in 2 weeks.

### **10 Oct - Inauguration Day Defendants Go to Court to Resist Gag Order on Evidence of Police Misconduct**

*Defense attorneys for people arrested on Inauguration Day went to court Tuesday, October 10th to argue that defendants should be able to make public evidence obtained through discovery in their criminal cases.*

#### **MORE:**

An amicus “support” brief in opposition to the government’s protective order was filed on Friday by the Reporters Committee for Freedom of the Press and ten news media organizations including the Washington Post.

“The government doesn’t get to place a gag order on evidence that’s clearly in the public interest,” said Kris Hermes of Defense J20 Resistance. “The public needs to know that the police violently attacked hundreds of people on the streets that day and carried out the same kind of unlawful mass arrest that previously cost DC millions of dollars.”

Trump Administration prosecutors are actively fighting to keep video footage and other evidence of police misconduct under wraps in what defendants and their supporters are calling an effort to avoid embarrassment and public condemnation.

Notably, Trump Administration prosecutors moved to seal the evidence soon after a story was published in June by The Independent, featuring previously unreleased police body camera footage that showed Metropolitan Police Department (MPD) officer brutalizing protesters.

On January 20, MPD violently attacked hundreds of protesters, journalists, legal observers, and bystanders with chemical and projectile weapons, then “kettled” more than 200 people before arresting everyone. All of those arrested were charged with felony rioting, followed in April by a superseding indictment that charged all defendants with at least eight felonies each, punishable by up to 75 years in prison.

Tuesday’s hearing comes just a week after \$150,000 became available for an independent investigation into MPD misconduct on Inauguration Day. The move by the District Council to fund an investigation came after the Mayor’s Office of Police Complaints (OPC) issued a report in February criticizing the MPD for violating its own crowd control policy, as well as misuse of chemical agents, failure to provide proper dispersal orders, and making questionable arrests. The report recommended appointing an independent consultant to “investigate and examine all aspects of MPD’s actions on January 20, 2017.” Defendants, whose trials begin next month, are calling on the OPC to begin the investigation as soon as possible.

### **10 Oct - International Campaign for Human Rights of U.S. Political Prisoners**

*The Jericho Movement will be petitioning the United Nations Committee on the Elimination of Racial Discrimination, urging the International Jurists to initiate a formal investigation into human rights abuses of U.S. political prisoners. Jalil Muntaqim wrote the following about it.*

#### **MORE:**

In 1977, I initiated a National Prisoners Petition Campaign to the United Nations. The campaign petitioned the United Nations to recognize the existence of U.S. political prisoners. The petition was documented as E/CN.4/Sub.2/NGO/75, pertaining to racism and the conditions of political prisoners in U.S. penal system.

In 1979, the International Jurists investigated the existence of U.S. political prisoners and reported their findings to the United Nations. Some of those same political prisoners interviewed in 1979 still languish in prison today. They continue to suffer racial oppression from being murdered by white supremacists (Hugo Pinell); brutal assaults by prison guards (Herman Bell); indefinitely held in solitary confinement for political speech (Kevin Rashid Johnson, Jaan Laaman); suffer medical neglect (Imam Jamil Al-Amin, Robert Seth Hayes, Tom Manning); persistent parole denials after becoming eligible for release (Veronza Bowers, Dr. Mutulu Shakur, Sundiata Acoli, Jalil A. Muntaqim), the list is extensive.

On August 18, 2017, the Committee on the Elimination of Racial Discrimination (CERD) – Decision 1(93) in Acting under its Early Warning and Urgent Action Procedure, issued a statement calling for the United States of America to critically denounce the "horrific events of Charlottesville of 11-12 August, 2017 leading to the death of Heather Heyer...". The failure of the U.S. government to condemn the Ku Klux Klan, neo-Nazis and white supremacists represents the unspoken philosophy of the U.S. government since the inception of the Transatlantic Slave Trade. By virtue of the historical dynamics of this country's racial conflicts, there have been centuries of dissent, protests, revolts and insurrections. Such protests against racial oppression have resulted in the existence of political prisoners.

In the Spirit of Nelson Mandela, we are calling for a new investigation by the International Jurists on the human rights abuses of U.S. political prisoners. It is incumbent on freedom loving peoples of the world to join in this campaign to expose this incessant racial repression by U.S. white supremacist practices on U.S. political prisoners.

I am requesting the body of the United Nations, in its authority and capacity, in support of Human Rights, to vigilantly support this campaign. The Jericho Amnesty Movement, the premier U.S. political prisoner

support organization, and the North East Political Prisoner Coalition will provide documents, statements, and materials to the investigative body cataloging the human rights abuses of U.S. political prisoners.

The Chairperson of CERD, Anastasia Crickley, criticizing the U.S. government's indulgence toward white supremacists, on August 23, 2017, stated: ". . . there should be no place in this world for racist white supremacist ideas or any similar ideologies that reject the core human rights principles of human dignity and equality. We are alarmed by the racist demonstrations, with overtly racist slogans, chants and salutes by white nationalist, neo-Nazis, and the Ku Klux Klan, promoting white supremacy and inciting racial discrimination and hatred, We call on the U.S. Government to investigate thoroughly the phenomenon of racial discrimination targeting, in particular, people of African descent, ethnic or ethno-religious minorities, and migrants."

Hence, by virtue of CERD's position condemning the U.S. Government's failure to denounce white supremacists in Charlottesville, we are calling for the International Jurists to conduct the same investigation urged by CERD on the human rights abuses of U.S. political prisoners.

### **October 17<sup>th</sup> - Take the Time to Read Parts 1 and 2 of A PRIMER: New Afrikan History of Struggle and Perspective by PP Jalil Muntaqim**

Jalil has taken the time to compose the African American History curriculum he was teaching when he was thrown into the hole. This is incredible in-depth history at its best!

Please take the time to read Part 1 <[freejalil.com/historypart1.html](http://freejalil.com/historypart1.html)> and Part 2 <[freejalil.com/historypart2.html](http://freejalil.com/historypart2.html)> of this History. If you are an educator, please consider integrating this history into your lessons.

For more info on Jalil, his case, his writings, blogs, poetry and videos, please visit [freejalil.com](http://freejalil.com)

### **15 Oct - Emergency Medical Campaign for Robert Seth Hayes**

*New York Jericho Movement reports on campaign to help former Black Panther and political prisoner Robert Seth Heyes get medical attention.*

#### **MORE:**

We saw Seth yesterday for his 69<sup>th</sup> birthday. We had a good visit. However, Seth's sugars were at 535 in the morning and at 585 at 4 p.m. These high sugar levels can lead to Seth going into a diabetic coma!

Seth is very frustrated, since medical staff at Sullivan keep saying they are going to send him to Albany Medical Center for an investigation of the pump, but this has not happened. They claim it has a "glitch"; however, they are continuing to use it. Also, the pump has somehow become locked and the data in it cannot be accessed by the endocrinologist at Coxsackie, so there is no record of his daily sugar fluctuations.

The sensor that enables the monitor to work was not even ordered until recently and is expected to arrive at the end of October. Seth has been told for several months now that the monitor, which enables him to see whether his sugars are high or low, will be "phased in". It has been more than a year since the insulin pump/monitor was recommended by the DOCCS endocrinologist at Coxsackie and Seth STILL DOES NOT HAVE THE MONITOR!

Seth now has diabetic neuropathy in his legs. He fell again this past week. In addition, he says his legs are swollen in his calves. However, his feet and ankles are not swollen. He also has sores all over his body, which are not being treated. Seth has a medical callout scheduled for Tuesday, Oct. 17.

We need people to call Dr. Carl Koenigsmann, Commissioner Annucci, Governor Cuomo and the Superintendent at Sullivan to demand there be a full investigation of the pump at Albany Medical Center and that Seth be given the monitor as soon as possible.

Also, that the problem with his legs and the sores on his body be investigated and resolved to the fullest extent possible. What will happen if these sores become infected?

Please write, call, fax and email the following people and insist that Robert Seth Hayes, DIN Number 74-A-2280, be taken to Albany Medical Center as soon as possible for a full investigation of the insulin pump and a complete workup for the problems with his legs and the sores all over his body.

We the people must prevent the medical murder of our captured freedom fighter, who has been in prison since September 17, 1973! Despite Seth's excellent prison record, he has been turned down for parole 10 times, adding 20 years to his sentence. Seth should have been released in 1998!

If you are a doctor, nurse, or any other kind of medical personnel, please use your letterhead. Please email [nycjericho@gmail.com](mailto:nycjericho@gmail.com) and let us know what response you receive. Also, if you are able to find out any additional phone or fax numbers, we will be grateful for the information.

Superintendent Keyser at Sullivan: 845.434.2080

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To contribute to ongoing efforts supporting Robert Seth Hayes, please donate online at:  
[fundrazr.com/campaigns/810a58](http://fundrazr.com/campaigns/810a58)

### **October 18<sup>th</sup> - Robert Seth Hayes Taken To Outside Hospital**

NYC Jericho received a call today, Wednesday, October 18, 2017 from a friend of Seth informing that he has been taken to an outside hospital.

I called Sullivan [Correctional Facility], and they confirmed that Seth is in an outside hospital, but they cannot say which one at this time.

As soon as we have more information, we will let people know exactly what it happening.

### **October 18<sup>th</sup> - Robert Seth Hayes Back at Sullivan**

Just got a call from Robert Seth Hayes. He is back at Sullivan after a trip to Catskill Regional Medical Center. They checked his heart and took chest X-Rays and had him on an IV drip for 4 hours.

Seth is currently in the so-called "infirmary" and hopes to be out of there by morning.

### **October 22<sup>nd</sup> - Update on Emergency Medical Campaign for Seth Hayes**

Seth was taken to Catskill Regional Medical on Wednesday, Oct. 18, on an emergency basis. He was feeling wobbly and woozy and had difficulty breathing. While he was at Catskill, they checked his heart, did chest x-rays, drew 4 tubes of blood and put him on an IV for 4 hours. Seth does not know what medication was in the IV, but reported feeling "much better" on Wednesday night. Jalil happened to be in the clinic at Sullivan when Seth was wheeled out on the gurney, and he is very concerned.

Seth also reports that his A1C level is currently 11.6, which is very high. He has been told that he has a high level of proteins in his urine and may soon need dialysis. All of this is because the pump is not working properly, and his sugars have been running very high.

On a positive note, Seth reports that he saw Dr. Wolf, the facility doctor, for his diabetic ulcers. She prescribed an antibiotic and a topical corticosteroid, and this is helping the ulcers to dry up and heal. Seth showed me several on his arms, and they are definitely healing.

On Friday, Oct. 20, Seth was taken to Albany Medical Center for a check on his pacemaker, which is working properly. Seth reports that his sugars were very high again on Friday. Sugar level was 267 in the morning, but soared to the high 500 range in the afternoon. On Friday evening, Seth's sugar was 357. Fortunately, on both Saturday and Sunday, Seth's sugar was in the high 200's, still very high, but certainly out of diabetic coma range.

We must keep up the phone calls, letters, faxes and emails to Koenigsmann, Annucci, Cuomo and Sullivan Superintendent Keyser to ensure that Seth be taken to Albany Medical Center as soon as possible for a complete workup of the pump and demand that he also receive the monitor.

## **20 Oct - Judge finds two Water Protectors guilty for first amendment activity**

*Mary Redway and Alexander Simon are the first two Water Protectors to receive a sentence of jail time for any protest-related misdemeanor conviction.*

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This happened after the State's Attorney recommended no jail time. The initial charges the two faced were dismissed before the State of North Dakota re-charged them with new criminal charges.

The vast majority of the approximate 140 people arrested on the same day as these two, October 22, 2016, saw all charges dismissed before going to trial for lack of evidence. Others arrested on 10/22 who have already gone to trial have been acquitted of all charges. Others were convicted at trial and the judge did not find jail time to be appropriate. There is no logic or consistency to the different outcomes people received on these same charges. Judge Merrick's decision to sentence them to jail demonstrates disparate treatment. The Judge was made aware that Alexander Simon, 27, a teacher living in New Mexico would lose his job if forced to spend 18 days in jail. Mary Redway is 64 years old, and a retired environmental biologist from Rhode Island.

This is a clear indication of bias on the part of Judge Thomas Merrick, who, just months ago signed a petition trying to change the law that temporarily allows out-of-state attorneys (pro hac vice) to represent Water Protectors on the noDAPL cases. That effort failed. We see this decision as his attempt to send a message; that people will face harsh sentences regardless of innocence or guilt as a means to put pressure on others with pending charges to take pleas and forgo trial.

The prosecutorial discretion and conviction of some and not others has been arbitrary and targets what police and State's Attorneys call agitators. This is an encroachment on the right of people to engage in lawful, constitutionally protected conduct. The Judge gave no reason for the sentence other than "don't break the law." But the question remains, what law? What he meant perhaps was to not disobey police regardless of whether they issue lawful or unlawful orders. Police must comply with the law too. The police do not have the power to suppress speech protected by first amendment or the rights of sovereign indigenous communities simply because they are inconvenienced as was testified by law enforcement. Evidence of first amendment activity according to the statute must be excluded as a letter of law. When asked why people were arrested prior to any damage occurring a law enforcement officer at trial stated: "we didn't want to chase them around all day."

Moreover, no representatives from Dakota Access Pipeline LLC or the myriad of different private security companies hired onsite that day were brought forward as a witness so that the defendants would confront their accusers. Additionally, no officer who testified offered any memory or evidence of either individual engaging in any specific conduct.