



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for December 19th

17 Nov - ‘We are the minority and society doesn’t care’: The marriage between toxic waste and prisons

When the Department of Justice proposed earlier this year to cancel the \$444 million set aside for a new federal prison in Letcher County, Kentucky, the nascent prison ecology movement — which views penal reform through an ecological lens — hailed it as a victory.

MORE:

by Kevin Williams (*Think Progress*)

“I took it as a huge compliment to us that the DOJ ‘fessed up about not needing the Letcher prison. There are a lot of politics and back door dealings in budget decisions like that, but it read pretty clearly as DOJ saying to Trump’s budget team, ‘We’re likely to lose this one to amassing opposition,’” said Panagioti Tsolkas, a co-founder of the Prison Ecology Project (PEP), a division of the Human Rights Defense Center.

The prison ecology movement, which Tsolkas describes as an effort to “drastically change the idea of prison and an industrialized penal system in general,” has long fought against the construction of prisons in environmentally-sensitive areas and pushed back against overcrowding that often leads to pollution. Only recently has the movement achieved notable victories.

In its fight against the Letcher County prison, PEP forged an alliance with a variety of groups in the coal-caked hills of deep southeast Kentucky to send out mass emails and letters. They also ramped up a phone bank that, they say, has helped turn the tide of public opinion against the project in Letcher County, which would have beds for more than 1,000 inmates.

While it appears the DOJ has halted the prison’s construction, for now — a formal Record of Decision explaining the remediation plan for the prison site has not yet been issued — the project still has powerful allies. One such champion is Rep. Hal Rogers (R-KY), who chairs the House Appropriations Committee. His communications director brushed off the suggestion that environmental opposition has had an impact on the project and vowed that the prison construction will move forward.

“The prison construction project in Letcher County, Kentucky is still on track with full funding in place,” said Danielle Smoot, Rogers’ communications director. Smoot pointed out that the DOJ only proposed cancelling it, but that Congress, which has the final say, has not followed their recommendation. Rogers is satisfied that the prison — located on a coal strip mining site — will meet environmental standards.

It is unclear why the tough-on-crime Trump administration has opposed the construction of the Letcher County prison. Department of Justice deputy spokesman for public affairs Ian Prior declined to acknowledge whether it’s because, as the Washington Post recently reported, the administration tends to favor private over public prisons. To be clear, though, the Letcher County prison was planned for high security inmates, which are not housed by private prisons, according to Bureau of Prisons (BOP) spokesman Nancy Ayers.

The prison ecology movement is not just about pollution

The BOP’s final Environmental Impact Study (EIS) on the Letcher County prison declared that there would be “no significant impacts to vegetation, wildlife and threatened and endangered species,” nor would the facility at “have significant impacts to land use, air quality, or cultural resources.”

But the EIS doesn't address the main concerns of those in the prison ecology movement — the whole structure of the incarceration system.

“We are not proposing LEED certified prisons. That simply feeds the perception that you can just put solar panels on a prison and everything is okay. The real issue is that there is a problem with the industry at its core. What we are proposing is, the scale of the prison system is the problem. Piling thousands into a building, into a warehouse is a problem,” Tsoikas told ThinkProgress.

According to the Prison Ecology Project, the problem of inmate health problems caused by environmental issues and overcrowding is one repeated across the country. State Correctional Institution — Fayette in La Belle, Pennsylvania is another facility on PEP's radar. Immediately after the prison opened its doors in 2003, inmates and prison staff started complaining about health issues from an adjacent fly ash dump.

Sonny Markish, who lives in the house closest to the prison, is experiencing the same health issues as the prisoners, so he has something rare among those outside the prison walls: empathy.

“I know those people have done something wrong or they wouldn't be there, but Christ, all of those people don't have a death sentence. But they can't get out of the prison,” Markish told Al-Jazeera America in 2016. Markish, himself, has had three kinds of cancer that he attributes to the fly ash.

On the other side of the state, everyday, Bryant Arroyo and a thousand other inmates at State Correctional Institution — Frackville in Schuylkill County, PA worry that simply taking a drink or brushing their teeth may be shortening their lives. But because of where they are, few people care.

“We are the minority and society doesn't care,” Arroyo told ThinkProgress. He has been incarcerated since 1994 on charges of first degree murder. Arroyo added that people should care, if not out of compassion, but for economic reasons.

“At the end of the day, the pain and suffering of prisoners is borne by taxpayers ... If the prisoner is drinking dirty water and gets sick, that can cost millions and the taxpayer ends up paying for it,” said Arroyo.

Arroyo said that on several occasions, recently, the prison has had to shut off the water altogether because it was foul-smelling and brown and prison staff resorted to handing out bottled water to inmates. An overwhelming majority of the prisoner population was exposed to this contamination and experienced bouts of diarrhea, vomiting, sore throats, and dizziness.

Pennsylvania prison officials, however, insist the state's prisons are safe. Pennsylvania Department of Corrections spokesperson Amy Worden said in a statement emailed to ThinkProgress, “The health and safety of inmates and staff at Pennsylvania's 25 correctional institutions is paramount.”

She added, regarding the fly ash that “in response to inmate complaints, the EPA [Environmental Protection Agency] and the Pennsylvania Department of Environmental Protection conducted a multi-level inspection at SCI Fayette to assess regulatory compliance. The initial report indicates there were no violations and more importantly no evidence of fly ash anywhere.”

And as far as water issues in Frackville, Worden said that while there have been occasional turbidity issues, “The prison is working closely with (the local water company) and they have assured facility officials that the water, although discolored at times, is safe to drink.”

There is a marriage between toxic waste and prisons

As part of a comprehensive June 2017 investigative report co-authored by Earth Island Journal and Truthout, Paige Williams, an independent cartographer for the Prison Ecology Project identified a range of correctional facilities from the federal Supermax in Colorado to the Marion County Community Corrections Center in Indiana as having ecological-related health issues impacting inmates. In fact, she identified 589 federal and state prisons located within three miles of Superfund sites, or hazardous and contaminated areas. Many are much closer.

Turns out there is a marriage between toxic waste and prisons. No one wants toxic waste in their backyard. Nor do most people want a prison. Often, prisons are located on former Superfund sites.

Prison Ecology Project has found an open ear with the EPA, which recently completed a project — the origins of which began with the Obama administration — in August that allows users map prison locations and compare them with known Superfund sites. The mapping tool, known as EJSCREEN, is part of the EPA's Environmental Justice division.

Tsolkas speculated that this EJSCREEN tool could have just “slipped through the cracks” (the Trump administration has been notoriously neglectful of the environment). But an EPA spokesman told ThinkProgress that environmental justice remains a part of the agency's agenda.

For Tsolkas and others in the prison ecology movement, the EPA's EJSCREEN tool has been invaluable at plotting the frequent nexus of environment and incarceration.

“... [F]or years, we've been collecting letters from prisoners from all over the country about water systems, waste management,” Tolkas said. “EJSCREEN is a helpful tool in that this information is not only coming from us now, but the EPA.”

Michael Mushlin, a professor of law at Pace University's Elisabeth Haub School of Law, told ThinkProgress that the root of the problem is society's larger attitude towards prisoners.

“If we had a different attitude towards prisoners and saw them as not throwaways, but as human beings that need to be assisted, and in our interest to be treated humanely, things would improve,” Mushlin says.

One of Mushlin's students has studied the relationship between ecology and prisons. While much attention of the prison ecology movement is focused on carcinogens and pollution, Brenna Fitzpatrick has researched how prisons are poorly equipped to handle natural disasters, like hurricanes and flooding.

“Incarcerated people are totally ignored,” Fitzpatrick told ThinkProgress, pointing to Hurricane Sandy, which struck the Caribbean and parts of the East Coast in 2012. When Sandy plowed into Rikers Island, New York City's main prison complex, there were no evacuations of the inmates there.

“During Katrina, jails were flooded with absolutely horrific conditions like sewage; people were up to their knees and chest in sewage water and were trapped in the jail for days,” Fitzpatrick said.

Fitzpatrick sees the prison ecology movement as just one component of an overall movement by activists to transform the way the penal system in the United States is viewed.

“I think prison ecology fits perfectly within the environmental justice framework, which has always looked at how environmental problems affect the most marginalized,” Fitzpatrick said. “And incarcerated people are among the most marginalized.”

Meanwhile, back in Letcher County, PEP will be ready to mobilize and organize if the Record of Decision is issued for construction. Lill Prosperino is part of a local organization called the Letcher Governance Project that

opposes the prison.

“As far as prison ecology goes it highlights intersections of problems that have existed for a long time. Prisons have been used as an economic tool in Appalachia and I think that is disgusting,” Prosperino told ThinkProgress. And even if the prison is ultimately built, Prosperino and PEP will continue to highlight the ecological injustices.

“I think there are a lot of things we can do even if the prison does come here, it will be the beginning of a long road,” Prosperino said.

29 Nov - Virginia is for Grand Jury Resisters! What You Need to Know

On November 27th, 2017, federal grand jury subpoenas were received by at least two anti-racist activists and victims of the attack by neo-Nazi James Alex Fields, Jr. on August 12th, 2017.

MORE:

The US Attorney, to our knowledge, has focused their subpoenas on some of our most vulnerable comrades – those who survived Fields’ attempt on their lives and are still healing physically, let alone emotionally.

We know that the US Attorney has stated they wish to seek indictments against white supremacists; James Fields, Chris Cantwell, and potentially others. Some of the potential charges that the US Attorney has stated they are seeking indictments for are listed below. We find it notable that aside from the hate crimes act, it is possible these charges could be brought against those who stood against racism, hate and white supremacist violence that day.

- 18 USC 231 – Civil Disorder
- 18 USC 241 – Conspiracy against rights
- 18 USC 249 Hate Crimes Act
- 18 USC 2101 – Riots
- 18 USC 926A – Interstate Transport of Firearms

What we don’t know, and the federal government is under no obligation to tell us, is whether they are going to continue with the narrative initiated by Donald Trump last August. We cannot say with any certainty that the US Attorney does not also wish to seek indictments against anti-racist and anti-fascist participants from August 12th. This is why we firmly believe that non-cooperation continues to be our safest option when it comes to grand juries!

The same law enforcement who rely on the violence and white supremacy of the state can never be relied upon to serve justice against white supremacists. It is vital to look at this situation from this perspective. White supremacists such as Richard Spencer and Jason Kessler are not a threat to the continued legitimacy of the state. We know the kind of America Donald Trump and his supporters mean when they say they wish to “Make America Great Again.” It is the same kind of America that those who attended the Unite the Right rally wish to see.

We want to remind all of our comrades, instead, it is those who put their bodies on the line last August to fight white supremacy that are a threat to the State.

We remember the Greensboro massacre of 1979, and how federal and local law enforcement knew that the KKK had every intention of murdering anti-racists that day. We remember that a paid FBI informant was with the KKK that day, undercover, having been a part of the planning of that massacre and present as it happened. We mention this not to weigh our spirits down, but remind all of us that the state has never protected people of color, queer and trans people, anti-racists, femmes or allies that have stood up against the violence of white supremacy. They didn’t protect us on November 3rd, 1979 and they didn’t protect us on August 11th or 12th, 2017.

Because we do not and likely cannot know the full scope of the subject of this grand jury, non-cooperation is the

strongest and safest option. We want to acknowledge that all of us deeply wish to see justice for Heather Heyer. We want to see justice for those injured by James Fields and other white supremacists on August 11th and 12th. But, how can we ever trust the state to deliver that to us? Justice is something we must seek and co-create within our communities, amongst our relatives, with our neighbors, and cultivate with our loved ones and comrades. That kind of justice, which brings with it transformation, healing, and power won't come from a US Attorney, the FBI or the Department of Justice.

For Heather.

For Cville.

For all those taken by the hands of the state, fascists, and white supremacists.

For each other.

Virginia is for grand jury resisters!

If you or someone you know has been contacted by a federal agent or the US Attorney in regards to this grand jury or the events of August 11th and 12th please contact these folks and they can connect you with resources and support: VAresistsgrandjury@protonmail.com

Grand jury resistance has a long and vibrant history within social and political movements! None of us are in this alone, and, in fact we can draw on our comrades, elders and movement ancestors for the strength necessary to resist.

December 13th - Charlottesville community stand in solidarity with grand jury resisters

by Barbara Estrada & Caren Pinto (*WSET*)

The Charlottesville community and local activists are standing in solidarity with the survivors of the 'Unite the Right' rally who have been called before a grand jury.

Survivors said they have been repeatedly harassed by federal law enforcement and were summoned to testify before a grand jury in the near future.

Since November 27, 2017, a number of federal grand jury subpoenas have been served to activists who were survivors of the car attack on August 12, 2017 when James Fields drove his car into a crowd of counter-protesters, killing one person, Heather Heyer, and injuring several more.

The group claims U.S. Attorney Chris Kavanaugh has justified these subpoenas by stating that he's only seeking to indict the man who struck people with his car, Fields, and other white supremacists.

People who are called to testify are not allowed to have their lawyer present, and there is no judge, only the prosecutor and the jurors, according to the group, and the prosecutor may ask any and all questions they deem relevant, and they are not obligated to reveal the subject of their investigation.

"Being in Charlottesville is gut-wrenchingly hard. Sometimes there's no way to avoid driving by the street where a Nazi tried to kill me. Seeing cars that remind me of the one that hit me makes me catch my breath, again and again. I am surrounded by reminders of one of the scariest days of my life," said one of the survivors. "We receive threats both from the Nazis and from the federal government. But we keep on going. Why? Because standing up for the powerless is what love looks like."

Star Peterson's, the woman in the photo above, subpoena was just dropped in the last couple of days, but she still made an appearance at the rally because she feels that the federal government is targeting activists.

She was one of the victims who was run over during the rally on August 12th and said, "she is still healing both physically and emotionally."

The US Attorney's office in the Western District of Virginia said they can't make any comments involving grand

juries, but released a joint statement with the FBI and civil rights division on August 13, saying they were investigating the car accident.

Fields is expected to be in court on Thursday.

December 14th - Solidarity with Grand Jury Resistance in Virginia

All of us organizing to resist the current grand jury in North Carolina extend our strongest solidarity and our deepest love and admiration to the communities resisting grand jury subpoenas in Virginia. We have especially profound respect for those who have both survived horrific white supremacist violence and defied the state's intimidation by maintaining their commitment not to cooperate with repression. Whatever circumstances grand juries take place in, we know that justice and healing in our communities can never come from the same state that has dedicated itself to disrupting and destroying our movements.

Resistance to grand juries anywhere strengthens all of our resistance. Both the powerful examples in cases over the past several years and the long history of grand jury resistance have given us examples to learn from and invaluable resources for communities to prepare and educate themselves so that we are all able to resist this secretive and abusive tactic of the state. We are confident that people in Virginia will receive the uncompromising support of many, including ourselves, for their continued resistance to these subpoenas. We have found that support for grand jury resistance in North Carolina this year has been even broader and stronger than we could have ever expected, and cut across so many different movements, political opinions, and communities. We believe that people in Virginia will have a similar experience, because as understanding and knowledge about grand juries grows, so will support for those who resist them.

1 Dec - The Jericho Movement 20th Anniversary

Jericho is a movement with the defined goal of gaining recognition of the fact that political prisoners and prisoners of war exist inside of the United States, despite the United States' government's continued denial ... and winning amnesty and freedom for these political prisoners.

MORE:

DONATE AT generosity.com/celebration-fundraising/the-jericho-movement-20th-anniversary

The Jericho Movement grew out of a call for a national march on the White House during Spring Break of 1998 by political prisoner Jalil Muntaqim. Jericho98 was the collective work of over 50 organizations, defense committees and groups, 64 Jericho Organizing Committees and Students for Jericho, making the issue of Recognition and Amnesty for U.S.-held political prisoners and prisoners of war a national one with its successful demonstration and rally at the White House. The Jericho Movement was clear that we had to build a movement that left no political prisoner out there on his or her own again if we were to succeed in winning this struggle against racism, classism, and all forms of oppression. The March 27, 1998 demonstration was just the beginning of a whole new commitment to support these political prisoners and demand recognition and amnesty for them.

Hundreds of people went to prison as a result of their work on the streets against indecent housing, inadequate or lack of medical care, lack of quality education, police brutality and the murder of people organizing for independence and liberation, among other oppressive conditions. Our political prisoners belonged to organizations like the Black Panther Party, La Raza Unida, FALN, Los Macheteros, North American Anti-Imperialist Movement, May 19th, AIM, the Black Liberation Army, etc., and were targeted and incarcerated because of their political beliefs and acts in support of and/or in defense of self-determination and freedom. Once the demonstration was over, the real work began.

In March 2018, the Jericho Movement will celebrate its 20 year anniversary of the original march on the White House. Although we've had some victories and some losses over the last 20 years, we remain committed to bringing those still behind the walls home. We ask for your support to help defray the cost of our anniversary celebration. Your donations goes toward travel expenses to bring former PPs to the event, help cover catering and printing costs, as well as, support our continued efforts to 'Free Them All'. *DONATE AT generosity.com/celebration-fundraising/the-jericho-movement-20th-anniversary*

5 Dec - Court Asked To Dismiss Dakota Access Pipeline Company's Suit Against Earth First! Because It Is A Movement

The Center for Constitutional Rights (CCR), on behalf of the environmental magazine, Earth First! Journal, asked a court to dismiss a lawsuit brought by the corporation behind the Dakota Access Pipeline, which is intended to suppress activism.

MORE:

by Kevin Gosztola (*Shadowproof*)

On behalf of Energy Transfer Partners and Energy Transfer Equity, Kasowitz Benson Torres, the law firm which represents President Donald Trump, attempted to sue the movement, Earth First!, in August. They also sued Greenpeace and BankTrack.

But Earth First! is not an entity that can be sued, according to CCR senior staff attorney Shayana Kadidal. It is an idea or banner for a movement, like Black Lives Matter, and has no formal membership or leadership. It is non-hierarchical and has no “regularly constituted officers,” which is the “paradox of trying to make a social movement into a defendant in a lawsuit.”

Trump’s law firm mailed a copy of the suit to the *Earth First! Journal* in Lake Worth, Florida, but the publication with two-to-five staff members is not Earth First!.

“We got this 187-page legal document in the mail that didn’t even mention the Journal,” *Earth First! Journal* editor Ryan Hartman stated. “Earth First! is a philosophy based on biocentrism, direct action, and not compromising with Earth-destroying corporations when fighting for the environment. It is an idea that for over 35 years has been followed and held dear by individuals and groups all over the world. You can’t sue an idea.”

The filing from CCR on behalf of Earth First! indicates plaintiffs’ own filings acknowledge that Earth First! is “not an organization” but rather a “philosophy” or a “movement.” Their own exhibits note Earth First! “has no structure or leadership,” and it is a “convenient banner” and anyone can “just use that name.”

Energy Transfer Partners or Energy Transfer Equity “make no attempt to explain how such a broad-based social movement, lacking formal membership or entity structure of any kind, can be amenable to suit.”

Prior attempts to sue Black Lives Matter failed because, as the Middle District of Louisiana declared, “A person cannot plausibly sue other social movements such as the Civil Rights movement, the LGBT rights movement, or the Tea Party movement.” CCR similarly contends Earth First! is a movement that cannot be sued.

There are dozens upon dozens of allegations made in the 187-page complaint [PDF] filed in August, which Kadidal called “ludicrous.” Importantly, however, they encourage a federal court to criminalize and suppress individuals for their involvement in environmental activism, which is generally protected under the First Amendment.

“Defendant Earth First! is a radical eco-terrorist group that funds, trains, and organizes acts of civil disobedience and ‘monkeywrenching,’ i.e., property destruction,” the complaint argues. It accuses Earth First! of funding the “eco-terrorist militant group Red Warrior Camp with \$500,000 in seed money to fund its violent campaigns against” the Dakota Access Pipeline.

“Additionally, Earth First! distributed its ‘Direct Action Manual,’ a playbook laying out techniques for vandalism and property destruction to stop energy infrastructure development, including tactics such as slashing tires, pouring sand into the gas tanks of construction equipment, and locking down construction equipment, at the protest camps.”

Energy Transfer Partners and Energy Transfer Equity further contend this manual was employed by other “eco-

terrorist groups” to disrupt construction of the pipeline.

The two companies are clearly conflating acts of civil disobedience with terrorism. When it comes to acts of alleged vandalism, they are ignoring the vandalism their own companies engaged in through the construction of a pipeline on sacred indigenous land that belonged to the Standing Rock Sioux and Cheyenne River Tribes. They overlook the damage that an oil pipeline, especially through any spills, will cause to the environment and how all of these acts were intended to thwart construction when a process of review was not completed properly by the United States Army Corps of Engineers.

Kadidal said the attempt to sue Earth First! is “part of a trend among energy extraction and other corporations of portraying environmental activists as somehow akin to terrorists, which has parallels in the portrayal of African American activists in the Fifties and Sixties as agitators and rabble-rousers and whatever the other equivalents of terrorists for that generation were. It’s a way of delegitimizing their message by associating protest with violent terror.”

With a presidential administration that has invited fossil fuel interests to influence and undermine the work of the Environmental Protection Agency, as well as the Interior Department, oil and gas companies like Energy Transfer Partners recognize the grand opportunity they have to launch new projects and extract more resources from lands, many of which have previously been considered sacred or enjoyed federal protection.

Lawsuits against Greenpeace or ham-handed legal attempts to sue Earth First! are a part of an escalation in efforts to suppress environmental activism, which has effectively mobilized the public against these companies’ destructive business agendas.

6 Dec - Announcing The Revolutionary Abolitionist Movement – NYC Community Bail Fund

RAM NYC is proud to announce the launch of our Community Bail Fund and the first successful release of a person from the New York City jail system.

MORE:

Unable to afford bail and facing minor charges, Max* was about to be sent to Rikers to await trial, before our intervention spared him the horrors of the Island. Now he is back at home, and because he still faces charges, we continue to work with his family to connect them to additional resources.

Without being convicted of any crime, people are forced to remain behind bars because they cannot afford exorbitant bail. In actuality, these high bail amounts function as ransom against being held in brutal and violent conditions, and makes it almost impossible for families to mount a legal defense for their loved ones.

RAM NYC, in tandem with the larger Revolutionary Abolitionist Movement, is now laying the groundwork for what was outlined in Burn Down the American Plantation. We are creating revolutionary infrastructure that is immediately and ethically aiding people who are held in captivity by the white supremacist state. Revolutionaries desire to materially change peoples’ lives for the better and within RAM NYC we are now taking our first steps in that process.

We understand that the political system is written with fundamental anti-black politics. The politics of abolition, then, must be underwritten by a willingness and desire to reach into the plantation system; to liberate those in captivity; to spread revolutionary ideas, to offer a concrete political and social alternative, and to raise the mantle of black liberation to the forefront of our movement.

The RAM NYC Community Bail Fund intends to release one person per month from Rikers Island or central bookings in NYC. We primarily focus on bail amounts under \$3,000. When court proceedings are complete, bail money is returned to the RAM NYC fund and we can continue to bail out other people.

We realize any amount of time inside the prison walls is destructive, and potentially deadly, and every bit of support is meaningful. Through this project we will further the abolitionist cause for freedom.

To support this project: fundedjustice.com/51JDId?ref=ab_372K5a

**His name has been changed to respect his privacy*

6 Dec - Maroon Writes, Panther Cubs Gather & Freedom for Young Lifers

As we approach year's end, the support group for Russell Maroon Shoatz wants to extend their sincerest thanks to you all for your continued support of the campaign for Maroon's freedom and that of all political prisoners.

MORE:

Maroon on A New Prison Abolition Path

In his latest essay, Maroon elaborates on some of his recent ideas for fundamentally transforming the U.S. prison system and pursuing prison abolition. He writes:

As a decades-long Political Prisoner, I have participated in and become aware of many failed efforts to abolish the Prison Industrial Complex (PIC).

Here I offer A New Prison Abolition Path forward.

We must begin a nationwide push to turn prisons into incubators of social and environmental changes that are needed in the 21st century. I propose a paradigm that can unite prisoners, prison employees, the communities they come from, and broader positive change elements in academia and society at large, in a quest to provide Massive Open Online Courses within the entire PIC.

We start by convincing sympathetic volunteers from academia of the value in helping prisoners and prison employees to master science, technology, engineering, and math (STEM) skills. Such an undertaking will give our present abolitionist efforts leverage far beyond what we presently exercise.

Namely, such an effort must set its sights on: finding cures for cancers, AIDS, autism, Alzheimer's disease, etc.; producing improved and innovative ways to lessen the dependence of society on planet-killing fossil fuels, through affordable solar and wind energy techniques; and developing and spreading everything that makes organic gardening and farming both widely accessible and a potential mass organizing mechanism.

Properly motivated prisoners have both the intellect and the time to discover how such knowledge and skills can place in their hands the kind of leverage that will cause the research- (read: profit-) hungry corporate giants to flock to prisons, seeking access to the secrets behind the published papers coming from those quarters. In this regard, we can use corporate power to change laws that stand in our way.

The prison employees must also be encouraged and supported in any attempts to take advantage of their workplace/incubators. Once such exciting and challenging undertakings gain a foothold amongst enough prisoners, the present anti-social "gangstas" will be pushed to the margins. That will doom the PIC as we know it, including the present employment of hundreds of thousands of prison staffers. My hope is that this proposal can be married to the best of what others are working on.

10 Dec - Inside The Trial That Could Determine The Future Of Free Speech In America's Capital

Trump inauguration demonstrators are facing severe felony charges that critics say threaten to chill future protests in Washington, D.C.

MORE:

by Ryan J. Reilly (*HuffPost*)

Justice Department prosecutor Jennifer Kerkhoff carried the cardboard evidence box past the jury and placed it

next to Officer Andre Reid, the 14-year veteran of the D.C. Metropolitan Police Department seated in the witness stand. Snapping on blue medical gloves inside this downtown courtroom, she took out a JanSport backpack — the government’s exhibit number 43 — and began removing its contents: two sharpies, a pencil, a pen, a Florida driver’s license, green goggles, a black bandana, black gloves, sunglasses, an energy drink, a phone charger with a cord, and a black hat.

As jurors looked on, Kerkhoff and Reid examined a mask. “Have you ever heard of the term ‘balaclava’?” Kerkhoff asked? Reid hadn’t. He called it a ski mask. They took a look at a plastic bag containing two bandanas soaked in some mysterious “solution” that had a smell to it. “Can you smell that now?” Kerkhoff asked. Reid could.

The JanSport in question belongs to Michelle Macchio, a 26-year-old from Naples who hasn’t had possession of the bag or its contents in nearly 11 months, ever since she was caught up in a mass arrest during a protest just before President Donald Trump was sworn in as the 45th president of the United States.

Macchio said she was acting as a medic that day. Video shows her with red tape in the shape of a cross on her jacket, and her lawyers say she was carrying a first aid kit. That mysterious foul-smelling solution? Vinegar, which is supposed to dilute the impact of the pepper spray that videos demonstrate police officers shot with abandon that morning.

In the past three weeks, as special counsel Robert Mueller’s investigation into Russian interference in the 2016 election has increasingly jeopardized the Trump presidency’s future, Macchio and her co-defendants are facing down their own. Macchio is one of six individuals currently on trial in the nation’s capital, facing felony charges that could potentially land them in federal prison for decades, or at the very least leave them with felony convictions that would stunt their career prospects and deprive them of certain rights.

Another 181 individuals are facing felony trials in the coming year, though the ultimate resolution of a large number of those cases could depend on how this first trial plays out. Twenty other defendants arrested that day have already pleaded guilty, but just one defendant pleaded guilty to a felony. Seven others facing misdemeanors are scheduled for a trial by judge.

The charges all stem from a mass arrest conducted by police in downtown D.C. aimed at a group of marchers that included anti-capitalists, anti-fascists and anarchists under the umbrella of an organization called DisruptJ20.

Police had kept an eye on what demonstrators had planned that day, sending an undercover officer into a planning meeting where an organizer said their goal was to “make inauguration a giant clusterfuck.” Things quickly got out of control once the group left their gathering point in Logan Circle, with individuals from within the group of mostly black-clad demonstrators breaking store windows, throwing newspaper boxes, spray-painting cars, smashing parking meters and hurling rocks at officers.

How precisely to define the group has been an issue in court, where prosecutors and defense attorneys have sparred outside of the presence of the jury over the use and definition of the term “antifa.” Ultimately, Superior Court Judge Lynn Leibovitz told jurors that “antifa is short for anti-fascist or anti-fascism” and that the term was “not as an indication that individuals themselves intended violence.” Under threat from the judge, prosecutors and witnesses have also had to avoid the use of the term “black bloc,” a reference to a protest tactic intended to anonymize individuals within the group.

But in her opening statement in the trial on Nov. 20, Kerkhoff repeatedly referred to a “sea of black masks” that caused destruction that day. The possession or wearing of black clothing has become a central aspect of the prosecution’s case. During one day of the trial, she held up a skull cap featuring an image of a skull that was seized from defendant Christina Simmons, a 20-year-old from Maryland who offered snacks from her backpack to officers who processed her, according to her defense attorney.

Jurors have heard from numerous business owners and employees who had their property damaged by members of the group that day. They've also heard from numerous police officers about the chaos they encountered, including an officer injured as he tried to apprehend an individual who threw a patio chair at his colleague.

What jurors haven't heard, and prosecutors don't intend to offer, is evidence that any of the six individuals currently on trial — Macchio, Simmons, Jennifer Armento, Oliver Harris, Brittne Lawson and Alexei Wood — actually engaged in any property damage or violence. Under the government's theory of the case, in which anyone arrested in the group is part of a conspiracy and is responsible for any actions taken by others, the lack of individualized wrongdoing doesn't matter.

Prosecutors have charged all six with eight charges, including six felonies. If convicted, they'd be exposed to a potential maximum sentence of more than 60 years in federal prison (though such an extreme sentence is extraordinarily unlikely).

"Each of them made a choice, and each of them played a role," Kerkhoff told jurors in her opening statement. "You don't personally have to be the one who breaks the window to be guilty of rioting."

Kerkhoff, who is leading the prosecution, works for the U.S. Attorney for the District of Columbia, one of 94 U.S. attorney's offices within the Justice Department. The U.S. attorney's office in the nation's capital is unique in that it prosecutes both federal crimes and local crimes that would normally be handled by a local prosecutor, who are typically elected. The office in D.C. is currently headed by a Trump appointee named Jessie Liu, though the cases unfolded until September under former acting U.S. Attorney Channing Phillips, a holdover from the Obama administration who is close with former Attorney General Eric Holder.

At the moment, there's no way to ascribe the handling of these prosecutions to Trump political appointees with any degree of certainty. But it's certainly worth considering that Trump, who branded himself as the law-and-order candidate, had vowed to "end" the "anti-police atmosphere" in America and has made his feelings about protesters on the left well known.

The White House website, updated on the day of the inauguration, says the Trump administration would not "make life more comfortable for the rioter, the looter, or the violent disrupter." More recently, after the deadly August attack in Charlottesville, Virginia, during a white supremacist rally, the president has talked about the "advent of antifa" and compared the loosely-organized anti-fascist movement to actual neo-Nazis.

The Trump administration's charging policy could have also had an impact on the handling of the cases. Attorney General Jeff Sessions, who has spoken out about his belief that free speech is under attack on college campuses, ordered federal prosecutors in May to "charge and pursue the most serious, readily provable offense" possible.

Kerkhoff and her colleague, Assistant U.S. Attorney Rizwan Qureshi, have presented jurors with a plethora of evidence from Jan. 20: surveillance videos, aerial footage, body cam video, data from all of the cellphones they seized, and even a livestream of the entire march that was shot by Wood, photographer among the defendants.

Over and over again, jurors have seen individuals clad in black destroying property during the march. In lengthy and at times tedious presentations, they've used videos, screenshots, maps and PowerPoint presentations to prove that the defendants were, in fact, present at the march. The not-so-implicit message to the jury: Someone needed to be held accountable for the damage inflicted that day.

The backdrop of the aggressive charges against so many demonstrators is that law enforcement officials in D.C., home to frequent protests due to its status as the nation's capital, have taken a relatively progressive approach to policing demonstrations in recent years following lawsuits over their past conduct. Ahead of the inauguration, demonstration organizers discussed their perceptions of the restrictions on police, with one podcast played for

jurors referring to D.C. police as “trained little piggies” who had been sued into a “state of fear.”

The District of Columbia does have rules that officers are supposed to follow when policing a First Amendment demonstration, and defense attorneys have zeroed in on the inconsistencies between what police are supposed to do and what they actually did.

Did they issue a warning to disperse, as required? “We didn’t give any dispersal orders,” testified Commander Keith Deville. “We weren’t required to tell them, ‘stop rioting.’”

Deville, who oversaw the law enforcement response to downtown demonstrations on Jan. 20, testified that he believed Metropolitan Police Department officers showed “enormous restraint” in their handling of the demonstrations. But defense attorneys played a number of clips that appeared to show officers casually deploying pepper spray, even on individuals who had their backs turned to the officers and were walking away. They also played clips that showed officers roughly handling individuals who weren’t engaged in any wrongdoing, including video that showed a legal observer getting blindsided with a shove from behind.

In one instance, Deville testified he couldn’t say why an officer shoved a woman with a baton from behind, but said the technique was proper. “There were two hands on it,” he said. “They weren’t bludgeoning somebody.” In another instance, he said he was “not sure what that deployment was for” when confronted with a video of an officer casually spraying people. “I don’t know what their intention was,” Deville said about another clip that appeared to show improper use of pepper spray.

Among D.C. elected officials, questions about how police handled the demonstrations has been a matter of controversy. The D.C. City Council has budgeted \$150,000 to investigate how police dealt with the unrest that day. There’s also an outstanding ACLU lawsuit, and Deville admitted that he believes “criminal convictions in this case would perhaps limit our civil liability in the matter.”

In a separate tense exchange, a defense attorney questioned Deville about past allegations that he had displayed bias toward some minority groups.

Deville admitted repeating a conversation he once had with another officer about the Holocaust Museum road being named after Raoul Wallenberg, who has been credited with saving the lives of tens of thousands of Jews during the Nazi occupation of Hungary. The other officer had referred to Wallenberg as “the one that got away,” a comment Deville apparently repeated over the years. He called it a “very morose comment.” But Deville testified that he was not biased against Jewish people.

Deville also denied that he was biased against gay people despite allegedly once warning his colleagues to watch what they said when a gay officer joined their unit. And Deville further said that he was not biased against transgender people, despite once complaining that he had to call a transgender woman he’d worked with for four years “Jessica” instead of “Bill.” At the time, Deville said, he “was still trying get my head around the change,” but he was not complaining that he had to call her Jessica. He was disciplined by the department for the comment.

The prosecution is expected to wrap up their case on Monday, and the defense will likely take over the rest of the week. The jury may begin deliberations sometime next week.

Even if none of these six defendants are convicted, the legal process on its own will still have proven to be a significant form of punishment, with the defendants from various parts of the country essentially moving to D.C. for the duration of the trial.

While the defendants have, for the most part, been reluctant to speak with the handful of reporters who have sporadically covered the trial over the past few weeks, Elizabeth Lagesse was willing to chat. Sitting in a courtroom taking careful, copious notes, it’d be easy to mistake her for a reporter. But Lagesse is actually a co-

defendant, facing her own trial in July with a separate group of individuals on several felony charges in connection with her own Inauguration Day arrest.

Lagesse, a former John Hopkins University graduate student who had been planning to move to California and pursue work in the tech sector, said her life has essentially been put on hold as she fights off felony charges that could jeopardize her future. She and her fiancé, who was also arrested that day, have moved to D.C. to defray the cost of traveling back and forth from Baltimore for hearings. They've been living on his salary alone, not necessarily an easy feat in the city, and are now committed to a year lease.

Prosecutors still have the cell phone they seized from her that day,

"We finally saved up and ordered a new phone," Lagesse said. "But he's been using like a broken, not that great phone. I got one awhile back that, you know, works. It has been a really big burden. We've had to coordinate, like, whose phone works today?" She says prosecutors were not able to get anything off of either of their phones because they were encrypted iPhones.

Lagesse, who wrote an op-ed for The New York Times about her experience and is part of an ACLU lawsuit against D.C. police over their conduct that day, says Jan. 20 was the first time she'd ever been arrested. This is also the first time she's spent significant time inside a courtroom.

She called the process "incredibly frustrating" and scary. "One person makes a decision, and it can disrupt 200 people's lives for more than a year. It just seems nuts," Lagesse said.

But it's also been kind of fascinating for her.

"Lawyers have told me that they never get to hear the whole case before they start a trial, so it's kind of an amazing opportunity. You get to watch a do-over trial," Lagesse said. "It just proves I can nerd out about anything."

Lagesse, who grew up in a conservative family living in northern California, said her family of Trump supporters had a tough time accepting that she was actually facing several felony charges.

"It's hard for a lot of people to believe that this is actually happening, because it is insane. I get that a lot," Lagesse said. "This is happening. It's every bit as crazy as it looks. No, it's not just going to go away."

The partner of defendant Brittne Lawson, a 27-year-old nurse from Pittsburgh, told HuffPost that she had to quit her job because there was no way to adjust her schedule to accommodate a trial that will likely stretch on for more than a month. "The trial is for sure longer than all of Brit's potential vacation time for the whole year," Lawson's partner, who requested to be identified only by his first name of Jeff, said. "This is a full-time job."

Lawson has been able to get housing in Washington during the trial though the Dead City Legal Posse, an organization formed to support the defendants shortly after their mass arrest.

"Frankly, when you're going through something really stressful like this, you want a quiet space that is your own, that feels safe," Jeff said. "And instead you're like sleeping on somebody's couch."

Jeff said he believes that people from across the political spectrum should be able to recognize the threat of the aggressive prosecution, but said that even some members of their extended families had bought into the idea of cracking down on protests.

"You see the divisions within the U.S., where there's some people in our extended family who are like, 'Oh, you should be in jail forever for someone else in a protest you were at breaking windows,'" Jeff said.

Defense attorneys will be calling several witnesses this week, and several of the defendants may take the stand in their own defense. Wood, the photographer on trial, will likely explain to the jury why he had a press pass in another individual's name.

The six defendants' attorneys, who outnumber the actual jury, will likely also raise First Amendment concerns and say that police made no effort to differentiate between those who were exercising their rights and those who were causing destruction.

Steven McCool, who is representing defendant Harris, told the judge outside of the presence of the jury last week that he'd be requesting a jury instruction on the First Amendment. What kind of jury instruction, Judge Lynn Leibovitz wondered, one that said we "like it a lot?"

"I wish we liked it more," replied McCool, a former federal prosecutor. "Apparently we don't."

December 13th - Judge throws out felony riot charges against 6 of Trump's Inauguration Day protesters

by Alex Lubben and Tess Owen (*VICE* News)

A judge has dismissed felony charges of inciting a riot against six people facing trial for their association with or participation in violent protests on Donald Trump's Inauguration Day.

Approximately 230 people were arrested in Washington during and after the inauguration ceremony and later charged with felony rioting. But D.C. Superior Court Judge Lynn Leibovitz dismissed those charges Wednesday morning for the first group of six people, including a photojournalist. While some people have pleaded guilty or been let off the hook since their arrests, 188 still face the full plate of charges.

The six also still face five other charges of property damage as well as two misdemeanors and Leibovitz denied the defense's motion to acquit on Wednesday. She described the protest as an "organized, concerted riot," which each defendant was aware of, according to reports from the courtroom. If the jury convicts the defendants of all charges, they face up to 50 years in prison.

The riots that roiled Washington on Jan. 20 threatened to eclipse the main event: Trump being sworn in as the 45th president of the United States. "Black-bloc" anarchists and anti-fascist protesters hurled firecrackers at police and threw rocks through storefront windows, at one point even torching a limousine. The U.S attorney's office estimated that the cost of damage to the city to be \$100,000.

Assistant U.S. Attorney Jennifer Kerkhoff in turn tried to argue that each of the defendants was in the vicinity of areas where windows were smashed, according to reporters inside the courtroom.

Among the six people who appeared in court Wednesday was photojournalist Alexei Wood, who broadcast the days events on Facebook Live, and a medic who brought a first aid kit to the protest. Reporters in the courtroom said her kit was unpacked as evidence in her defense, and included bandages, tampons, and gauze. They also showed videos of her wearing a white medic's helmet, using a water bottle to flush people's eyes affected by pepper spray.

Thus far, the Department of Justice's prosecution has been far-reaching. In February, the department hit Facebook with three warrants seeking information about "anti-administration activists who have spoken out at organized events, and who are generally very critical of this administration's policies." The DOJ had also issued search warrants to DreamHost, a web-hosting provider, seeking information about the approximately 1.3 million visitors to the website disruptj20.org, which organized the Inauguration Day protests. The government backed off after a backlash from civil liberties groups.

Most of the people arrested had also been "kettled" — a tactic where police trap protesters in a confined area. That made civil liberties advocates worried the prosecution had painted everyone charged — anarchists, peaceful protesters, journalists, legal observers, and medics — with the same brush.

December 13th - Trumped-up charges: Feds try to criminalize Inauguration Day protest

by Matthew Sheffield (*Salon*)

While most of America has been preoccupied with year-end holiday festivities and the Alabama U.S. Senate race, federal prosecutors in Washington have been hard at work trying to convict six people who were present during a demonstration against the inauguration of President Donald Trump.

The trial, which is taking place in the District of Columbia's Superior Court, has received comparatively little attention from the national press. It deserves to, since prosecutors are trying to redefine the rules governing public demonstrations. Federal authorities have admitted they have no actual evidence that the defendants on trial committed acts of vandalism, but want to convict them of serious crimes anyway.

"I'll be very clear. We don't believe any of the defendants personally engaged in property destruction," U.S. Attorney Jennifer Kerkhoff admitted in her opening statement in mid-November.

Instead of trying to identify and indict the small number of anti-Trump protesters who damaged trash cans or broke windows last Jan. 20, Washington police decided to make mass arrests, rounding up anyone who happened to be near a demonstration that began in the Logan Circle neighborhood, regardless of what they were actually doing.

More than 200 people were arrested that day. Federal prosecutors, who ultimately work under the authority of Attorney General Jeff Sessions, have decided to throw the book at the arrestees, vowing to put them all on trial in a succession of small proceedings that will likely last until the end of next year. Among the accused are several nurses whom prosecutors have accused of aiding rioters because they were carrying first-aid materials.

"No plausible explanation exists for a search warrant of this breadth, other than to cast a digital dragnet as broadly as possible," Mark Rumold, a senior staff attorney at the Electronic Frontier Foundation, wrote at the time.

Beyond their novel interpretation of rioting and vandalism statutes, prosecutors have assigned police and prosecutorial resources to the case far in excess of the estimated \$100,000 in property damage that occurred on Inauguration Day. In court, D.C. police detective Gregory Pemberton admitted that he had been working full-time on reviewing publicly recorded footage from the event since January.

Among the video that Pemberton and his colleagues have been sifting through is footage from Alexei Wood, a photographer who had only attended the demonstration to live-stream it as a journalist. Wood's inclusion among the J20 defendants is significant because while he periodically cheered acts of vandalism he witnessed, he clearly did not take part in any of them. Instead, government attorneys appear to be trying to prosecute him because of his expressed opinions about the protest.

Under defense questioning last Monday, police commander Keith DeVille admitted that he had directed subordinates to release people who had been rounded up who carried press badges issued by their employers.

"We knew we had some media folks in there — it was easily discernible that they were not part of the riotous group," DeVille said, while also admitting that there is no central authority for media credentials.

Wood, who lives in San Antonio, Texas, was not the only member of the media who was rounded up by police. Among the other people arrested was Lauren Southern, a white nationalist Canadian vlogger and Trump supporter who was also trying to cover the demonstration. Unlike Wood, she was released after her arrest. Some of her footage from that day has been used in court against defendants.

Several other journalists were charged alongside Wood. All but one, Aaron Cantú, have had their charges dropped.

Lynn Leibovitz, the judge who is presiding over the first J20 trial, appeared to be sympathetic to the prosecution's argument as the trial began.

"It actually is not the same as [NBC News reporter] Andrea Mitchell, as I think about it, because a newscaster would be neutrally pitching it," Leibovitz stated, as reported by *Washingtonian* magazine. "And here, what's happening is, it's a real time advertisement and recruitment measure, so that it's a cheering of the event publicly to others. It's a broadcasting to others as events are happening. It's a celebration of particular events which are events that are – that constitute the violent and tumultuous conduct that makes up a riot, if true."

Wood has not publicly testified yet but has maintained his innocence.

"If people want to critique my professionalism, I get it, but is it a criminal offense? Fuck no," he told *Washingtonian* magazine outside the courtroom on the first day of the trial.

Prosecutors have also utilized footage from other far-right figures and organizations, including Project Veritas, the activist group founded by James O'Keefe which was recently revealed to have attempted to dupe the *Washington Post* with a fabricated statutory rape accusation against Alabama Senate candidate Roy Moore.

Defense attorneys tried to exclude the Project Veritas video by pointing to indications that it had been altered. Their objections were overruled by Leibovitz. At another point in the trial, she allowed prosecutors to publicly present video of Wood's arrest which included him reciting his Social Security number. The judge has also allowed protest footage captured by Oath Keepers, a right-wing paramilitary group that tells its members to carry weapons at all times and prepare themselves for "full-blown Civil War."

"The federal government is inundating the jury with video footage of the same broken windows in order to obscure the fact they have failed to present a compelling case to the jury," said Kris Hermes, a representative of Defend J20 Resistance. "It's indefensible for the Trump administration to spend millions of dollars to try nearly 200 people on several felonies for property damage."

11 Dec - An Activist Stands Accused of Firing a Gun at Standing Rock. It Belonged to Her Lover — an FBI Informant

Red Fawn Fallis's case sheds light on federal law enforcement's surveillance of the water protector movement and generations of indigenous activists.

MORE:

by Will Parrish (The Intercept)

As law enforcement officers advanced in a U-shaped sweep line down North Dakota Highway 1806 last October, pushing back Dakota Access opponents from a camp in the pipeline's path, two sheriff's deputies broke formation to tackle a 37-year-old Oglala Sioux woman named Red Fawn Fallis. As Fallis struggled under the weight of her arresting officers, who were attempting to put her in handcuffs, three gunshots allegedly went off alongside her. According to the arrest affidavit, deputies lunged toward her left hand and wrested a gun away from her.

Well before that moment, Fallis had been caught in a sprawling intelligence operation that sought to disrupt and discredit opponents of the pipeline. The Intercept has learned that the legal owner of the gun Fallis is alleged to have fired was a paid FBI informant named Heath Harmon, a 46-year-old member of the Fort Berthold Reservation in western North Dakota. For at least two months, Harmon took part in the daily life of DAPL resistance camps and gained access to movement participants, even becoming Fallis's romantic partner several weeks prior to the alleged shooting on October 27, 2016.

In an interview with agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the North Dakota Bureau of Criminal Investigation, a recording of which was obtained by The Intercept, Harmon reported

that his work for the FBI involved monitoring the Standing Rock camps for evidence of “bomb-making materials, stuff like that.” Asked what he discovered, Harmon made no mention of protesters harboring dangerous weapons, but he acknowledged storing his own weapon in a trailer at the water protectors’ Rosebud Camp: the same .38 revolver Fallis is accused of firing.

Harmon spent the day of October 27 with Fallis and was nearby during her arrest. He continued to withhold his FBI affiliation from his then-girlfriend in phone conversations with her while she was being held at the Morton County jail in Mandan, North Dakota, records show. Investigators’ notes on those calls were distributed to the ATF, two local sheriff’s departments, and the U.S. Attorney’s Office in Bismarck, among others.

Federal prosecutors are charging Fallis with civil disorder, possession of a firearm by a convicted felon, and discharge of a firearm in relation to a felony crime of violence — perhaps the most serious charges levied against any water protector. If convicted of discharging the weapon, she faces a minimum of 10 years in prison and the possibility of a life sentence. She has pleaded not guilty.

Attorneys for Fallis argue their client was seized without probable cause while engaging in speech protected by the First Amendment, pointing to the account of one of her arresting officers that Fallis was shouting “water is life and you’re killing Mother Earth and stuff of that nature.” Drone footage appears to show her being tackled just minutes after arriving in the vicinity of the police line. In a hearing that concluded Monday, her lawyers challenged the admissibility of any property seized or statements Fallis made immediately after the incident, arguing they represent the products of an unconstitutional arrest. Defense attorneys declined to comment or make Fallis available for this story, citing her pending trial.

As the struggle to limit the mining and burning of fossil fuels has developed into a potent force, indigenous activists like Fallis have frequently been at the forefront. Documents and recordings reviewed for this story provide a window into federal law enforcement’s use of counterterrorism tactics to target pipeline opponents based on the threat of “environmental rights extremism” — and reveal infiltration of the water protector movement as the latest chapter in the FBI’s long history of repression of indigenous political activism.

The intelligence operation targeting DAPL opponents was based at an emergency operations center in Bismarck, as well as the North Dakota State and Local Intelligence Center, known as the SLIC, a fusion center established to facilitate information sharing in the aftermath of 9/11. Although local law enforcement frequently served as the public face of the operation, federal agents played a central role soon after the first civil disobedience actions kicked off in August 2016. By early September, the operations center was hosting daily meetings involving representatives of the FBI, the Bureau of Indian Affairs, the U.S. Marshals Service, and state and local police.

In his interview with the ATF and Bureau of Criminal Investigation on December 13, 2016, Harmon described how he came to be an FBI asset: He had reached out to his brother, a BIA police officer in North Dakota, to see if he could help by “being an observer” of the protest movement. “He said he knew people and they would get ahold of me,” Harmon stated. “That’s when the FBI contacted me. That’s the reason why I was down there in the first place.” By August, Harmon was regularly visiting the Rosebud Camp, which is where he met Fallis, according to his interview. He said he helped the FBI confirm the presence of specific “AIM members” at the camp, in reference to the American Indian Movement, and reported a vehicle carrying lockdown devices used by protesters to disrupt pipeline construction.

Fallis has a long history with indigenous movements, including AIM, according to Glenn Morris, an activist and scholar at the University of Colorado, Denver, who regards Fallis as a niece. Her mother, Troy Lynn Yellow Wood, worked with Morris and others to start the Colorado chapter of AIM in the 1970s, and Fallis began attending marches in Denver when she was 5 or 6 years old, Morris said.

Founded at the height of the civil rights era, AIM fought for religious freedom and the fulfillment of treaties the U.S. government signed with indigenous nations. Yellow Wood was part of the organization’s struggle on the Pine Ridge Reservation in South Dakota. In that case, AIM famously took up arms in 1973 and occupied the

town of Wounded Knee — site of the U.S. 7th Cavalry's massacre of Lakota people in 1890 — as a show of opposition to a corrupt tribal government that was working behind the scenes to sell off lands rich in uranium and other resources.

Harmon is part of a different lineage. In his interview with law enforcement, he noted that his uncle Gerald Fox had been on the “other side” of the AIM struggle at Pine Ridge. Fox was a BIA officer who stood off against AIM during the 71-day occupation of Wounded Knee, alongside members of the U.S. Marshals Service and the FBI. According to a 2010 obituary in the Bismarck Tribune, Fox went on to join a BIA special operations unit, and between 1976 and 1984 “was detailed to every major Native conflict that happened in the United States.”

In the aftermath of the Pine Ridge standoff, the FBI looked the other way while a paramilitary organization known as the GOONs — whose leaders included members of the BIA tribal police force — carried out a multiyear campaign of extrajudicial killings and brutal physical assaults of AIM members and supporters.

In recent years, as climate justice activists have taken on pipelines, coal mining, hydro-fracking, and Arctic oil drilling, law enforcement agencies have established formal collaborations with the oil and gas industry in the name of preventing threats to so-called critical infrastructure, Jeff Monaghan, a Carleton University professor who studies the surveillance of social movements, told *The Intercept*. “That discourse has been the gateway for fusing the corporate energy sector and the national security apparatus in both the U.S. and Canada,” he said.

Sara Jumping Eagle, a physician on the Standing Rock Sioux reservation who was among the first DAPL opponents arrested in August, said the heavy-handed law enforcement response at Standing Rock was not altogether surprising. “There’s a long history of the U.S. labeling people who stand up as terrorists, so some of us figured they were gonna use those same tactics against this movement as well,” she said.

Jumping Eagle was among some two dozen activists featured on an early blueprint for the intelligence operation at the North Dakota fusion center, a “links chart on leaders of the movement” obtained by *The Intercept* via public records request. The document mapped out connections between DAPL opponents purportedly affiliated with the Red Warrior and Sacred Stone camps, two of the main nerve centers of pipeline resistance on the Northern Great plains. Nearly everyone on the chart is an indigenous person.

Fallis appeared on the diagram more than seven weeks prior to her October 27 arrest. She was listed under her Facebook profile name, Luta Wi Redfawn, alongside the allegation that she had purchased pepper spray at Scheels, a sporting goods chain with a store in Bismarck.

Cheyenne River Sioux tribal member Cody Hall, who served as a spokesperson for the Red Warrior Camp, also featured prominently on the chart. On September 8, 2016, around the time the document was completed, Hall was pulled over by Highway Patrol officers who served him a warrant for two charges of misdemeanor trespass. Hall recalled a disproportionate number of officers on hand for his arrest.

After he was booked into the Morton County jail, Hall said two FBI agents attempted to interview him, but he asserted his right to remain silent. After a three-day stint in solitary confinement, he was released. “The experience was “unsettling” and “completely over the top,” Hall told *The Intercept*. “They were treating me like I was the native Osama.”

In addition to mapping out connections to the NoDAPL camps, the chart linked individuals to the hacker group Anonymous and the Black Lives Matter movement and even attempted to track romantic relationships among pipeline opponents.

Rana Karaya, a Chicago resident from the P’urhépecha tribe in Mexico, was listed as having a relationship with David Vlow Rodriguez, who had been “maced by DAPL security,” the document noted. After reviewing a section of the chart, Karaya labeled it “disgustingly intrusive.”

According to Monaghan, the links analysis reflects broader trends in the policing of domestic dissent. “Since 9/11, police have more widely adopted surveillance practices to enable them to identify and disrupt protest actions,” he said. “And one technique has been the mapping of so-called persons of interest lists and then engaging in punitive, pre-emptive arrests or disruptions of people on those lists.”

Cecily Fong, public information officer for the SLIC fusion center and the North Dakota Department of Emergency Services, provided a different explanation for the chart. “The primary purpose for the links chart was to attempt to identify any leaders in the protest camps that our law enforcement could approach to engage in diplomatic talks,” Fong told The Intercept. She said she was unable to find a concrete example of the chart being used for diplomatic purposes and directed The Intercept to the Morton County Sheriff’s Department, which similarly failed to provide such an example.

Emails and reports documenting intelligence collection on pipeline opponents, which The Intercept obtained through records requests, show a heightened focus on the threat of “environmental rights extremist violence,” while revealing a broader effort on the part of law enforcement to keep digital tabs on activists.

In an October 2016 email to federal, state, and local law enforcement, a Bismarck police officer relayed information from a North Dakota patrol sergeant about “AIM propaganda” on Facebook. “Free Peltier” stickers appeared in the posts of an individual believed to be a longtime AIM member, the sergeant noted, in reference to AIM activist Leonard Peltier, who was imprisoned for killing two FBI agents during a 1975 shootout on Pine Ridge, in what indigenous activists and human rights groups have labeled a wrongful conviction. Another purported member appeared to be “pro-violence,” the sergeant warned.

The message was part of a shared thread among law enforcement representatives affiliated with the emergency operations center who referred to themselves as the “intel group,” monitoring the DAPL protests in real time. Additional emails concerning Standing Rock operations plans were sent to multiple Department of Homeland Security and FBI addresses, including that of E.K. Wilson, a special agent with the FBI’s Minneapolis office. According to press reports, Wilson was previously the supervisory special agent for one of the FBI’s largest domestic counterterrorism operations since 9/11: a probe of the Shabab militant group’s recruitment of Somali-Americans.

Michael German, a former FBI special agent who is now a fellow at New York University’s Brennan Center for Justice, notes the concept of environmental extremism originated as part of the broader war on terror and is based on a model of radicalization that argues that people who develop ideas the FBI deems extremist have embarked on a dangerous path that might eventually lead them to commit an attack.

“It’s an intellectual framework that’s saying, ‘We’re only interested in using our surveillance and investigative tools on the terrorists, but the terrorists come from this specific pool of activists,’” German told The Intercept. “They can then justify surveilling the activists, suppressing the activists, and also selectively prosecuting the activists. We’ve seen that in the prosecutions of people following the January 20 protests, and we’ve certainly also seen it with Standing Rock.”

Following the breakup of Standing Rock resistance camps, the North Dakota SLIC offered information on DAPL opponents to a central Florida fusion center monitoring opposition to the Sabal Trail Pipeline, according to an April 2017 intelligence bulletin. The document, which repeatedly uses the terminology of “domestic violent extremists,” notes the migration of pipeline opponents to struggles in Minnesota, South Dakota, Oklahoma, Oregon, Texas, and Iowa.

“Our SLIC, when asked, has provided information to other SLICs in states that are, have, or may experience protests similar to the one that occurred in North Dakota,” Fong told The Intercept. “The ND SLIC is not actively monitoring anyone associated with the NoDAPL protests.”

A May 2017 report prepared by the DHS Office of Intelligence and Analysis and fusion centers across seven

states defines “environmental rights extremists” as “groups or individuals who facilitate or engage in acts of unlawful violence against people, businesses, or government entities perceived to be destroying, degrading, or exploiting the natural environment.”

The report claims that “suspected environmental rights extremists exploited Native American anti-DAPL protests to attract new members to their movement, gain public sympathy, and justify criminal and violent acts,” a narrative later repeated in a conspiracy lawsuit DAPL parent company Energy Transfer Partners filed against environmentalist groups. Yet widely disparate individuals are included under the extremist label, including Canadian indigenous people who traveled to North Dakota and a member of the Standing Rock Sioux tribe, Dean Dedman, whose “suspicious drone use” raised concerns of attempted countersurveillance. To Dedman, the extremist designation fits with police officials’ broader effort to discredit water protectors. “They’re putting it in their words to portray that we’re terrorists or we’re somehow trying to disrupt the peace, which is totally bogus,” he told The Intercept.

The document categorizes a broad range of protest activities as violent, noting that while “environmental rights extremists often consider themselves to be nonviolent because their attacks tend to be against property,” tactics such as tampering with pipeline valves and setting fire to construction equipment “carry an inherent risk of death or serious of injury, regardless of intent.” Its authors identify ominous intelligence gaps as to the existence of “training camps established to teach violent tactics” and “which camps house individuals who have an interest in using lethal weapons such as IEDs against law enforcement or pipeline entities.”

In a section describing “use of potentially lethal devices,” the report holds up Red Fawn Fallis as an example of extremist violence. Without mentioning Fallis by name, the report claims she “shot a firearm at law enforcement officers who had confronted her while taking her into custody,” echoing an allegation long since discarded by prosecutors — that Fallis intentionally shot at police.

The same section cites a November 2016 incident in which a Standing Rock protester “threw small IEDs at officers, resulting in near amputation of her arm after one of the IEDs exploded prematurely, according to law enforcement and DHS reporting.” But according to multiple sworn witnesses, the woman in question, Sophia Wilansky, sustained the gruesome injury after police shot her with “less than lethal” munition during a confrontation that saw officers spray protesters with water hoses and rubber bullets amid subfreezing temperatures, resulting in hundreds of injuries.

As The Intercept previously reported, an FBI informant played a key role in defining the version of events law enforcement promoted about Wilansky’s injury. In an email to several FBI and Department of Justice addresses after the incident, Terry Van Horn, a national security intelligence specialist with the U.S. Attorney’s Office, noted that an FBI “source from the camp reported people were making IEDs from small Coleman-type propane canisters.”

Neither the FBI nor the Department of Homeland Security would address specific questions from The Intercept related to intelligence collection. “The FBI investigates activity which may constitute a federal crime or pose a threat to national security. Our focus is not on membership in particular groups or adherence to particular ideologies but on criminal activity,” a spokesperson for the FBI said in a statement.

A spokesperson for DHS wrote, “DHS works with federal partners, including the FBI, and state and local law enforcement through the National Network of Fusion Centers to assess threats and analyze trends in activity from all violent extremist groups, regardless of ideology. DHS is prohibited from engaging in intelligence activities for the sole purpose of monitoring activities protected by the First Amendment.”

The dramatic circumstances of Fallis’s arrest have frequently been used by law enforcement and fossil fuel interests to bolster the portrayal of water protectors as reckless and violent. Fallis’s attorneys have argued that it is impossible for her to receive a fair trial in North Dakota because of the intense level of negative publicity, pointing to counterinformation efforts by police and DAPL security to push an extremist narrative of the

protests.

The attempted murder charges North Dakota initially filed against Fallis were dismissed within a month, but public Facebook posts by the Morton and Cass County sheriff's departments linking her to the more serious crime have never been corrected. Both departments shared a video in which a Highway Patrol captain claimed it was lucky no officers were shot, but "it wasn't because she was trying to aim away from law enforcement." Meanwhile, Energy Transfer Partners singled out Fallis as a "radical eco-terrorist" in its racketeering lawsuit filed against Greenpeace and other groups.

But those who know Fallis describe a woman who had come into her own as a camp medic and mentor to younger activists after traveling to Standing Rock at a crossroads in her own life. Fallis was grieving the recent death of her mother, said Mia Stevens, 23, a family friend. Troy Lynn Yellow Wood was "a really important woman" among indigenous communities in Denver, Stevens said. "After Red Fawn's mom passed, she just stepped up how she cared about people and took on a bigger role. Everything her mom would say, pray about, and do — that became Red Fawn's place."

Fallis developed a close bond with members of the International Indigenous Youth Council, a group of adolescents and young adults at the forefront of numerous demonstrations. Lauren Howland, a 22-year-old member of the San Carlos and Jicarilla Apache tribes and Navajo Nation, who got to know Fallis through the council, described what she viewed as one of Fallis's defining moments at Standing Rock.

On October 22, 2016, roughly 200 people conducted a prayer walk to a remote part of the pipeline's path, where protesters had locked themselves to disabled vehicles to block the advance of construction equipment. The group was surrounded by police flanked by armored personnel carriers, Howland recalled, and officers began tackling people and using pepper spray. An officer in military gear clubbed Howland's hand and wrist with a baton, fracturing her wrist in two places.

Howland said she was attempting to lead a 10-year-old boy away from the melee when the pain overwhelmed her and she had to sit down on a hillside far from the water protectors' camps. Fallis, who had been riding a four-wheeler in and out of the area to assist vulnerable people, located Howland and the boy and transported them to safety.

"Red Fawn really saved my ass," Howland recalled. "I don't even know how many times she went back and forth helping people that day, helping elders and other people who were hurt."

In his interview with the ATF and North Dakota Bureau of Criminal Investigation, Harmon said the reason he kept a gun in the trailer at the Rosebud Camp was for "peace of mind" — not because he felt that pipeline opponents presented a threat but "because there was rumors of DAPL security posing as protesters that were armed."

On the morning after Fallis's arrest, Harmon said, he called his contacts at the FBI. "I said, you know, the gun that was in that shooting, I said, that's my firearm. They said, 'Report it.' So I reported it stolen." In an interview with the Mandan Police Department the same day, he claimed the gun had been stolen two to three weeks prior. But he changed his story when talking to the ATF and BCI, saying that he'd last seen the gun a couple of days before the incident. "I left it in the trailer," he added, "and Red Fawn knew where it was."

Law enforcement records related to the case suggest the situation was complicated for Harmon, who had come to stay with his mother in Mandan after the downturn in the Bakken oil industry, according to comments she made to the BCI.

Hours of phone conversations recorded by the Morton County jail show Harmon and Fallis planning for their future together and Harmon offering words of encouragement as Fallis coped with the intensity of her legal situation. On one call, Harmon appears to break down as the two discussed Fallis's uncertain future.

In his December 2016 interview, after telling investigators he had developed a relationship with Fallis after becoming a source for the FBI, Harmon added, “My judgment was wrong.”

At the conclusion of the interview, ATF Special Agent Derek Hill informed Harmon that he might be called as a witness at Fallis’s trial and noted his concern that Harmon’s affiliation with the FBI would leak. “I’m familiar with her family from Pine Ridge and in Colorado,” said Hill, who according to court testimony, spent over a decade based in Rapid City, primarily working on Pine Ridge. “If you start getting harassed in any way, shape, or form, I would like you to reach out to us and let us know.”

The Intercept’s repeated attempts to reach Harmon for comment have been unsuccessful. The FBI did not respond to questions about its use of informants at Standing Rock or Harmon’s connection to Fallis’s case. Spokespeople for the ATF and the North Dakota Bureau of Criminal Investigation declined to address questions related to an ongoing case.

The FBI has long relied on informants, from COINTELPRO to the war on terror, who act not only as observers but as agents provocateur, facilitating acts for which their targets are penalized. After 9/11, according to German, the former FBI agent, the bureau adopted what it called a “disruption strategy” that involved “the use of informants as a tool to suppress the activities of targeted groups, even when there is no actual evidence of criminality.”

It was, in many ways, a new name for an old set of tactics. In the 1970s, the American Indian Movement was a target of FBI informants, most notably AIM’s chief security officer, Douglas Durham, a close confidant of the group’s leaders who was on the FBI’s payroll for two years. During that period, various other AIM members were internally accused of working for the bureau. Many have come to believe the rumors began with actual informants like Durham deploying a strategy meant to sow division.

“They had us on their list to be infiltrated and disrupted and neutralized,” said Clyde Bellecourt, who helped found AIM and survived a near-fatal shooting in 1973 he says was fomented by an FBI operation involving Durham. Nearly half a century later, Bellecourt, who is Ojibwe from Minnesota, was among those the North Dakota SLIC put on its links chart of movement leaders at Standing Rock, having traveled there on three occasions.

After the revelation that Durham had worked for the FBI, fears of infiltration would intensify, bringing about one of AIM’s most painful chapters. Some members became convinced that Anna Mae Aquash, an activist from the Mi’kmaq First Nation in Canada, was working for the bureau. Aquash was driven into South Dakota’s Badlands and shot in the back of the head.

Fallis’s mother, Yellow Wood, found herself in the middle of the controversy. She testified in one of the resulting murder trials that Aquash had been staying in her home, which served as a kind of AIM safe house, when she was convinced by a group of visitors to leave. “She said that if this occurred, if they took her back to South Dakota, that I would never see her again,” Yellow Wood stated in 2004.

Decades after Aquash’s body was discovered, two AIM members were convicted of her murder. Meanwhile, the cases of numerous AIM members and supporters believed to be killed by the GOONs have never been prosecuted.

Sunaina Maira, a professor at the University of California, Davis who has studied the effects of FBI surveillance of Muslim and Arab Americans, said a major function of such activity is to fray the bonds of trust that knit communities and social movements together. “One of the implicit, if not explicit, objectives is to try to undermine any kind of organizing, mobilization, and collective solidarity,” she said. “It creates a chilling situation, particularly when it involves the use of native informants from people’s own communities. People start having to wonder who’s who.”

More details on Fallis's case are certain to emerge at trial, scheduled to begin January 29. After defense lawyers requested her case be transferred out of North Dakota to ensure an impartial jury pool, a judge ordered the trial moved from Bismarck roughly 200 miles east to Fargo, the seat of Cass County, where Sheriff Paul Laney helped spearhead a National Sheriffs' Association public relations campaign to discredit DAPL opponents. Fallis will be tried in the same federal courthouse where an all-white jury handed down Leonard Peltier's murder conviction in 1977.

After spending a year in jail, Fallis was recently moved to a halfway house in Fargo. According to Glenn Morris, she "is prepared to defend herself vigorously in court against these fabricated charges."

Morris believes it was Fallis's political activism that drew the attention of law enforcement — her belief in indigenous self-determination and role in the largest mobilization against a fossil fuel infrastructure project in U.S. history. "Anyone who believes in the same things Red Fawn does can become the next Red Fawn, can become the next target," Morris said. "That's why people need to watch what happens with her case."

December 11th - Red Fawn Fallis' Motions Hearing

Red Fawn Fallis appeared in federal District Court in Bismarck, North Dakota on December 11th, where her attorneys argued Motions to Suppress in front of Chief Judge Daniel Hovland. The hearing was the continuation from a full day of testimony on Friday December 8.

Defense attorneys assert that law enforcement had no probable cause to arrest Ms. Fallis, who was lawfully exercising her First Amendment rights. Any property or physical evidence recovered at the time of her arrest are fruits of an illegal seizure and should be suppressed.

Law enforcement testimony during the hearing showed that Ms. Fallis was taken down in a violent manner and forcefully restrained by numerous police officers – to the extent that one officer was concerned that she might not be breathing.

The evidence supports the conclusion that Ms. Fallis was seized solely based on her exercise of protected expressive speech and conduct. Her arrest is but one more example of law enforcement targeting Water Protectors they consider to be leaders and unlawfully arresting them.

Ms. Fallis was arrested on October 27, 2016 on the day of the North Camp eviction. She is charged with Civil Disorder, Discharge of a Firearm in Relation to a Felony Crime of Violence, and Possession of a Firearm and Ammunition by a Convicted Felon. "Civil Disorder" is a rarely used statute that criminalizes participation in a public disturbance – it has historically been disproportionately used against political activists and communities of color.

Ms. Fallis is represented by attorneys Molly Armour, Jessie Cook and Bruce Ellison and is scheduled for trial on January 29, 2018 in United States District Court for the District of North Dakota in the Fargo Divisional Office. Ms. Fallis was incarcerated without bond for one year and is currently confined to a halfway house as she prepares for trial.

Red Fawn, a Lakota Sioux woman, is one of seven federal defendants with cases arising from the events of October 27, 2016 at Standing Rock, and she will be the first to trial. Over 300 Water Protectors are still awaiting trial in their state criminal cases.

12 Dec - Update on NATO 3 Appeal Hearing

The NATO3 were recently back in court to appeal their convictions following their arrests in May 2012.

MORE:

While the NATO3 and their legal team beat the more serious terrorism charges in their original trial, they were

each found guilty of two counts of mob action, possession of incendiary devices with intent to commit arson and possession of incendiary device with knowledge someone else intended to commit arson on February 12, 2014.

In April 2012, Occupy Chicago was infiltrated by two undercover Chicago police officers, Mehmet Uygun and Nadia Chiko, ahead of planned protests surrounding the NATO summit. Over the course of several weeks, the officers targeted and entrapped Brian Jacob Church, Brent Betterly, and Jared “Jay” Chase, later known collectively as the NATO3. The undercover officers continuously encouraged the young men to make molotov cocktails and talked about their plans to riot. As audio recordings later revealed, none of these ideas were more than idle talk for the NATO3. The more than two weeks’ worth of audio recordings that were presented during the trial showed that the NATO3 never concretely planned to do anything other than protest. Comments about doing more than protesting were fleeting, with conversations quickly turning to what folks were going to do that evening, who was able to grab beer, or when the weed would arrive.

The undercover officers went as far as buying alcohol for 19-year-old Church in an attempt to lure him and the others into making incriminating statements. After surveilling and pressuring the NATO3 for two weeks without any luck, the undercovers themselves proposed and took steps to make molotov cocktails on May 16, 2012. The molotov cocktails were only ever in the possession of the undercover officers, who quickly hid them in the house where they were staying and obtained a search warrant to go get them again. Later that evening, the home at which the NATO3 were guests was raided, and the NATO3 were disappeared to Chicago Police Department’s notorious Homan Square black site. After being assessed exorbitant money bails, they remained in Cook County Jail for nearly two years until their trial in 2014.

Now, more three year later, Brent Betterly and Brian Jacob Church have finished their sentences and are living free. Jared Chase remains incarcerated by the Illinois Department of Corrections at Dixon prison in Northwest Illinois. If the appeal is successful, Brent, Jacob, and Jay would have the felony convictions removed from their records and Jay could potentially be released sooner. As a result of his poor health, Jay has picked up several new charges from conflicts with prison guards during his imprisonment.

The courtroom was packed with supporters for oral arguments in the appeal. The NATO3 are now being represented by the Office of the State Appellate Defender, the public defender’s office for appeals. Each of the NATO3 had their own attorney who made distinct arguments, which were then rebutted the state. The defense focused on challenging the convictions for possession of incendiary devices with intent to commit arson by arguing that the evidence presented by the state was insufficient to prove intent beyond a reasonable doubt. These arguments were made primarily by the attorney for Brian Jacob Church, who focused her comments on several issues: the fact that it was the undercovers who repeatedly brought up and took steps to make molotov cocktails; that undercover officer Nadia Chiko was the only person who talked about using them; that the statements made by the NATO3 were fanciful rather than based in reality; and that the NATO3 were most concerned with defending themselves from overzealous riot cops protecting the NATO Summit. Most importantly, Church’s attorney argued that the evidence did not actually show that the NATO3 had any intention to use the molotov cocktails.

Brent Betterly’s attorney made an additional argument that statements of his that were introduced as evidence by the state should have been deemed inadmissible because they were evidence of other acts that the state could not prove actually occurred. During the trial, prosecutors entered dozens of hours of recordings made by undercover officers into evidence. One of the audio clips played in court featured Brent talking about throwing an “acid bomb” at a Sheriff’s office in Florida. Betterly’s attorney argued that since the event Brent was describing could not be substantiated, they should not have been entered into evidence and used to skew the jury’s perception of him. Betterly’s attorney closed her comments by reiterating that the evidence was weakest against Betterly, who was completely absent from the recordings in the nearly two weeks leading up to night the molotovs were constructed by undercover officers. Additionally, she reminded the court that the government’s own evidence showed that Brent was not present when the molotov cocktails were actually made. (He was inside the house while the others were outside.)

The defense for Jared Chase went last. His attorney's arguments concentrated on Jay not having been fit to stand trial due to cognitive and physical disabilities resulting from Huntington's disease. Jay first began experiencing the effects of the hereditary disease in 2008. Huntington's causes people's physical mobility to gradually decrease until coordinated movement becomes difficult and the person is unable to talk. It also causes cognitive impairments similar to dementia. For people like Jay who are experiencing early-onset Huntington's, the effects are similar to Parkinson's Disease. Jay's attorney argued that the court did not conduct a full fitness hearing, and that if it had, the court would have found him unfit to stand trial. She cited evidence from the case, the court's own comments regarding his deteriorating health, and the fact that he had to be prescribed antipsychotic medication in order to stand trial. The prosecution rebuked these claims with offensive comments about Chase's medical condition.

The defense rested their case with Chase's lawyer bringing up the importance of the First Amendment, stating that "dissent is the highest form of patriotism," and again emphasizing the lack of evidence that the NATO3 intended to do anything other than protest. The court adjourned and will issue a decision anytime between two weeks and a year from now.

13 Dec - Casey Brezik Moved!

Casey was recently transferred to a minimum security prison in Jefferson City, Missouri.

MORE:

This transfer has happened because Casey's security classification has lowered and he is able to be in a lower security facility affording him slightly better communication and access to resources.

While the move has a positive note, Casey still needs our continued support. As a long-term anarchist prisoner, Casey has relied heavily on the outside movement to show support for him during his long sentence, and with alarming regularity we as a broader movement have not shown up for him as we should. With his sentence beginning to near a relative end we are pushing for a more concerted effort in showing support and solidarity for Casey.

Donate!

Those supporting Casey have created a post-release fund for him with the understanding that our care does not end when he is released but simply takes on a different tone. Casey will face a multitude of challenges as a felon, a man of color and an anarchist once he is released. Ensuring that he has some economic ground to stand on will lessen one aspect of the direct difficulties of a post-release life. Please donate to Casey's fund at supportcasey.org

13 Dec - Open Letter to the Community from Jalil A. Muntaqim

Jalil requests that the following Open Letter be shared widely, including in progressive media.

MORE:

The principle problem with DOCCS new Directive #4911-A is that it is pro-business and anti-family. It will increase revenue for those businesses DOCCS has designated as approved vendors, with alleged kick-backs in the contract. Also, it will be more expensive for families to support their incarcerated loved ones. Directive #4911-A restricts the ability of the incarcerated to maintain any semblance of societal normalcy; rather it serves to dehumanize the incarcerated into a collective of uniformity, and denies any sense of individuality.

DOCCS has been incrementally taking away all of the gains won by those who sacrificed their lives during the Attica insurrection. It is time for family, friends and the community to resist and prohibit the implementation of Directive #4911-A.

Here I am listing the most noticeable changes in comparison with the January 1, 2014 issue of Directive #4911:
1. The Directive #4911-A totally eliminates any food or any packages being brought to the facility by family or

friends during visiting hours.

2. The weight of packages ordered from DOCCS-approved vendors has been reduced to 30 pounds from 35 pounds per month. However, families/friends may order up to three times per month to accumulate the amount of 30 pounds. A 35-pound package of food has been severely restricted to only 8 pounds of food per package. The resulting effect is a family member or friend would have to spend additional shipping and handling for the equivalent of 24 pounds of food for the month.
3. The purchase of Bread(s), Canned Foods, Fresh or Dried Fruit and Fresh Vegetables is PROHIBITED!
4. No item with a logo will be permitted, including clothing, plastic containers, etc. Prior to the new Directive, clothing could have a logo no larger than 1 inch.
5. Clothing: The maximum cost of clothes has increased from \$50 to \$80 an item. The colors of clothing have been severely restricted to WHITE, PINK, TAN and GREEN solid colors. Previously, the only restricted colors were Blue, Black, Gray and Orange. The restrictions now include: Yellow, Gold, Brown, Burgundy, Purple, Maroon, Red—essentially every color that is not white, pink, tan or green. All briefs and underwear must be white, with the exception of the waistband. The same for thermals—no more underwear with colors, all must be white. Furthermore, all footwear must now be a solid color; no more multi-colored sneakers or shoes, which restricts the selection of footwear of any kind.
6. Belts of any size are no longer permitted.
7. Sweatshirts and Sweatpants: No more hooded sweatshirts, no more sweats with a stripe down the side, no sweats with a logo or with a zipper, and only in the colors of white, pink, tan or green.
8. No longer able to receive carbon paper, a clip board, scotch or masking tape.
9. Women are no longer permitted to order a hair/blow dryer. All Incarcerated Persons are no longer able to have key chains, extension cords, floor rugs (with the exception of a prayer rug), no linens (sheets, pillow cases, blankets, towels, washcloths).
10. All religious items permitted in Directive #4911 have been removed, with the exception of a prayer rug, religious chain w/pendant.

Because of the limited vendors, there is no indication from where or how incarcerated persons can obtain books, magazines, newspapers and other reading materials. Furthermore, there is no indication that clothing, footwear and other items currently possessed by the incarcerated person will be permitted to be kept or must either be sent home, donated or destroyed or if, upon transfer to another facility, they will be confiscated as contraband.

The issue of DOCCS eliminating many of the hard fought and won possessions of incarcerated persons serves to negate to what extent formerly incarcerated persons fought to achieve the humanization of the prison system. It also further establishes DOCCS intends to develop business relationships which will prove exploitative to the family and friends of the incarcerated person(s).

This issue is not insignificant or minor in NYS DOCCS, rather it points to efforts to further undermine incarcerated families' ties, and generally create a system in which the majority of interactions will be business transactions. Similar to how DOCCS sought to restrict visiting to weekends only, and having already removed hooded sweatshirts from the population, this is another DOCCS conservative attempt to isolate, alienate and eventually eliminate all family and community relationships between incarcerated persons and the outside community.

This nefarious effort by DOCCS must be vehemently opposed by every segment of the community, and to further demand any future proposed changes MUST be based on advice and consent by the community.

Keep in mind, it is the community that will have to deal with the end product of DOCCS alleged mandate to rehabilitate the incarcerated person. Therefore, it is the community that must be engaged in this process to ensure the rehabilitation process is successful.

I ask that this open letter to the community be widely distributed and given serious consideration in opposition to the implementation of DOCCS Directive #4911-A. You can read and download the nefarious directive 4911-A at doccs.ny.gov/Directives/4911A.pdf.

13 Dec - Undercover officers take the stand to explain infiltration of local Socialists

When “Mark” and “Amy” took the witness stand, they seemed uncomfortable with all the attention. The two are undercover Colorado Springs Police officers serving with the Metro, Vice, Narcotics and Intelligence Division (Metro VNI) whose intelligence-gathering work relies on anonymity.

MORE:

by Nat Stein (*Colorado Springs Independent*)

Already, their cover was partially blown as a result of an operation on March 26. That day, the officers went undercover to embed in a “March Against Imperialism” organized by the Colorado Springs Socialists, which culminated in the citation of four marchers for obstructing a roadway and failure to disperse. When the City Attorney’s office turned over the evidence in discovery, the defendants viewed body camera footage that revealed the undercovers in their midst. The Socialists were alarmed to know that law enforcement had infiltrated their peaceful assembly, particularly given CSPD’s history of spying on (generally leftist and environmentalist) activist groups.

Powerhouse civil rights firm Killmer, Lane & Newman LLP out of Denver took the Socialists’ case and filed a motion to dismiss based on “outrageous police misconduct,” arguing police violated federal regulations when they infiltrated a group with no history of or clear intent to commit violence.

According to testimony by the two undercovers and Metro VNI Lt. Mark Comte at the Dec. 6 evidentiary hearing, the intelligence-gathering operation began early this year, when they became interested in local leftists based on “national trends” — particularly the proliferation of black bloc, a tactic most closely associated with anti-fascism in which protesters wear black and mask up to hide individual identities from law enforcement, disapproving employers and/or right-wing enemies.

Wary of that tactic, Comte sent “Mark” and “Amy” to an open meeting, organized by the Colorado Springs Anti-Fascists, in the back room of the downtown Wild Goose Meeting House in January. The meeting was organized to plan how to “shut down” right-wing provocateur Milo Yiannopoulos during his scheduled appearance at the University of Colorado at Colorado Springs.

There, “Mark” says he heard some attendees propose rushing the stage and disabling the sound system. During cross-examination, he told David Lane, lead defense attorney, that pulling power cords could be considered violent in his opinion. That particular proposal was never incorporated into the group’s plan and the protest was nonviolent. Yet, the undercover operation continued.

As for why an interest in antifa would lead to surveillance of socialists, the prosecution argued there’s ambiguity and overlap between the memberships. The defense maintained there are distinct differences, namely that antifa tends to align with anarchism, meaning they want to abolish the state, while the Socialists self-identify mostly as Marxist-Leninists, meaning they want workers to command and expand the state. “We don’t even like each other,” one defendant said slyly from the stand, to chuckles from the gallery.

Defense attorney David Lindsey asked “Mark” to explain the characterization of his client as a “member of antifa.” (Note, antifa doesn’t, in fact, have members as it’s a tendency, not an organization.)

“[I saw] him show up to a protest wearing black bloc clothing,” “Mark” answered.

Judge Kristen L. Hoffecker is expected to rule on the defense’s motion to dismiss in the coming weeks.

15 Dec - Update on Robert Seth Hayes

The following is a very brief update following a call-in campaign on Seth's behalf.

MORE:

New York City Jericho just received a call from Seth and we are happy to report that the open vent in Seth's cell has finally been closed!

Seth also reports that he has received the cream and lotion for the ulcers, but not the antibiotics yet.

Seth thanks everyone who made phone calls on his behalf.

27 Dec - Dictionary Drive for Books Through Bars

WHAT: Benefit

WHEN: 8:00pm, Wednesday, December 27th

WHERE: Silent Barn - 603 Bushwick Avenue, Brooklyn, New York 11206

COST: \$5-10, sliding scale

MORE:

Home for the holidays?

Silent Barn is hosting a Dictionary Drive two days after Xmas.

We will be collecting PAPERBACK Dictionaries, thesauruses, GED studies, and atlases in good condition. You can also bring stamps and other shipping supplies! (Tape, etc).

Readings + DJs TBA

31 Dec - NYC/NYE – Noise Demo Against the Prison Industrial Complex, In Solidarity with PPs and POWs

WHAT: Noise Demo Against the PIC, for the Liberation of PPs + POWs

WHEN: 9:00pm, Sunday, December 31st

WHERE: Metropolitan Correction Center (MCC, the federal prison in downtown Manhattan); Pearl Street, between Cardinal Hayes Place and Park Row (J to Chambers Street or 4/5/6/ to City Hall)

BRING: Noisemakers, air horns, drums, anything that is loud!

MORE:

On the noisiest night of the year in New York City, come help us remind folks locked up that they are not alone. NYC Anarchist Black Cross, in response to an international call for noise demonstrations outside of prisons, is asking folks to join us outside of the Metropolitan Correctional Center (MCC) in lower Manhattan. Come, not to appeal to authority, speak truth to power, or any other contrivance, but rather to stand arm in arm with comrades and show direct solidarity to those on the other side of the wall.

The state, writ large, is targeting anarchists all across the United States and abroad. This will be both protest and celebration. To keep the cold at bay, comrades from MACC will be on hand with cookies and hot cocoa to keep the vocal cords nice and warm.