



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for April 10<sup>th</sup>

### 23 Mar - Herman Bell Update

*The state is up to some fuckery, trying to keep Herman Bell from being released even after their own parole board granted him parole. It will take YOU to make sure Herman gets released.*

#### **MORE:**

Certain Days founder and one of our inside editors, political prisoner Herman Bell urgently needs your help. As you may know, Herman was recently granted parole. Unfortunately since then, there has been a major campaign of intimidation and threats and being heaped upon both Herman and the Parole Board for their decision. We want to make sure that Governor Andrew Cuomo, other elected people and the public hear how much support Herman has, and allow his parole to continue as planned - immediately.

Herman has dedicated his life to helping others. For those of us who have been lucky enough to work alongside him on the calendar for almost 20 years, we know him to be a kind and extremely thoughtful person. He has supported and mentored those around him, on both sides of the walls, and he is a continuous inspiration to all of us in organizing for a better world.

Please join us, and take a few minutes right now to support Herman by taking these 3 simple and concrete actions. We need to keep up the pressure until Herman comes home. You can do these actions every day, and help counter the nonsense coming from police unions and right-wing publications.

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Three weeks ago, the New York State Board of Parole granted Herman Bell release. Since the Board's decision, there has been significant backlash from the Police Benevolent Association, Mayor DeBlasio and Governor Cuomo. They are demanding that Herman be held indefinitely, the Parole Commissioners who voted for his release be fired, and that people convicted of killing police be left to die in prison.

We want the Governor, policymakers, and public to know that we strongly support the Parole Board's lawful, just and merciful decision. We also want to show support for the recent changes to the Board, including the appointment of new Commissioners and the direction of the new parole regulations, which base release decisions more on who a person is today and their accomplishments while in prison than on the nature of their crime.

Herman has a community of friends, family and loved ones eagerly awaiting his return. At 70 years old and after 45 years inside, it is time for Herman to come home.

Here are three things you can do *RIGHT NOW* to support Herman Bell:

- **CALL** New York State Governor Cuomo's Office 518-474-8390
- **EMAIL** New York State Governor Cuomo's Office [governor.ny.gov/content/governor-contact-form](http://governor.ny.gov/content/governor-contact-form)
- **TWEET** at Governor Cuomo: use the following sample tweet:

*"@NYGovCuomo: stand by the Parole Board's lawful & just decision to release Herman Bell. At 70 years old and after more than 40 years of incarceration, his release is overdue. #BringHermanHome."*

Script for phone calls and emails:

*"Governor Cuomo, my name is \_\_\_\_\_ and I am a resident of [New York State/other state/other country]. I support the Parole Board's decision to release Herman Bell and urge you and the Board to stand by the decision. I also support the recent appointment of new Parole Board Commissioners, and the direction of the new parole regulations, which base release decisions more on who a person is today than on the nature of their crime committed years ago. Returning Herman to his friends and family will help the heal the many harms caused by crime and*

*decades of incarceration. The Board's decision was just, merciful and lawful, and it will benefit our communities and New York State as a whole."*

### **March 25<sup>th</sup> - Bring Herman Home**

by Haig Aivazian (*The New Inquiry*)

In response to vengeful threats from the Patrolmen's Benevolent Association, a coalition of public officials, artists, activists, formerly incarcerated people, and crime survivors calls to maintain the planned release of former Black Panther Herman Bell.

Just over a week ago, The New York Parole Board determined that Herman Bell was ready for release. It was Herman's 8th appearance before the board after being incarcerated for 45 years for the murders of police officers Waverly Jones and Joseph Piagentini. Bell was 25 years old at the time of his conviction and is now 70 years old. The commissioners determined that he had taken full responsibility for his actions and had expressed remorse for his crimes. In reaction to the announcement, the Patrolmen's Benevolent Association (PBA) has been relentless in campaigning for what would boil down to an administrative override of the Parole Board's legal outcome. Addressing members of the press summoned on March 15th, PBA president Patrick Lynch responded to the parole board's decision, threatening that "wherever [Bell] lands, we'll be watching." Seemingly promoting vigilante revenge, Lynch addressed Bell through the cameras saying: "We're gonna get you, we don't care why you're behind bars. We just care that you are behind bars."

Waverly Jones Jr., son of the murdered man Waverly Jones, has declared his support for Bell's release by decision of the Parole Board. His reasons are remarkably dissonant with Lynch's comments. Jones Jr. has stated that "keeping Mr. Bell in jail after all of these years would serve no purpose other than vengeance."

Bell's release embodies a new era of parole practices: reforms that turn away from the practices of terminal removal from society. Reforms such as these must be seen alongside the changes that have led to the abolition of capital punishment in New York: slow steps to dismantle the dehumanizing systems of incarceration.

Upholding the decision to release Herman Bell is the just thing to do, not only because no person should be forever defined by their worst act, but also because the PBA's attempt to keep Bell in prison does not make anybody more safe.

A statement and petition in support of Herman Bell's release has garnered a large collective of signatories including Andrea Fraser, Glenn Ligon, Judith Butler, Bobbito Garcia, Jamal Joseph, Quinn Latimer, Doug Ashford, David Velasco, Andrew Ross, Andrea Geyer, Avery Gordon, Sondra Perry, Jennifer Krasinski, Kevin Beasley, Shelly Silver, Iman Issa, Mariam Ghani, Russel Banks, Pete Brook and many others. You can sign the Statement of Support for Parole Board Determination in regards to Herman Bell here.

### **March 27<sup>th</sup> - Can Police Opposition Overturn Parole Reform?**

by Victoria Law (*In Justice Today*)

On March 14, Herman Bell learned that after 45 years behind bars, he would soon be released from prison. The 70-year-old former Black Panther was convicted in the 1971 shooting deaths of two New York police officers. Since 2004, he appeared before the state's parole board seven times; each time, he was denied parole because of the nature of his crime.

"There was nothing political about the act, as much as I thought at the time," Bell said during his March 1 interview with the parole board. "It was murder and horribly wrong ... It was horrible, something that I did, and feel great remorse for having done it."

Though the parole board said that Bell's crime "represents one of the most supreme assaults upon society," two of the three commissioners nonetheless voted to grant Bell parole. In their vote, they cited his age, near-perfect prison record, college degrees, wide network of supporters and, perhaps most significantly, a letter of support from Waverly Jones Jr., the son of one of the slain officers. "The simple answer is it would bring joy and peace as we have already forgiven Herman Bell publicly," Jones wrote in his letter to the board. "On the other hand, to deny him parole again would cause us pain as we are reminded of the painful episode each time he appears before the board."

Bell's parole comes after years of advocacy by formerly incarcerated people, their family members, and activists to change the state's parole process. In 2011, an executive law directed parole commissioners to assess a defendant's probability of recidivating rather than basing a decision on the nature of the crime. But in the following years, commissioners continued to hold 10-minute hearings before denying parole based on the defendant's crime rather than their rehabilitative efforts in prison. That's what happened to 70-year-old John MacKenzie in 2016 when he was denied parole during his 10th hearing; nine days later, he died by suicide, becoming a symbol of what critics called a "broken" parole system.

Advocates, including formerly incarcerated people who faced multiple parole denials, have pushed to change the composition of the parole board. Because commissioners are appointed by New York's governor for six-year terms, advocates pressed Governor Andrew Cuomo not to reappoint commissioners with punitive track records; they also urged him to appoint commissioners with backgrounds outside of law enforcement. (Potential commissioners must have a college degree and five years' experience in criminal justice, sociology, law, social work, or medicine.)

Advocates also pushed for changes to parole regulations, which now require the board to issue individualized reasons for denial.

In June, Cuomo chose not to reappoint three commissioners and appointed six new commissioners. Since then, says Steve Zeidman, director of the Criminal Defense Clinic at the CUNY School of Law, parole hearings last longer than 10 minutes, commissioners' questions have focused more on the defendant's rehabilitation, and release rates have increased. In the following months, parole approvals rose from 24 percent to 37 percent. Two of these new commissioners served on Bell's parole panel (though only one voted for his release).

Unsurprisingly, the decision to parole Bell has been blasted by the Patrolmen's Benevolent Association (PBA), the NYPD commissioner, Cuomo, Mayor Bill de Blasio and Diane Piagentini, the widow of the other slain officer in the case. The PBA, along with several Republican lawmakers, are demanding that Cuomo fire the commissioners who approved Bell's parole. Cuomo's office has not returned a request for comment about these demands.

And even though the parole board voted to grant Bell his freedom, they can still rescind his parole should information emerge that commissioners had not been presented. That's what happened to 58-year-old Shua'Aib A. Raheem who was sentenced to 25 years to life for a 1973 shooting in which one police officer was killed and two others wounded. In 2007, after Raheem was granted parole during his sixth hearing, the PBA fought to allow one of the injured officers and family members of the dead officer to submit victim impact statements. At a rescission hearing, the board rescinded his release. Raheem spent another three years in prison before being released on parole after another hearing in 2010.

Zeidman, however, cautions that such rescissions are rare; he told In Justice Today that he can count the number of rescissions he's seen in his 25-year career on one hand. Opponents can go to court to block

Bell's release, said Zeidman, but they are unlikely to find any relief. Indeed, in December 2017, the New York State Troopers' Union filed a lawsuit to block the release of 74-year-old John Ruzas, who had been imprisoned since 1975 for fatally shooting a state trooper and had been denied parole 10 times. The judge, however, dismissed the case and Ruzas was released that month.

Still, the backlash about the parole board's vote on Bell—"Law Enforcement Rages Over Cop Killer's Parole" blared a *New York Post* headline the day of the decision—could influence its future decisions, particularly regarding defendants convicted of murder. "The intent behind the pressure is to make people afraid" of granting parole in controversial cases, Zeidman noted. He points to the fallout following the 2003 parole of Kathy Boudin, a former Weather Underground member who participated in a 1981 robbery of a Brink's truck that left a security guard and two police officers dead. The two commissioners who granted her freedom were not reappointed.

"It sends a message that, even if you follow the law, you'll be fired if it's an unpopular decision," Bell's attorney Bob Boyle told *In Justice Today*.

Against the backdrop of such repercussions, "what the parole board did [in granting Bell parole] was courageous," said criminal defense attorney Zeidman. "Most people would say that they just followed the law, and that's true. But they haven't been following the law before. And they knew that there was going to be this kind of backlash and this kind of attack."

Waverly Jones Jr. wrote in a statement to the media that he, too, is concerned by the resistance parole commissioners have faced for their decisions. "Particularly upsetting is the attack on the Parole Commissioners who made the decision to release him," Jones wrote. "The fact is that Mr. Bell has taken responsibility for his actions, has expressed genuine remorse, is 70 years-old, and has been in prison for 45 years. In these times of increased hate, we need more compassion and forgiveness."

"There's been a sea change," reflected Zeidman. "Whether this [backlash] has the power to stop this in its tracks is what people are afraid of."

### **March 27<sup>th</sup> - Herman Bell Gains Parole, as Cuomo, de Blasio Lose Ethics**

by Susie Day (*Gay City News*)

Dear Bill de Blasio and Andrew Cuomo,

You, as governor and mayor — New York State's most powerful liberals — have argued constantly. I, along with millions of New York civilians, have endured years of your snark-attacks and antler-locks. Recently, it got really bad, when you, Governor Cuomo, insinuated that you, Mayor de Blasio, might be in league with Vladimir Putin to persuade Cynthia Nixon to run for governor. I felt like a kid asking God to "Please make Mommy and Daddy stop fighting."

But then: Herman Bell. Who would have thought that a 70-year-old former Black Panther, granted parole after 45 years in prison for the 1971 killing of two New York City police officers, would bring you two together? Finally, you agree! Each of you has railed against the New York State Parole Board granting parole, on March 14, to Herman. Mommy and Daddy are okay again!

It's ironic that you, Mr. Governor, a purported progressive, say you "disagree strongly" with the Parole Board's decision, while you, Mr. Mayor, who've been called a communist — having gone to Nicaragua in the '80s to support the Sandinista Revolution — went further, writing, in a letter to the Parole Board, that what Herman Bell did was "beyond the frontiers of rehabilitation or redemption" and that Herman should remain behind bars. Talk about progressive!

Progressive values are, in fact, what motivate me, a legally married, card-carrying lesbian, to sit here typing to you with real concern. Hey, I've been to Nicaragua, too. And I'm glad you guys agree about something. I just abhor what you're agreeing about.

See, I'm one of Herman Bell's friends. I didn't know him back in the day, but I know him now. I've visited Herman in various New York prisons for the last 18 years. I know Herman to be an honest, compassionate, honorable man, to whom I would entrust my life.

It stuns my heart to remember the acts for which Herman was convicted. Yet I've seen Herman take responsibility for what he did and express true remorse. I don't mean to minimize anyone's loss or pain. There is nothing that can ease it or bring back lost loved ones. But Herman was sentenced to 25-years-to-life; he's served four-and-a-half decades. Why shouldn't justice include a 70-year-old man, who poses no imaginable risk to anyone's safety, getting out of prison to quietly enjoy his last years with his family and friends?

I would have thought that you, Mr. Governor, who's spoken so often against mass incarceration, and you, Mr. Mayor, who curbed the NYPD's stop-and-frisk tactics, would want to release one among the growing number of elders locked up solely for what they did generations ago. That you would want to take a little credit for the fact that human beings are capable, within the New York State correctional system, of actual correction. Redemption, if you will.

Herman is someone who, arrested at age 25, spent his years inside obtaining three college degrees, mentoring hundreds of incarcerated people, coaching prison football teams, and initiating outside projects, like a garden for growing food to feed inner-city people. Someone who, inside prison, has not once engaged in a violent act — even last September, when prison guards assaulted him and slammed his head repeatedly onto a concrete floor. A man who, given a New York State “risk and needs” assessment (COMPAS), consistently scores the lowest possible risk for “felony violence,” “recidivism,” and “absconding.”

Under your administration, Governor Cuomo, the New York Parole Board has been modernizing its criteria for release. It's moving away from relying solely on the “nature of the offense,” as it used to (how can anyone outside a sci-fi thriller possibly go back in time and correct their wrongs?). It now also looks at things like someone's age; length of time served; how a person has changed; what they've accomplished inside prison; disciplinary record; and reentry plan, including family, jobs, community standing. The Board looks at who someone is today.

These are solid, progressive — yea, Enlightenment — standards, and I, as a queer, embrace them. They allowed Herman Bell, on his eighth appearance before the Board, to be granted parole. By not defending the Board's measured, lawful decision, both of you risk letting this high-profile case be used by vigilante forces to overturn the Board's humanitarian changes that can affect thousands inside New York prisons.

Let's distinguish justice from gratuitous vengeance. On one hand, I'll admit that, like everybody, I read news stories about people who do horrible things and wish they would rot in jail. But that's me, alienated, finding cheap therapy by imagining someone else's suffering. On the other hand, there is the concerted drive for endless punishment propagated by people like those in the Patrolmen's Benevolent Association, who want anyone who hurts a police officer to rot in jail for real. These are law enforcement professionals, devoted to making prison the worst place in the world, where they themselves will never spend one day. “We're gonna get you, we don't care why you're behind bars,” said PBA president Patrick Lynch, responding to Herman's parole decision. “We just care that you are behind bars.”

You, Governor Cuomo and Mayor de Blasio, are standing back in quiet accord as the PBA tries in every way it can to intimidate the Board into rescinding Herman's parole so that Herman dies in jail. The PBA has issued an outlandish "safety alert," supposedly to "provide back-up" to NYPD officers, should Herman be released. Its latest trick has been to get media outlets to pit Manny — the brother of Waverly Jones, one of the slain officers — against Jones' son, Waverly, Jr., who has for years expressed forgiveness of Herman and his desire for Herman's release.

Those efforts aren't a cry for justice; they're the remorseless exploitation of grief-stricken people to get what the PBA wants: public assurance that the police are the unalterable, ungovernable face of order, if not law. A militarized gang, whose lives matter more than any civilian's.

Can we imagine these roles reversed? What if, for instance, NYPD officer Daniel Pantaleo spent four decades in prison for his 2014 strangling of Eric Garner? Would Panteleo get out, finally, on parole? Would we let him? This is a problem I'd love to have. Unfortunately, you, Governor Cuomo, and you, Mayor de Blasio, have more in common than you might like to admit: a fear of your own cops and abandonment of your progressive values.

### **March 29<sup>th</sup> - Why the Backlash to Former Black Panther Herman Bell's Parole Risks Setting a Dangerous Precedent**

by Natasha Lennard (*The Intercept*)

Earlier this month, the New York State Parole Board did its job. It elected to grant parole to 70-year-old Herman Bell, a former Black Panther who has served nearly 45 years in prison after being convicted of the 1971 murders of two New York City police officers. The board's decision is long overdue: Bell has been eligible for parole since 2004 and has been denied on seven previous occasions, despite determinations from the state's Department of Corrections and Community Supervision that he has an extremely low risk of recidivism, a high likelihood of successful transition into free life, and an impressive institutional record of education, mentoring, and community work.

Bell's eighth hearing was an important litmus test for whether the parole board, which this year includes five new commissioners, would follow its own guidelines or bend, once again, to the political will of police unions and politicians, who make no secret of their desire to see the aging Black Panther die in a cage. In 2017, parole board administrators brought in new regulations in an attempt to instantiate what should have long been standard practice: basing parole decisions on an evaluation of the inmate's risk to the public instead of the nature of the crime that led to their incarceration.

The fact that the board now faces fierce backlash and pressure to reverse its decision from powerful police unions and politicians risks stymying further steps in the right direction when it comes to freeing inmates like Bell.

Bell was convicted along with two co-defendants in 1975 for the murders of officers Joseph Piagentini and Waverly Jones. He was sentenced to 25 years to life. During his decades of incarceration, he's earned degrees, launched educational programs, mentored fellow inmates, and also maintained close friends, a loving marriage, and a family. Beyond prison walls, he's organized community gardening projects and homeless youth outreach initiatives. For the officers' murders, he has expressed remorse and taken responsibility.

Bell is one of 15 former Black Panthers still incarcerated in the U.S., most of whom were also convicted of murdering law enforcement officers in the 1960s and '70s, at a time when the government targeted black liberation fighters with ferocity. Since 2000, eight former BPP members have died while incarcerated; most

were in their 50s and 60s. Albert Washington, one of Bell's co-defendants, died in 2000 of liver cancer, at age 64. Long-term incarceration is said to add 10 years to a person's physical age, and at 70, Bell is in an age bracket with a recidivism rate of less than 4 percent, according to DOCCS statistics.

When I met Bell at Shawangunk Correctional Facility three months before his February parole hearing, he walked with a limp, having been beaten by guards in the month prior. "The notion that some people never get out — how do you wrap your mind around that?" he asked me. Bell is the first former Black Panther convicted of murdering a police officer to be granted parole. If the parole board continues to follow its own regulations, he should not be the last.

It comes as little surprise that the New York City Patrolmen's Benevolent Association is frothing at the mouth. For the powerful police union, the continued incarceration of prisoners like Bell is a moral crusade; an entire page on their website is dedicated to "Keep Cop Killers In Jail," encouraging the public to submit letters of opposition whenever such prisoners are up for parole.

A statement from blustering NYCPBA president Patrick Lynch claimed that "to let this animal onto the streets is disgraceful." (This same union leader blamed Eric Garner for his own death, defends stop and frisk, and has stated that penalties for police misconduct are too harsh.) But the NYCPBA is not campaigning alone: Last week, Mayor Bill de Blasio publicly urged the parole board to reverse its decision.

Making no reference to Bell's risk and needs assessments — the very considerations that should guide parole decisions for prisoners who've already served their time — de Blasio wrote, "Murdering a police officer in cold blood is a crime beyond the frontiers of rehabilitation or redemption." Meanwhile, Gov. Andrew Cuomo has said he "disagrees" with the board's ruling.

Beyond an ideological claim to the unparalleled mattering of "Blue Lives," the parties urging that Bell's parole be rescinded have scant grounds on which to force the parole board to act. The police union claims that the board failed to review the minutes from Bell's 1975 sentencing hearing and did not receive a victim's statement from one of the slain officer's surviving brothers. These alleged errors are unlikely to prompt a new hearing. Numerous victims' statements were accounted for — including that of Piagentini's widow, who would see Bell rot in jail, and that of Waverly Jones Jr., the son of Officer Jones, who has called for Bell's freedom for a number of years .

"The media-fueled hysteria concerning the parole board's decision to release Herman Bell has caused me much distress," Jones Jr. said in a statement read by Bell's lawyer, Robert Boyle, at a press conference on March 23. "It seems that individuals with no knowledge of Mr. Bell or the circumstances that led me to support his release many years ago have taken it upon themselves to drum up hate and vengeance."

New York State Assemblyman Charles Barron took to the podium at the press conference to send a message to the politicians attempting to block Bell's parole. "Shut up and let justice prevail; shut up and stop trying to harass and intimidate the board," he said, adding that both Cuomo and de Blasio "should be under investigation for obstruction" for seemingly attempting to intervene in the board's decision.

While it may be unlikely that the parole board will reverse its decision with regard to Bell, a troubling precedent is nonetheless set when some of the most powerful men and organizations in the state send a message to parole commissioners that rightful decisions like freeing Bell will be met with high-profile ire.

## **26 Mar - Free Mason Neck: Water Protector Wrongfully Imprisoned**

*Call to support Mason Neck, Water Protector serving time in South Dakota.*

**MORE:**

If you write to him, please be conscious that the prison will monitor everything! Hold your loved ones tight, free mason. Free red fawn! Free Orlando Watley! Free Leonard Pelteir! And free all those wrongly imprisoned by this genocidal regime.

You can help with legal or finding Mason a third party custodian near Pierre, South Dakota. Email [freemase@protonmail.com](mailto:freemase@protonmail.com) if you can help.

*Put money on Mason's books:*

Mason has health issues that limit what he can eat. The only thing he can keep down is nutrition drinks and those are only available through the commissary. You can donate to Mason's commissary at [JAILATM.COM](http://JAILATM.COM) (to Mason Neck, Hughes County)

*Help Mason's family stay in touch with him:* [manage.reliancetelephone.com/customer/inmate/fund/53](http://manage.reliancetelephone.com/customer/inmate/fund/53)

**27 Mar - Judge Rules It Was Necessary For Activists In Massachusetts To Engage In Civil Disobedience To Stop Pipeline**

*A judge in Massachusetts ruled it was necessary for activists to engage in civil disobedience to stop Spectra Energy's natural gas pipeline in West Roxbury and acquitted the activists of civil infractions.*

**MORE:**

by Kevin Gosztola (*Shadowproof*)

Josh Raisler-Cohen, an attorney with the National Lawyers Guild, said the government reduced charges against the activists to a civil infraction, which is the equivalent of a traffic ticket.

The activists spoke in court about why the struggle against climate change was important and connected the local struggle against the West Roxbury Lateral Pipeline to national and international struggles to “stem the catastrophic effects of climate change.”

“The court made a ruling that by reason of necessity they were all not responsible for committing any civil infraction,” Raisler-Cohen added.

Part of why Judge Mary Ann Driscoll found no liability was because they engaged in a sustained effort to end the project and attempted legal remedies by the city council, mayor, and other agencies to stop the pipeline.

Even though the pipeline was still constructed and operational by January 2017, that was irrelevant. The judge found the activists were not liable.

Several of the activists participated in a “mass graves action” on June 29, 2016, in solidarity with Pakistanis who dug mass graves in anticipation of a dire heatwave. All thirteen of the activist acquitted participated in sustained resistance to the pipeline.

Tim DeChristopher, a climate justice activist who previously disrupted a corrupt Bureau of Land Management (BLM) land auction to oil and gas companies by making bids and was sentenced to prison, explained that they asked the judge to acknowledge “the severity of climate change, the degree to which our government's response has been a failure, and the degree to which regular folks like us have a necessity to prevent this harm.”

Nora Collins, who lives in the community where the pipeline was built, apparently had an impact on the judge. Driscoll was nodding her head as Collins shared her reasons for opposing the pipeline.

“I told the judge that this is my neighborhood where I’ve lived my entire life. I walked to this courthouse this morning from my house, and the West Roxbury Lateral Pipeline is about ten minutes from where I live,” Collins shared.

When Collins learned it was planned and had “dangerous high-pressured fracked gas flowing through it and in proximity to an active quarry, where there are weekly blasts,” she knew she had to do something. She recognized what would happen if there was an explosion or a leak.

Activists who participated in the “mass graves action” laid down in the trenches that were dug for the pipeline in the middle of a city street to make a connection between global climate change and infrastructure projects, such as Spectra’s gas pipeline (Spectra is now Enbridge).

Karena Gore, the daughter of Al Gore and a director of the Center for Earth Ethics at Union Theological Seminary in New York, was part of the “mass graves action.”

“We had a long and winding road,” Gore declared, “but essentially, the people who put themselves in the way of building this fossil fuel pipeline were found not responsible. The irony of that is we are making ourselves responsible.”

Gore continued, “We are part of the movement that is standing up and saying we won’t let this go by on our watch. We won’t act like nothing is wrong.”

Mary Boyle, an activist who lives near the pipeline and engaged in daily morning vigils for many months, said she was very happy that the “necessity defense” could now be “put up in a headline. That it won.”

She referred to all of the fellow resisters who spoke out in court and drew tears to her eyes. They said “such truth and that truth has to be said. We have to disturb the complacency of our society.”

This is a major victory for pipeline activists. Although they were not able to mount a “necessity defense” during a trial, the judge listened to what they had to say and ruled they had a necessity to act. It is possibly the first time a judge made this kind of a ruling when activists faced charges for anti-pipeline actions.

Leonard Higgins engaged in direct action against an Enbridge tar sands pipeline in Montana and turned an emergency shutoff valve. He cut down chains to enter the premise and was charged with “criminal mischief” and “misdemeanor criminal trespass.” In that case, he was prohibited from making a “necessity defense.”

In Minnesota, a judge ruled in October 2017 that three activists charged with felonies could argue it was “necessary” to shut down oil pipelines as a response to climate change. This also happened in a similar case in Spokane, Washington.

The case in Minnesota proceeds to trial in the summer. Experts on climate science and civil disobedience plan to testify in court.

Clearly, the outcome for West Roxbury resisters will stand as an inspiring example for future activists who engage in direct action and must mount legal defenses. And as DeChristopher described, to persuade the judge to make this ruling, they had to show there was a reasonable expectation to avert the harm.

“In the real world of fighting these projects, just one civil disobedience action or just one person acting is not going to reasonably stop these actions by huge corporations,” DeChristopher concluded. “But when communities come together to resist and movements stand up to resist over and over and over, week after week, day after day, with wave after wave of action, that shows a reasonable chance. That’s how movements actually win.”

There were at least 34 actions with 198 arrests, according to activists. Vigils were held on a regular basis, and the mayor and two United States senators even expressed concern about the project. That made it possible for the judge to see their act of dissent as something profound and justified.

### **29 Mar - Jericho Co-Founder Jalil Muntaqim's 20th Anniversary Statement**

*For the momentous occasion of the Jericho Movement turning twenty years old, one of its founders, political prisoner Jalil Muntaqim, wrote the following.*

#### **MORE:**

As Salaam Alaikum, Peace, Paz, Habari Gani, Guden Tag (the last thrown in for good measure!)

It is my sincere hope this message finds all of you in the very best of health and continued high fighting spirits. As for myself, all here is as can be expected under prevailing circumstances, managing the madness that is prison. Also, extremely elated my Comrade has been granted parole.

The 20th Anniversary of Jericho is a milestone by anyone's imagination, that an idea and organizational determination with this political determination is still in existence. Of course, we are nowhere near where we originally envisioned for us to be at this time. However, for as long as political prisoners exist in the U.S., Jericho will be relevant and the original vision will be manifested.

Back in 1996, I put out the call to resurrect the Jericho Marches in Washington, D.C. around the White House, which had been stopped by the Republic of New Afrika, the originators of the Jericho March. My thinking was this government must never be given relief on the issue of the existence of u.s. political prisoners. Our dear beloved Sister Safiya Asya Bukhari and Baba Herman Ferguson responded. They visited me at Napanoch prison, letting me know in no uncertain terms such an action could not be organized in a year's time. Yet, they made a commitment to organize this national march on Washington, D.C. for 1998. They traveled to various parts of the country, raising awareness about the importance of this march to various progressive and revolutionary organizations and individuals. They cajoled, encouraged and urged them to support, endorse and join the national march. On March 27, 1998, approximately 6,000 activists converged on Washington, D.C., in a march and rally demanding recognition and amnesty/release of u.s. political prisoners. After the march and rally, the enthusiasm and support for the march raised our concerns across the country, and it was decided we needed to continue to build this fight for freedom. Thus the Jericho Amnesty Movement was born.

In the last 20 years, Jericho has brought our concerns and fight to the attention of various progressive organizations in the international community, and made presentations to United Nations committees in Geneva, Switzerland. Although over the years Jericho's representation changed with the passing of our great revolutionaries Safiya and Herman, our current leadership has shown tremendous resolve to represent

and lead Jericho despite the many obstacles: the lack of funding, lack of commitment from many in the progressive community, sectarianism and liberalism on the part of activists.

One of the major obstacles that has weakened Jericho's capacity is the failure of released political prisoners to advocate on behalf of Jericho, to join Jericho, rather than commit to other campaigns or develop groups that essentially replicate the work of Jericho. Needless to say, this is disheartening, especially when we know their contribution, their advocacy and support would strengthen Jericho's overall resolve as the premiere representative of U.S. political prisoners. In other words, we need for former political prisoners to join our fight on behalf of those still captured and confined. We do not need to duplicate the work, we need to fortify and strengthen the work that is already being-done.

Secondly, Jericho's advocates must be creative and innovative in forging programs within the organized structure of Jericho. Jericho needs functioning committees that extend Jericho's outreach in the progressive communities and the various movements of dissent. Jericho not only represents the political prisoners held captive, but supports the various movements from which these political prisoners come. There is no division between Jericho's fight for our political prisoners and our fight for the struggles and movements they were engaged in. Our vision and task is to assist these movements by supporting their political prisoners, broadening our overall capacity to resist. Jericho is not a separate entity apart from these various movements; Jericho is a conscious and deliberate participant in these various movements.

The fight for Native American rights is represented by Jericho's support of Comrade Leonard Peltier and other Indigenous captive comrades. Jericho's fight for the independence of Puerto Rico is by supporting our FALN Comrades held captive by the U.S. colonial government. Jericho opposes Zionism by supporting our Palestinian captives held in U.S. and Zionist gulags. Jericho fights against animal cruelty, for environmental rights, women's rights, against U.S. imperialist wars, etc., by fighting for the release and freedom of these captives. Where Amnesty International fails to represent and support dissenters, Jericho is the national organization that will join the fight for our captured and confined revolutionaries.

Admittedly, Jericho has concentrated on the fight to free the longest held political prisoners. We do not want another political prisoner to die in prison. They are our elders--seniors, many with a host of illnesses, and failing health. They are the most vulnerable, demanding Jericho's attention and fight. Again, another reason why we need to increase the ranks of Jericho, to broaden the base of support and capacity to represent by having the various movements be inclusive, not exclusive, of Jericho's representation of U. S. political prisoners. Obviously, the stronger Jericho's representation, the greater the potential to win the release of our captured and confined comrades, and the greater the capacity to concentrate on many more political prisoners. That is the vision of Jericho, that is the task moving forward.

Presently, Jericho and other groups in unity and struggle have embarked upon a national and international campaign. The "In the Spirit of Nelson Mandela" International Jurists campaign is a tactical initiative to bring our cause of U.S. human rights violations of political prisoners to the international community. It is time to once again bring to the world our fight, and demand the world's community of human rights advocates support our determination. We in the Belly of the Beast are on the front line in confronting the most racist and exploitative government in the world. Therefore, our victory will be the world's freedom loving peoples' victory.

Hence, it is time for freedom loving peoples of the world to come to our aid, to support our struggle, and advocate for human rights in the Belly of the Beast, as this hypocritical liar has demanded human rights practices of other countries. It is time to turn the historical human rights issues back on the greatest progenitor of violence and human rights violations in the world on itself. This is our current task and goal,

and we need each and every one of you to join in support of this objective. In fact, this is our DUTY. As our beloved Sister Assata Shakur demands of us, "It is our DUTY to fight, and it is our DUTY to win!"

Ultimately, our task is to end the existence of the need for Jericho by ending the imprisonment of our dissenters and revolutionaries. That has been the task of Jericho for the last 20 years. And it will be the task of Jericho for the next 20 years, if need be, in our continued fight against racist, capitalist exploitation and oppression. For as long as there are U.S. political prisoners of war, there must be a Jericho Amnesty Movement to fight for their freedom!

### **31 Mar - Mutulu Shakur Files Lawsuit Against The U.S. Government For Illegally Holding Him In Prison**

*After serving three decades in a federal penitentiary, freedom fighter and father figure to the late Hip Hop icon Tupac Shakur says that the government is illegally keeping him behind bars.*

#### **MORE:**

by Sha Be Allah (*The Source*)

Mutulu Shakur has filed a lawsuit against the government of the United States earlier this week, claiming his Constitutional First Amendment rights are being used against him, to prevent his release.

"Plaintiff has led a highly productive and exemplary life in prison, influencing his stepson Tupac Shakur's career as a worldwide renowned hip hop artist with messages of non-violence that reached millions of young people,"

Dr. Mutulu stated in his federal lawsuit.

"As established by letters in the record and Plaintiff's statement at several parole hearings, throughout his incarceration Plaintiff has been outspoken against gang violence and crime. He has consistently expressed support for peaceful and constructive changes in all matters involving racial disparities and social justice. He has never in 30 years of incarceration supported or in any way implied support for criminal conduct or violence to achieve social justice," the lawsuit says.

Mutulu Shakur, who is affectionately still known as "The Doc" for his miraculous, naturopathic remedies for heroin addicts, was sentenced to 60 years in prison in 1987 after being convicted of robbing a Brinks truck of almost \$2 million and killing three security guards from the company. He was also convicted for aiding and abetting the escape of Assata Shakur from a New Jersey State Prison after she was sentenced to life for the murder of a NJ State Trooper in 1973. Assata is currently in political asylum in Cuba, where she has been for at least three decades.

Shakur went up for a parole hearing two years ago, but was denied because of a single positive drug test that he failed almost thirty years prior to the parole hearing.

According to the latest court filing Mutulu, who was once a target of the FBI/CIA's infamous Cointelpro, says his First Amendment rights are being ignored.

"The commission has failed to adopt or apply any known standards on the meaning of frequent rule violations. A handful of old telephone rule violations over 30 years do not show Plaintiff frequently violated prison rules or is likely to re-offend if released on parole," said the lawsuit.

### **April 1<sup>st</sup> - Freedom for Dr. Mutulu Shakur: More than Tupac's Stepfather!**

by Malcolm X Grassroots Movement

Dr. Mutulu Shakur, a member of the New African People's Organization and the Malcolm X Grassroots Movement is one of the longest held political prisoners of war in USA federal detention at this time. He has been locked down and kept from his people for over 30 years since his capture on February 11, 1986. He was charged and convicted of freeing our Sister Assata Shakur from prison and master minding a 1981 expropriation of a Brinks armored truck.

Dr. Shakur was set for release on February 10, 2016 but his release never occurred. Just before this date he was informed that he would only be scheduled to get a hearing for parole on April 4, 2016.

Dr. Shakur has violated no serious rules in the prison in his entire 30 years of captivity. He is an important member of the community and has full intentions of contributing to the welfare and success of his community with no intent of violating any laws of the USA. He will continue to advocate for the human rights and freedom of his community

Dr. Shakur has promoted unity and cooperation between prisoners in the Federal system. He has mentored and guided young brothers in the system as well as youth and students in the community who support him. He has argued and promoted for at least a decade for a "Truth, Reconciliation and Justice" process between the US government and the Black Liberation Movement to bring to the open the harm done from both sides in our people's struggle for freedom. This would be in the tradition of other Truth and Reconciliation and Truth and Justice processes in countries like South Africa, and Argentina after long and bloody political conflicts between liberation movements and oppressive governments with the aim of peace and justice.

Yet despite this it is clear that the United States Federal Government fears freeing Dr. Mutulu Shakur, not for any harm or disruption he has committed over the past 30 years or for fear of any supposed crime he might commit in the future, but because of his consistent history of commitment to the Self Determination, and liberation of the New Afrikan Nation, so-called African Americans.

While he has become known and popularized among the youth as the step father of revolutionary hip hop artist Tupac Shakur, Dr. Shakur is much more than that. Since he was 14 years old he has committed his life to the liberation struggle of the New Afrikan people, so-called African Americans. In 1969 he defended Republic of New Afrika elders, children and leaders against a vicious military attack by Detroit police on the New Bethel Baptist Church, where Rev. C.L. Franklin, the father of Aretha Franklin was the pastor. Dr. Shakur is an accomplished Doctor of Chinese medicine and acupuncture and the founder of the Black Acupuncture Advisory Association of North America (BAAANA) as well as the Lincoln Detox Center which was responsible for curing hundreds of heroin addicts without drugs through acupuncture until the Center was forced to close after a long struggle by the city of New York. He is a co-founder of the National Task Force for Cointelpro Litigation and Research (NTFCLR) which made it possible for Black liberation organizations and individuals to identify, coordinate and expose exactly how, where, and who the FBI had used in its evil plan called the Counter Insurgency Program or COINTELPRO to destroy organizations like the Black Panther Party, the Us Organization, the Provisional Government of the Republic of New Afrika, and the American Indian Movement and assassinated, imprisoned or exiled so many of our leaders and freedom fighters. The NTFCLR was responsible for the legal strategy that ultimately led to the release of Black Panther political prisoner Geronimo ji Jaga (Pratt). Additionally Dr. Shakur travelled extensively to represent his people at international conferences and to gain international support for our freedom struggle from the international community.

Dr. Mutulu Shakur is being illegally detained in Federal prison beyond his release date because of his past and ongoing contributions to the human rights, self-determination and liberation of not only his nation New Afrika, but to the freedom and justice for all oppressed peoples.

The Federal parole board is assigned to determine whether Dr. Shakur can be a significant and productive contributor to the community. The opponents of his freedom have spread confusion about this by publishing and broadcasting misinformation about Dr. Shakur and about his release in order to create the condition for his continued imprisonment. It is important that the Parole Board hear from the community and that they know that Dr. Mutulu Shakur is welcome in our community. This is the message that must be spoken, written and sung about and that must be sent to the Federal Parole Board! Dr. Mutulu Shakur is welcome in our community.

We call on artists, writers, academics and community leaders to bear witness to the importance of having Dr. Mutulu Shakur returned to the community that loves him. If you know Mutulu, write or record what he has done to make your life or your community better. Let this Board know that his participation, mentorship and contributions are significantly missed and longed for in our community.

### **1 Apr - Robert Seth Hayes in Infirmary + How to Help**

*Seth got the word he was denied medical parole just a few days ago. DO NOT let the New York State Department of Corrections commit medical murder!*

#### **MORE:**

Robert Seth Hayes called NYC Jericho twice today, Sunday, April 1, 2018, to report that his situation has actually worsened in the infirmary.

He was given his high blood pressure medication at 8:30 pm on Saturday night instead of 3 pm. Seth always takes this medication at 3 pm. This caused him to awaken in the middle of the night completely disoriented and dizzy. He fell twice and another inmate helped him get back into bed.

His sugars were a low 62 in the morning, but his blood pressure was very high. By the evening, Seth's sugars were once again in the 600 range. Seth thanks everyone who has made phone calls and encourages us to keep the pressure on.

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New York City Jericho received a phone call from Robert Seth Hayes this evening, Thursday, March 29, 2018. He is in the so-called "infirmary," which is actually more like a SHU unit, with no medical personnel present and COs making medical decisions.

As people know, Seth has been having serious problems with the insulin pump/sensor for the past month. First, he was left with a defective sensor implanted under his skin for almost 2 weeks and had to totally rely on finger sticks for his blood glucose levels.

Then, when the facility doctor finally changed the sensor, the pump was calibrated incorrectly, to the point that Seth was being given alarms that his sugars were low when they were actually quite high.

Seth sounded horrible on the phone, which is no wonder when his blood sugar is in the high 600s. Anyone else would be in a diabetic coma with these numbers.

Seth would like to go to Albany Medical Center to see the endocrinologist, which was supposed to happen earlier this month. He says medical staff at Albany Medical Center are professional and concerned about their patients, something that is certainly not true at Sullivan.

Please call, fax and email Dr. Koenigsmann:  
Carl J. Koenigsmann M.D.  
Deputy Commissioner/Chief Medical Officer  
NYS DOCCS Division of Health Services  
Harriman State Campus, Building #2  
1220 Washington Avenue  
Albany, New York 12226-2050  
Phone: 518.457.7073  
Fax: 518.445.7553  
Carl.Koenigsmann@doccs.ny.gov

Also call Superintendent Keyser:  
Superintendent Keyser  
Sullivan Correctional Facility  
325 Riverside Drive  
Fallsburg, New York 12733  
845.434.2080

Demand that Robert Seth Hayes #74A2280 be taken immediately to Albany Medical Center on an emergency basis. DOCCS is violating Seth's constitutional rights by not providing adequate medical care.

Remember that the last time Seth went to AMC his sugars were 1130, although equipment at Sullivan was reading in the 550 range.

### **1 Apr - Call for Art and Article Submissions for 2019 Certain Days calendar**

*What: A call for art and article submissions on Health/Care for the 2019 Certain Days: Freedom for Political Prisoners Calendar.*

#### **MORE:**

**Deadline:** May 18, 2018

The Certain Days: Freedom for Political Prisoners Calendar collective ([www.certaindays.org](http://www.certaindays.org)) is releasing its 18th calendar this coming fall. The theme for 2019 is 'Health/Care,' reflecting on the overlapping topics of health, care/caring, and healthcare.

We are looking for 12 works of art and 12 short articles to feature in the calendar, which hangs in more than 3,000 homes, workplaces, prison cells, and community spaces around the world.

We encourage contributors to submit both new and existing work. We also seek submissions from prisoners – please forward to any prison-based artists and writers.

#### **THEME GUIDELINES**

In 1972, The Black Panther Party formally added healthcare to its ten point program:

***WE WANT COMPLETELY FREE HEALTH CARE FOR ALL BLACK AND OPPRESSED PEOPLE***

We believe that the government must provide, free of charge, for the people, health facilities which will not only treat our illnesses, most of which have come about as a result of our oppression, but which will also develop preventive medical programs to guarantee our future survival.

Then, as now, health in all its dimensions — physical, mental, emotional, spiritual, environmental, community — remains fundamental to liberation. Some of the topics that could be explored within this theme could be:

- health care and medical neglect in prison
- movement healthcare projects (anything from the Black Panther Party free clinics, to current projects providing both western medical and other forms of health support)
- radical reproductive health projects, past and present
- the politics of care work in its myriad forms (care for people living with illness and/or disability, childcare, elder care, etc)
- mad pride and resistance to forced psychiatric treatment
- aging and health issues in prison
- disability and health
- Indigenous healing and other non-western health practices and projects
- trans health projects and activism
- radical organizing among health care workers and/or in defence of public healthcare
- medical parole
- strategies for, and stories of, (collective and individual) self care within movements

## **FORMAT GUIDELINES**

### **ARTICLES:**

1. 500 words max. If you submit a longer piece, we will have to edit for length.
2. Poetry is also welcome but needs to be significantly shorter than 500 words to accommodate layout.
3. Please include a suggested title.

### **ART:**

1. The calendar is 11" tall by 8.5" wide, so art with a 'portrait' orientation is preferred. Some pieces may be printed with a border, so it need not fit those dimensions exactly.
2. We are interested in a diversity of media (paintings, drawings, photographs, prints, computer-designed graphics, collage, etc).
3. The calendar is printed in colour and we prefer colour images.

Due to time and space limitations, submissions may be lightly edited for clarity, with no change to the original intent.

## **SUBMISSION GUIDELINES:**

Send your submissions by May 18, 2018 to [info@certaindays.org](mailto:info@certaindays.org).

**ARTISTS:** Please send images smaller than 10 MB. You can send a low-res file as a submission, but if your piece is chosen, we will need a high-res version of it to print (600 dpi).

You may send as many submissions as you like. Chosen artists and authors will receive a free copy of the calendar and promotional postcards. Because the calendar is a fundraiser, we cannot offer money to contributors.

Prisoner submissions are due June 8, 2018 and can be mailed to:

Certain Days c/o  
Burning Books  
420 Connecticut Street  
Buffalo, New York 14213

USA

### **3 Apr - Iron Eyes Demands Withheld Evidence**

*Standing Rock Activist to Claim State Has Refused to Turn Over Key Defense Documents at Wednesday Hearing*

#### **MORE:**

by Staff (*Native News Online*)

2016 North Dakota Democratic congressional nominee Chase Iron Eyes will head back to court on Wednesday, charging that the state of North Dakota is withholding key evidence needed for his defense against charges stemming from protests of the Dakota Access pipeline. Attorneys for the Standing Rock Sioux tribal member say the evidence they're after is extensive and will exonerate Iron Eyes by clarifying events that took place prior to or on the day of his arrest in February, 2017.

Constitutional attorney Daniel Sheehan, chief counsel of the Lakota People's Law Project, represents Iron Eyes. He said the State is months late in both gathering and turning over evidence required for his team to present a "necessity defense" for his client, which will argue that any actions Iron Eyes took during the protests were necessary to prevent a greater harm.

"We had a hearing before Judge David Nelson on Nov. 3. The State was given until Dec. 31 to provide our requested documents," said Sheehan. "And they stiffed us. Our opinion is that, frankly, they are afraid of the necessity defense, and they are jumping through every hoop to try to stop it."

Whether or not Iron Eyes will eventually be granted the opportunity to present the defense still hangs in the balance. Judge Nelson, since recused from the case due to health reasons, granted extra time in November for Iron Eyes' legal team to pursue the discovery evidence needed to present the defense. But now, Iron Eyes' attorneys say, the state is refusing to cooperate.

Among the documentation being requested by Iron Eyes' team are internal memos between law enforcement agencies and TigerSwan, a mercenary security firm that operated in North Dakota without a license, hired by the pipeline's parent company, Energy Transfer Partners.

Internal memos published by investigative reporting website The Intercept allege that TigerSwan led a violent and comprehensive anti-protest, surveillance and publicity campaign that labeled protesters as "jihadist" and "terrorists," among other potentially inflammatory language.

Iron Eyes' attorneys have also requested documentation from North Dakota Governor Doug Burgum's office, sparking a motion to quash from the governor. At the hearing, new presiding Judge Lee Christofferson will have the opportunity to rule on that motion.

"We are hoping that Judge Christofferson will agree that we are entitled to the governor's evidence," said Sheehan. "Ideally, the Court will also admonish the state's attorney for his failure thus far to cooperate in the entire discovery process to which Chase is entitled to prepare his defense."

The necessity defense, traditionally applied to cases such as a ship's captain's need to dump cargo to avoid sinking, has seen a different application in recent months as a defense for pipeline and other climate-related protestors. A judge in Massachusetts recently found a group of pipeline protestors in Boston "not responsible by reason of necessity." In addition, a trial court in the state of Washington ruled days ago that Reverend George Taylor could use the defense to combat charges arising from his blockage of train tracks in Spokane to prevent the transportation of coal and oil.

“This legal defense is gaining momentum,” Sheehan said. “In our case, it’s a potential landmark for our legal system. We want every climate advocate, every Native rights advocate and every advocate for the Constitution to have this defense at his or her disposal to protest injustices in this nation.”

Iron Eyes’ legal argument posits that his protest was an attempt to protect his tribe from a likely oil spill under its primary source of water. He said that, while he knows mounting this defense carries some risk, he’s willing to take it. But first, the State must comply with court-mandated requests.

“I’m entitled to a fair trial under the United States Constitution,” said Iron Eyes. “If the prosecution is unwilling to pursue and turn over required evidence, I’m being denied my constitutional rights. The process so far shows a continuation of the pattern of denying rights to Native people. But I have faith in our judicial system, and I’m hopeful that Wednesday will be a watershed moment for this trial and our movement as a whole.”

South Central Judicial District trial court administrator Donna Wunderlich confirmed this past week that Iron Eyes’ case is one of 171 still open from the Dakota Access pipeline protests, which ended more than a year ago. To date, 543 cases have been completed. According to Sheehan, all but a few have ended in acquittals, dismissals of all charges, or deferrals of all charges.

Hearing details:

**Who:** Lakota People’s Law Project lead North Dakota attorney Chase Iron Eyes is back in court.

**What:** Judge Lee Christofferson will be asked to review and enter orders confirming the earlier rulings entered by the former presiding judge in the Iron Eyes case, Judge David Nelson. These rulings include:

1. An order for the state prosecutor to respond to discovery demands made by Chase Iron Eyes’ legal team; (Daniel Sheehan: “The state prosecutor has thus far provided only a minimal response, far from that which is required. This disturbing pattern of willfully incomplete responses now stretches back over many months.”)
2. An order to the state prosecutor to pursue all the discovery from law enforcement agencies that was agreed upon last Nov. 3 and ordered by Judge Nelson — but which the State Prosecutor refused to pursue;
3. An order that the prosecutor turn over all discovery materials that the prosecutor has received to date from other agencies but which has been withheld from the Iron Eyes defense team;
4. An acknowledgment that Chase Iron Eyes intends to present multiple necessity defenses, including the defense that the actions he took were to prevent the violation of the constitutional rights of Native Americans.

### **April 5<sup>th</sup> - North Dakota Judge Upholds Iron Eyes’ Discovery Demands**

On Wednesday, April 4, 2018, Judge Lee Christofferson upheld earlier rulings that the state of North Dakota, law enforcement agencies and private security contractors must comply with discovery demands from former congressional candidate, Dakota Access pipeline protestor and Lakota People’s Law Project attorney, Chase Iron Eyes. The judge admonished deputy state’s attorney Chase Lingle for his previous lack of compliance and ordered Morton County Sheriff Kyle Kirchmeier to court to testify under oath. The Judge then gave Kirchmeier less than a month to comply with all discovery demands, saying the sheriff must produce an affidavit by the end of April stating that he has done so.

Notably, Judge Christofferson also ordered militarized security contractor TigerSwan to respond to the defense’s discovery demands. The defense will be given 120 days of time for discovery, beginning May 1. All remaining pretrial motions, including the defense’s motion to pursue a “necessity defense”, will be due

by July 20. The hearing on these motions will be held on Aug. 23. The Iron Eyes trial date has now been moved back to November 5.

Here are statements from Iron Eyes and his attorney, Daniel Sheehan, following today's hearing: Chase Iron Eyes, Lakota People's Law Project Lead Counsel: "We hoped for an encouraging outcome today, and we got it. Our liberty depends on our collective ability to stand in protest of injustices and in support of our inherent constitutional, human and environmental rights. My personal liberty is also at stake, and I'm proud to stand on the front line of such a critical battle at a pivotal moment in history. This trial can safeguard our right to free speech and assembly. That's something that's already great about America, and I mean to make sure it is never compromised."

Daniel Sheehan, Lakota People's Law Project Chief Counsel: "We're elated that Judge Christofferson upheld the court's prior decisions. In order for real justice to be served, it's imperative that all those involved in the policing of Standing Rock during the pipeline protests be held to full account. We must be allowed to gather all available information and documentation as a crucial first step in that process, and we couldn't be happier that our right to do so will be vigorously enforced. At the trial in November, we look forward to presenting a complete picture of what really happened at Standing Rock."

#### **4 Apr - Wearing Black? Feds Say You May Be an Anarchist, Documents Show**

*The Department of Homeland Security told law enforcement how to ID anti-racist protesters—by looking for people who were scouting marching routes.*

##### **MORE:**

by Kelly Weill (*The Daily Beast*)

Counterprotesters at white supremacist rallies risk being characterized as "anarchist extremists," even if they have nothing to do with the movement, Department of Homeland Security documents show.

A September 2016 DHS report describes law enforcement action during clashes between white supremacists and antifascists (commonly known as "antifa"). The report, obtained by the government transparency nonprofit Property of the People and shared with *The Daily Beast*, reveals how the Obama DHS profiled leftist protesters. Just months after the report's release, the Trump Justice Department would use similar, overbroad profiles to prosecute hundreds of people who protested at President Donald Trump's inauguration ceremony.

The DHS report highlights "two violent clashes in 2016 in Sacramento and Anaheim between anarchist extremists and lawfully protesting white supremacists at legally permitted rallies."

The report uses those cases to describe how law enforcement might target future "anarchist extremists" who protest at white supremacist rallies. But the agency's description of "anarchist extremists" is dubious and suggests the DHS might be conflating multiple distinct social movements.

Anarchists want to abolish the government. Some anarchists also participate in the antifascist movement, although the latter also includes leftists and liberals who support support the idea of a state.

The report's guide to "symbols often associated with anti-racist anarchist extremists" includes an "A" in a circle (a popular anarchist symbol), but also images associated with the broader leftist movement. One symbol, three downward arrows in a circle, originated in 1930s Germany among opponents to the Nazi party. Originally designed to plaster over swastikas, the symbol has become common among antifascists and other anti-Trump protesters. Another antifascist symbol in the report is a pair of flags: one black in reference to the anarchist movement, and another red to symbolize other leftist affiliations. The list of

symbols also includes a crossed-out swastika, and the “Good Night White Pride” symbol: the silhouette of a man kicking a Nazi.

The report also includes a list of “potential indicators of planned violence” that law enforcement can use to “justify increased suspicion” of counterprotesters. The list includes things like carrying knives, but also innocuous activity like wearing dark clothing or bandanas, scouting a marching route in advance, and carpooling to a demonstration—actions that could apply to a wide swath of protesters.

The DHS’ inclusion of generalized behavior is “troubling and consistent with what we’ve seen of the FBI targeting and surveilling environmentalists, civil rights activists, and lumping them together based on a few incidents,” Vera Eidelman, a Brennan fellow at the ACLU’s Speech, Privacy, and Technology Project told *The Daily Beast*. “There’s a tendency to sweep up a huge group of people who might not even share an ideology.

“The carpooling example is particularly interesting because all people are doing is pooling resources. You could argue that going with friends is part of the appeal,” Eidelman said, adding that the scrutiny might chill political activism by large groups.

Already, sweeping definition of left-wing extremism has had real consequences. On Jan. 20, 2017, three months after the DHS report’s publication, D.C. police arrested hundreds of people at a protest outside Trump’s inauguration. Prosecutors initially pressed charges against 200 people, accusing them of conspiring to riot based on evidence as thin as the defendants allegedly walking with a group or wearing dark clothing.

Six defendants were later found not guilty on all charges in December. The U.S. attorney’s office subsequently dropped charges against 129 other defendants but is still pushing charges against 59 people, including a journalist who was arrested while covering the anti-Trump protests, and an activist who was arrested at his home after the protests. He previously told *The Daily Beast* he wasn’t even at the demonstrations when the mass arrests occurred.

At some of the clashes described in the DHS report, counterprotesters suffered the brunt of the arrests, largely because the white supremacist rallies were classified as “legally permitted rallies.”

One clash at a KKK rally in February 2016 in Anaheim, California, saw seven people arrested, whom the DHS describes as anarchist extremists. The report describes the counterprotesters as violent, and the white supremacists as acting in self-defense.

“According to police reports, violent anti-fascists punched and kicked the white supremacists; hurled rocks, bottles and other projectiles; and assaulted them with makeshift weapons including wooden sticks, clubs, and a skateboard,” the report reads. “One of the white supremacists used a flagpole defensively as a weapon to stab the attackers.”

The report includes a picture of the flagpole incident.

“A Klansman stabs at violent anti-fascists and anarchist extremists with the decorative end of a flag pole, resulting in injuries at the Anaheim event,” the photo caption reads. “Note the Klan patches on his shirt and blood spatter on the ground.”

White supremacists sometimes bring flags to protests, with the intention of using the poles as makeshift spears. An ongoing lawsuit against white supremacists who participated in a deadly rally in Charlottesville,

Virginia, last August accuses a neo-Confederate group leader of “trigger[ing] a violent melee by charging at counter-protestors with his flagpole.”

The man’s group entered an agreement last week promising not to host another protest in Charlottesville while armed with any weapons, including makeshift spears.

White supremacists at the 2016 Anaheim rally also appeared to stab counterprotesters, although the DHS report uses the passive voice to describe the attacks.

“Two other anarchist extremists were stabbed with a knife and an unidentified weapon,” the report reads, making it unclear whether a KKK member was behind the attack.

At the time of the September 2016 report, only counterprotesters had been arrested for their involvement in the Anaheim brawl. Two months later, police in North Carolina arrested William Hagen, a KKK leader who had organized the Anaheim rally.

Hagen had allegedly stabbed a fellow KKK member at a KKK rally in advance of a parade celebrating Donald Trump’s election.

## **6 Apr - The Third Annual ‘Fight Toxic Prisons’ Convergence is June 8-11th**

*The following is an announcement for third annual Fight Toxic Prisons convergence.*

### **MORE:**

The third annual Fight Toxic Prisons Convergence will take place in Pittsburgh Pennsylvania from June 8-11th. The convergence will include speakers, panels, workshops, protests and cultural activities exploring the intersections of anti-prison and environmental struggles. We are currently confirming speakers for the conference and are excited to share updates with you in the coming months. We maintain a commitment to creating a space in which those most directly impacted are centered.

You can register at [bit.ly/2uEVXlq](https://bit.ly/2uEVXlq)

To get a sense of what to expect, check out the panels and rabble-rousers from our 2017.

### **Cost:**

While the conference is free and open to all, paying the sliding-scale registration fee of \$25 – \$50 will help cover the cost of food, housing and travel assistance to those who request it.

### **Travel:**

The closest airport is the Pittsburgh International Airport, and there are also Megabus and Greyhound bus routes, as well as train routes.

### **Housing:**

There will be some housing assistance offered. Please make sure to check that in the registration form. Help Us Fundraise?:

Your donation will help us ensure that grassroots organizers, former political prisoners, family members and supporters of current prisoners are able to attend this convergence.

Donate through our fiscal sponsors at the Abolitionist Law Center.

By bringing together hundreds of grassroots activists from across the country the annual Fight Toxic Prisons Convergence seeks to build momentum across, bridges between, and solidarity among the movements for ecological justice, environmental justice, and prison reform/abolition. Through our annual convergences we seek to create space at the intersections of our various movements and across prison walls (at our 2017 convergence 9 prisoners called in to speak on panels and breakout groups), a space in which we can collectively explore how we might achieve liberation and justice. A space where we can directly share and learn from tactics, strategies, and experiences beyond the scope of our particular movements and campaigns that might play decisive roles in our local victories.

### **13 Apr - Metropolitan Anarchist Coordinating Committee General Assembly**

**WHAT:** General Assembly

**WHEN:** 6:30pm, Friday, April 13<sup>th</sup>

**WHERE:** Verso Books - 20 Jay Street, Brooklyn, New York 11201

**COST:** FREE

**MORE:**

The assembly will begin @ 7:00 PM, orientation for newcomers begins 6:30 PM.

MACC assemblies are open to all anarchists, antifascists, anti-authoritarians and those interested in anarchist ideas and organizing so please invite your friends and share widely!

If you haven't attended before, these assemblies are an opportunity to get plugged in with MACC, its various committees and working groups, and other NYC based anarchist projects.

There is an orientation before the assembly starting at 6:30 PM for those interested in familiarizing themselves with MACC, the history, process and politics that underskirt general assemblies, and anarchist ideas.

As with all assemblies, we encourage everyone to come with ideas about what they would like to see for future campaigns or actions and what direction they'd like MACC to take in terms of building a more powerful, militant anarchist movement.

For more information contact us at [info@macc.nyc](mailto:info@macc.nyc).

### **18 Apr - Emma Goldman's Struggles for Utopia: Feminism and Ambivalence**

**WHAT:** Lecture

**WHEN:** 6:00-9:00pm, Wednesday, April 18<sup>th</sup>

**WHERE:** Altschul Hall, Room 202 - Barnard University, 3009 Broadway

**COST:** FREE

**MORE:**

Emma Goldman was a lifelong believer in anarchist revolution and the utopian ways of living that such revolution would surely inaugurate. As an anarchist, activist, and theorist, Goldman maintained that sexual freedom was central to revolution, and that unchosen authority of any kind was counterrevolutionary. Yet for all her fervent certainties, Goldman's articulation of the means to bring about anarchist utopia was shot through with political ambivalence: about gender, race and sexuality. Clare Hemmings, professor of feminist theory at the London School of Economics, invites us to consider Goldman's conflicting views as a means to think through current dilemmas and power relations, or indeed to have a glimpse of utopia ourselves.