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## 20 Mar - New Book Explores the Overlooked History of Feminist Anti-Prison Activism

*Connecting the fights against gendered violence and mass incarceration isn't new. But you wouldn't know it from most writing on the subject.*

### **MORE:**

by Victoria Law (*Rewire.News*)

Marissa Alexander. Bresha Meadows. Cyntoia Brown. Cherelle Baldwin.

All four are Black women or girls who were arrested and prosecuted after defending themselves. All four faced decades in prison. All four were freed as a result of organizing and activism.

Connecting the fights against gendered violence and mass incarceration, as groups did for these four women, isn't new. But histories of prison justice and anti-prison organizing have often focused on men behind bars; histories of organizing against gendered violence frequently focus on feminists' calls for increased policing, prosecution, and incarceration with scant attention and analysis paid to the devastating effects this has on communities of color—and safety for women in marginalized communities.

In *All Our Trials: Prisons, Policing, and the Feminist Fight to End Violence*, Emily Thuma shows that these two movements weren't always at odds with each other and at times, were connected in organizing and defense campaigns. Thuma, an assistant professor at the University of California, Irvine, chronicles some of the 1970s groups that centered in their organizing in women who had been criminalized. She describes movements to support women of color prosecuted for defending themselves against sexual assault, disrupting (and ultimately stopping) the expansion of women's prison units, supporting women in prison, and creating their own means and methods of safety that did not rely on the police or prison systems.

Thuma spoke with *Rewire.News* about some of these stories, their absence from (many) feminist histories, and what lessons they can hold for anti-prison and anti-violence organizers today.

**Rewire.News:** Why did you write this book? What absences were you seeing from the history of anti-violence and other movements?

**Emily Thuma:** I first became interested in studying feminist anti-violence activism and the carceral state when I was working at an organization in Seattle called Communities Against Rape and Abuse (CARA). This was in the early 2000s, and CARA was part of a growing constellation of groups that were organizing at the intersections of interpersonal and state violence. These groups were increasingly connected through two groundbreaking national organizations: Critical Resistance (CR) and INCITE! Women of Color Against Violence. CR and INCITE! helped to amplify a conversation—led by feminists of color—about the need for the anti-prison movement to reckon with gender violence and the need for the feminist anti-violence movement to reckon with its relationship to mass incarceration.

By the time I began the research for this book years later, new scholarship had offered powerful accounts of the making of carceral feminism—or as Beth Richie puts it in her incredible book *Arrested Justice*, how anti-violence activists “won the mainstream, but lost the movement” by adopting a law-and-order response to interpersonal violence. I wanted to know about what pushback there had been, the alternative visions and practices, and what was happening in the spaces between more visible movements. I was also interested in finding out more about the kinds of organizing that happened inside and around women's prisons in that

period—since, as your own book so importantly points out, people in women’s prisons are often sidelined in conversations and histories of resistance to incarceration. I wanted to understand how these different kinds of anti-violence organizing had interacted with and shaped each other.

**Rewire.News:** Why don’t we know about this alternative history of feminism and the carceral state?

**ET:** Across the 1980s and 1990s, domestic and sexual violence organizations became increasingly intertwined with law enforcement and prosecutors, and policymaking around gender violence grew increasingly punitive.

A good example is the proliferation of mandatory arrest laws, which require police to make an arrest when responding to a domestic violence call. INCITE! and CR note in their 2001 statement on gender violence and the prison-industrial complex that this policy had produced harmful outcomes, especially for racialized, poor, queer, and undocumented women. These outcomes also included many instances in which police arrested the abused person in addition to the abusive partner.

In 1994, Congress passed the Violence Against Women Act (VAWA), and VAWA really tripled down on hitching anti-gender violence to carceral expansion. It was part of a massive crime bill that allocated almost \$10 billion for prison construction, expanded three-strikes sentencing (which mandated a life sentence for anyone convicted of a third serious violent or drug felony in federal court), and the use of the death penalty for federal crimes. The bill also ended government funding for postsecondary education in prisons, among other things. And the overwhelming majority of VAWA funding, then and now, went into programs to encourage arrests and prosecutions.

So, criminalized survivors of gender violence—criminalized for self-defense, or for their survival strategies under increasing economic inequality, or for harms their abusive partner committed—were increasingly marginalized from this mainstreaming anti-violence movement.

**Rewire.News:** In 1974, Joan Little, a 20-year-old Black woman in North Carolina’s Beaufort County Jail, killed the 62-year-old white jail guard who raped her. Her act—and subsequent trial—raised the issues around sexual assault, race, and self-defense. Looking back, it seems like her case drew national attention and support, but you note that only six of the 150 people on the Raleigh Rape Crisis mailing list (at the time) responded positively to a mailer about supporting Joan Little. That reminds me of the silence of many contemporary DV organizations around Marissa Alexander. One domestic violence advocate later said that, since they rely on the prosecutor’s office to prosecute abusive partners, they were reluctant to get involved with Alexander’s defense campaign. How does reliance on carceral feminism block support for abuse survivors criminalized for self-defense?

**ET:** One parallel between the Free Marissa Now mobilization and the Free Joan Little movement is that rape crisis centers (RCCs) and domestic violence agencies were not the organizations that incubated these defense campaigns. In both cases, grassroots racial, gender, and prison justice activists—particularly Black women organizers—built broad coalitions and alliances to free these women.

The fact that RCCs weren’t the hub of defense work in the 1970s was partly due to the incredible demands of doing direct service work on a shoestring budget. But there were definitely situations in which RCCs that accepted criminal justice funding, or worked with local police to improve how they treated women who reported rape, were hesitant to endorse campaigns for criminalized survivors because these campaigns indicted the state for perpetrating and enabling racialized and gendered violence.

The important exception was the Washington, D.C. Rape Crisis Center, which notably was led by radical Black women in the mid-to-late 1970s and didn’t accept criminal justice funding. As I show in the last chapter of the book, the DC-RCC was on the frontlines of making the connections between state violence and interpersonal violence.

**Rewire.News:** What can today’s organizers learn from campaigns in the 1970s against the “prison/psychiatric state,” which your second chapter examines?

**ET:** The 1976-1978 campaign to “Stop the Violent Unit” in Massachusetts was a campaign led by a group called the Coalition to Stop Institutional Violence (CSIV). The coalition formed to successfully defeat a proposal to build a center for so-called violent women prisoners at one of Massachusetts’ large state-run locked mental hospitals. CSIV argued that the unit would be used against those who protested prison abuses, and that women of color and lesbian women would be especially targeted since they were already seen as threatening and dangerous. The campaign in Massachusetts was part of a broader resistance to what CSIV called the “prison/psychiatric state”—activists in California, West Virginia, New York, and elsewhere were also engaged in fights against behavior modification units for women prisoners. CSIV used this term to name the ways in which psychiatric diagnoses and treatment operated as tools of racialized and gendered social control in prisons, and to analyze structural similarities between psychiatric institutions and prisons.

I think this campaign will resonate with organizers today who are contending with criminal justice reforms that reframe jails and prisons as mental health facilities, or otherwise promise what the late Rose Braz (co-founder of Critical Resistance) called kinder, gentler cages. And it points to the importance of making connections between different forms of institutionalization. I also think this campaign is a strong example of the transformative power of coalition building. Not only because the alliance achieved a policy win, but because activists from multiple movements—including feminist, mental patients’ liberation, and prison movements—were transformed through the process of studying and struggling together.

**Rewire.News:** What was the importance of women’s prison newsletters in the 1970s? Today, when more and more media is digital rather than print, what has that shift meant for inside/outside communications and organizing?

**ET:** As I try to show in the book, newsletters like *No More Cages* and *Through the Looking Glass* challenged the isolation that prisons rely on. Radical print media that featured the writings of people in women’s prisons played an important role in the building of a women’s prison movement and the development of an anti-carceral feminist agenda. They provided a forum for incarcerated activists and their allies to exchange ideas and strategies, and to generate support for one another’s organizing efforts. And they allowed many people who would never meet face-to-face to participate in a shared political culture. Despite the waning of print journalism, anti-prison movements continue to prioritize print activism, including both letter-writing programs and media production, for many of these same reasons. Social movement organizations such as CR, California Coalition for Women Prisoners, TGI Justice, *Survived and Punished*, and *Black & Pink* all prioritize these strategies that help build political communities across walls and ensure that incarcerated people’s experiences and analyses are directly informing their organizing work.

**Rewire.News:** Speaking of print, talk about your process of digging through archives to find these materials. What was the most surprising or exciting discovery?

**ET:** I think the most compelling discovery for me was just how intensely contested state appropriation of anti-violence work was in the 1970s, and also the number and range of examples of anti-carceral feminist organizing I came across. For every campaign or organization I spotlight in the book, there were a half-dozen more I found out about in radical print media and various archives and private collections. As I hope the book shows, the question of whether and how to align with the criminal legal system was a major fault line among anti-violence activists in the 1970s. For those who helped develop anti-carceral feminist politics, anti-prison activism was anti-violence-against women activism, and vice versa.

**23 Mar - Fear of a Black Homeland**

*The only connection between the men referenced in the FBI's "black identity extremism" report, besides their race, is a thread of anger at police violence.*

**MORE:**

by Alice Speri (*The Intercept*)

Hours after police Officer Darren Wilson shot and killed 18-year-old Michael Brown on a quiet suburban street in Ferguson, Missouri, Olajuwon Ali Davis stood with a few dozen people on that same street. As the impromptu candlelight vigil that August night in 2014 turned into a historic wave of nationwide protests against police violence, Davis, wearing a black Malcolm X T-shirt, was among the first to lift his hands in surrender, as Brown was rumored to have been doing when Wilson shot him.

Within days, the gesture became the symbol of a movement for police accountability and racial justice the nation had not seen since the civil rights era. And the refrain protesters began chanting that night — “Hands up, don’t shoot” — would soon be replaced by one that would echo across the country for years to come: Black lives matter.

Davis, who was 22 at the time, kept showing up as the protests grew larger and angrier, and as scores of law enforcement descended on Ferguson wearing riot gear and firing tear gas. Days after Brown’s death, during a short-lived break in the looting and police violence, Davis was photographed wearing all black and directing traffic; the New Black Panther Party for Self-Defense, which he had joined on the heels of Brown’s killing, was keeping the peace.

Days later, Davis emailed a local reporter who had covered the NBPP’s peacekeeping efforts to thank him for portraying “the true nature and the intent” of the party, which, despite taking its name, is not affiliated with the Black Panther Party of the 1960s. “For the record we the NBPP and its local chapter members have and never [sic] promoted acts of violence towards anyone or any establishment or businesses,” Davis wrote to the Riverfront Times, a St. Louis weekly. “True enough there are people so angry that they show their pain and emotions with aggression towards cops and frankly anything that they can get their hands on. But let these few not distort the genuine peaceful intention and benevolence of the NBPP.”

Three months later, Davis and another young man named Brandon Orlando Baldwin were arrested in an FBI sting and accused of planning to plant bombs, kill officials connected to the Brown case, and blow up St. Louis’s iconic Gateway Arch.

**Ideological Make-Believe**

Three years later, the FBI listed Davis’s case in a secret memo warning of the rise of a “black identity extremist” movement whose members’ “perceptions of police brutality against African Americans” spurred what the FBI claimed was “an increase in premeditated, retaliatory lethal violence against law enforcement.” Although Baldwin was convicted of the same crimes, the FBI report inexplicably only mentioned one suspect.

The “black identity extremism” report was prepared by the FBI’s Domestic Terrorism Analysis Unit, part of the bureau’s Counterterrorism Division, and was distributed to scores of local and federal law enforcement partners across the country. Although Davis and Baldwin were not charged under anti-terrorism laws, they do appear to be the first individuals retroactively labeled by the FBI as “black identity extremists.”

The FBI report was written six months into the Trump administration — as white supremacist groups felt emboldened by support for their ideology seemingly coming from the very top of the government — and was released only a week before the “Unite the Right” rally in Charlottesville, Virginia, where a white nationalist ran down and killed Heather Heyer. When the report was leaked to Foreign Policy later in 2017, it prompted fierce and widespread criticism from activists, civil rights advocates, and lawmakers, many of

whom accused the FBI of reverting to the surveillance and sabotage of black activists that had defined its activities in the civil rights era.

Critics called the report's contents "fiction," "fantasy," "weak" and "irresponsible." Several noted that it seemed designed to distract attention from the reality of police abuse against minorities. "The feds have invented a title — BIE — and linked it to a handful of episodes of violence," wrote Andrew Cohen, a fellow at the Brennan Center for Justice. "To deflect legitimate criticism of police tactics, to undermine a legitimate protest movement that has emerged in the past three years to protest police brutality, the FBI has tarred the dissenters as domestic terrorists, an organized group with a criminal ideology that are a threat to police officers."

The National Organization of Black Law Enforcement Executives, which includes leaders of federal, state, and local law enforcement agencies, called for the classification to be eliminated. "This assessment resurrects the historically negative legacy of African American civil rights leaders who were unconstitutionally targeted and attacked by federal, state, and local law enforcement agencies for seeking full U.S. citizenship under the law," the group wrote in a statement.

Yet even more worrisome than the report's political implications is the immediate threat to life that labeling someone a "terrorist" can pose, especially as the FBI has no way to monitor what law enforcement departments do with the reports it distributes. For many black people, already accustomed to being uniquely vulnerable to police violence, the fear is that being viewed as potential terrorists for expressing legitimate political grievances might give police license to target them even more intensely than they already do.

"Not only can they go after these people with surveillance, but they can then justify using the most aggressive, violent tactics," said Justin Hansford, a St. Louis activist and law professor who heads the Thurgood Marshall Civil Rights Center at Howard University. "Whenever you create an assumption that somebody poses a physical threat to law enforcement, that provides incentive for law enforcement to shoot first and ask questions later."

Testifying before the House Judiciary Committee in December 2017, shortly after the report was leaked to the press, FBI Director Christopher Wray said that the FBI investigates as domestic terrorism only cases involving federal crimes that include the use or attempted use of violence in furtherance of political or social goals. "We don't have that, we don't investigate," Wray said. "It doesn't matter whether they are right-wing, left-wing, or any other wing."

"We take respect for the First Amendment very seriously, and in this context, as in every other domestic terrorism context, we want to be very clear with people, and all the American people, that we do not investigate rhetoric, ideology, opinion, no matter who might consider it extremist," he added. "What we do investigate is when rhetoric, ideology, opinion takes that next step into the category of federal crime and of particular violence."

At the hearing, Wray said that the "black identity extremism" report was based on both open-source information and ongoing FBI investigations. He also said, citing no specific numbers, that the bureau had "about 50 percent more" investigations of white supremacists than it did of "black identity extremists." In subsequent meetings with lawmakers, he said he was unfamiliar with any investigations of "black identity extremists."

In a statement to *The Intercept*, a spokesperson for the FBI wrote that the agency "does not police ideology." The bureau, she added, will only initiate an investigation if there is an allegation of a federal crime or a threat to national security. "Our focus is not on membership in particular groups but on criminal activity," the spokesperson wrote. "When an individual takes violent action based on belief or ideology — and breaks the law — the FBI will enforce the rule of law. The FBI cannot initiate an investigation based

solely on an individual's race, ethnicity, national origin, religion, or the exercise of their constitutional rights, and we remain committed to protecting those rights for all Americans.”

The FBI declined to answer *The Intercept's* questions about how various ideologies are presented, downplayed, or emphasized in threat assessment reports that the agency routinely circulates to law enforcement, or about how those reports might impact surveillance and policing of targeted communities, regardless of the threats they pose. At the 2017 Judiciary Committee hearing, as well as at a second hearing before the same committee in June 2018, Wray also failed to address those questions.

“My big concern is that local law enforcement will misinterpret that and will clamp down on people exercising their First Amendment rights,” Rep. Karen Bass, one of the report's fiercest critics in Congress, told him at the first hearing.

It's unclear how the “black identity extremism” report has been used by local law enforcement agencies. But if the threat is as serious as the FBI report implies, that hasn't turned into successful federal prosecutions. According to *The Intercept's* analysis, Davis and Baldwin's case was the only federal prosecution of individuals the FBI considers to be “black identity extremists” that resulted in a conviction. By comparison, the analysis found that 268 right-wing extremists were prosecuted in federal courts since 9/11 for crimes that appear to meet the legal definition of domestic terrorism, even though the Justice Department applied anti-terrorism laws against only 34 of them.

While several news reports referred to the case of Christopher Daniels, a Texas activist who advocated for the rights of black gun owners, as the first known prosecution of a “black identity extremist,” the FBI appears to have retroactively used that label to refer to individuals it started surveilling as early as 2014, on the heels of the Ferguson protests. Daniels, who also went by the name Rakem Balogun, was indicted of a weapons offense months after the release of the FBI report, but a judge dismissed the charge last May. The FBI declined to comment on any of these cases, as well as on the origins of the “black identity extremist” label.

None of the other five individuals referenced in the FBI's 2017 report were federally prosecuted. They include three black men who attacked and, in two cases, killed, police officers in New York, Baton Rouge, and Dallas, though the FBI's report fails to connect their actions to any specific group or clear ideology. A man who shot at two police stations in Indiana in October 2016 and another who drove his car toward three police officers in Arizona in September 2016 — both of whom were prosecuted on state charges — also appear to have acted independently of any groups or discernible ideology. Three were killed by police on the scene.

Davis himself, while he had recently joined the New Black Panther Party, was found to have plotted the St. Louis bombings without the group's knowledge or support. And he was also known to police as a devotee of the Moorish Science Temple of America, a black variation of the overwhelmingly white sovereign citizen movement, a domestic extremist ideology well known to the FBI.

The only connection between the six men referenced in the report, besides their race, is a thread of anger at police that is common among tens of thousands of Americans who never committed or intended to commit acts of violence. “In all of them, there is no connection to any national movement; the cases are not linked in any way,” said Michael German, a former FBI agent and a fellow with the Brennan Center for Justice's Liberty and National Security Program. “This was literally picking six random events and then imagining a movement around them.”

“This is not just a failure of an intelligence product, but a dangerous intelligence product,” German added. “It spreads misinformation rather than intelligence.”

## **The Bomb Plot**

On November 21, 2014, three months after Brown's killing, Davis and Baldwin were arrested in an FBI sting and indicted in federal court on weapons charges, accused of making false statements to buy guns at a Cabela's store where Baldwin worked.

Three days later, a grand jury declined to charge Wilson for Brown's death. As protests once again engulfed St. Louis, news outlets citing unnamed law enforcement sources reported that Davis and Baldwin had bought what they thought was a pipe bomb and had plans to buy two more from undercover agents, and that they intended to blow up the city's celebrated arch and kill St. Louis County prosecutor Robert McCulloch and Ferguson Police Chief Tom Jackson. In a packed courtroom, the friends and families of the accused dismissed those accusations as "lies," while the New Black Panther Party's national leadership called them a "FRAME UP attempt." Davis's wife, who was pregnant and due in two weeks, fainted in court and went into early labor.

The most explosive allegations against Davis and Baldwin were not detailed in the original court filings. But in a revised federal indictment filed months after their arrest, the two were charged with additional crimes, including attempting to "damage and destroy, by means of explosives, a building, vehicle and other property."

If the court documents were light on detail, the press coverage was not. In the heated atmosphere that followed the Ferguson protests, many news outlets hyped the story, writing headlines that mischaracterized Davis and Baldwin as affiliates of the "Black Panthers," and letting anonymous law enforcement sources drive the narrative around their alleged scheme. The press picked on the story's most salacious details: Davis and Baldwin had planned to buy more bombs, several outlets reported, but had been unable to do so because they were waiting for funds to be disbursed to "a girlfriend's" EBT card — a detail, presumably leaked by law enforcement, that turned out to be false.

According to their nearly identical sentencing plea agreements, Davis and Baldwin, who met during the protests over Brown's killing, discussed acquiring guns and bombs and wanting to organize Ferguson protesters to "be like an army." Baldwin told an FBI informant that he wanted to "build bombs and blow things up."

"We are at war, you understand, bro," he told the informant. According to Baldwin's plea, Davis "put it out there that he was a terrorist" — a reference that appears to have been scrapped from Davis's own plea. The Gateway Arch, which according to earlier accounts had been the pair's main target, was never actually mentioned in conversations recorded by law enforcement, the St. Louis Post-Dispatch reported.

For their part, law enforcement officials conceded that it was unlikely that Davis and Baldwin would have been capable of executing a bomb plot, and that it was unclear how they would have made it through airport-style security at the arch; nonetheless, they painted the duo as a dangerous threat.

Richard Callahan, then-U.S. attorney in the Eastern District of Missouri, said in a statement after the guilty plea that the disruption of the plot days before the grand jury's rejection of charges against Wilson "undoubtedly saved lives. Luckily for all of us, we'll never know just how many." But that seemed to contradict an earlier interview, in which he had said that a lot of Davis's and Baldwin's ideas were "totally unrealistic and impractical, and we didn't include [in the indictment] all of the things they rambled on about, to not sensationalize the case or make it more than it is." Callahan did not respond to *The Intercept's* request for comment. Kenneth Tihen, a lead prosecutor in the case, declined to comment.

Davis and Baldwin pleaded guilty to explosives and gun charges in June 2015, and in September 2015 they were sentenced to seven-year prison terms. (Davis's father told *The Intercept* that before their plea, prosecutors had threatened his son with the possibility of 30 years in prison.)

At sentencing, Davis called his actions "reckless, irresponsible and just stupid." Baldwin's attorney said on behalf of his client that Baldwin also apologized for "his stupidity." Davis's attorney did not respond to *The*

*Intercept's* requests for comment; Baldwin's declined to comment. Davis and Baldwin, who are currently in prison, could not be reached for comment.

But those close to them maintain that their ordeal was a classic case of entrapment.

"He was tricked," Henry Davis, Olajuwon Davis's father, told *The Intercept*. "They wanted to set an example through my son to show that we are onto you all. The FBI, the federal government, is onto you activist people. We're watching you; this can happen to you too."

Henry Davis said that FBI "agents" befriended his son during the Ferguson protests, then offered him money, marijuana, and hotel stays. They later moved into his apartment complex and spent weeks hanging out with him, talking about "the resistance."

His son, he said, felt obligated to do what they asked. "They pretended to be part of the whole movement, said that they wanted to be down," Henry Davis said. He added that FBI agents gave his son and Baldwin the money they used to buy the guns, claiming that they couldn't buy the weapons themselves because of felony records. But the same agents later insisted that Davis and Baldwin pay for the pipe bombs with their own money. That should have made his son suspicious, Henry Davis said.

"I'm not trying to justify his actions, because I'm ashamed, and I've expressed my disappointment to my son," said Henry Davis. But, he added, "Olajuwon never had the intention of harming anyone. He's actually harmless. ... They got him."

Baldwin's father, Berlin Baldwin Jr., also told *The Intercept* that his son was caught in a trap. "If you believe in what you hear on TV, yeah, you would think he was a terrorist," he said. The elder Baldwin readily admitted that his son made a mistake and committed a crime, but added, "He is not no terrorist. They just went after somebody and wrapped him up in it. And he's none of what they're saying. Just none of that stuff is true."

Daniels, the Dallas gun activist who federal authorities tried and failed to prosecute as a "black identity extremist," put it more bluntly. "A lot of people in this movement are not fully developed and mature individuals," he told *The Intercept*, noting that he himself had staved off entrapment attempts by law enforcement. "If I go to any white college in America and talk to a whole bunch of 20-year-olds, and be like, 'Hey man, I got some grenades, would you like to buy some?' — somebody's going to buy them. It's like offering a gun to a baby."

### **"Moorish" Citizens**

Brandon Orlando Baldwin appears to have been politicized by the protests over Brown's killing. Three days after the shooting, Baldwin changed his Facebook profile picture to one of himself wearing a black beret — a symbol of the Black Panthers — and in the following months, his social media posts alternated between enraged comments about police brutality and pictures of himself with his young daughter.

In one post about the proliferation of videos showing police abuse, he wrote, "Stop filming and start blow'n they fuckin heads off... or beaten they Ass with they batons... When r we gonna really say enough is enough and stop turning the fuckin cheek for ppl who wouldn't turn on the water if yo Ass was on fire." In October 2014, a month before his arrest and while he was already under FBI surveillance, he posted: "I wonder how many of my Followers are FEDS."

To his family, Baldwin's arrest came as a shock, his father told *The Intercept*. His parents had not even known that he had started going to the protests in Ferguson until a family friend told his father that he had seen him on TV. "I immediately called him and said, What the hell are you doing?" Berlin Baldwin Jr. said.

“He might have been a protester, but he’s not an activist,” the senior Baldwin added, arguing that his son was young, naive, and new to the world of protests and activism. “To me and the family, we feel that he was brainwashed. ... It was just a big mistake in his life, thinking that he was joining something that was important, being young.”

Davis had a longer history of political engagement. He had been a valedictorian in high school and won a full scholarship to the University of Missouri-Kansas City, where he was studying economics, his father told *The Intercept*. Davis was also a promising actor, and in 2013 he starred in an award-winning independent film that was released last year. “The story surrounding his arrest and crime aren’t a full picture,” Robert Herrera, the film’s director, said in an interview. “I think people would have a hard time reconciling who they see on screen versus what they read about him — and I think that is something to think about when you read about all the young minorities out in this country who are considered irredeemable criminals.”

In college, inspired by an African history class, Davis learned about the Moorish movement, a group that’s grown considerably in recent years, whose beliefs are a mixture of sovereign citizen ideology — a historically right-wing and white supremacist ideology whose adherents reject the legitimacy of government institutions — and devotion to the Moorish Science Temple of America. The senior Davis, who is a vocal Trump supporter and hopes the president will pardon his son, had dreamed that Olajuwon Davis would become the first black secretary of the Treasury. But to his father’s horror, Davis joined the Moors, dropped out of college, and moved back to St. Louis. “The Moors convinced him that he was too black and too powerful to work for the government,” his father said.

Because they reject government authority, including that of law enforcement, sovereign citizens are perceived by police agencies as a top threat. But the FBI’s “black identity extremism” report, while noting “sparse evidence” of a convergence of sovereign citizen extremism and Moorish beliefs, said that the connection is clearest in the production of fraudulent personal identification documents. “Not all self-identified Moors are sovereign citizens, and not all sovereign citizen Moors engage in violence against law enforcement or other illegal activity,” the FBI conceded in the report.

Davis filed an “Abjuration of Citizenship” document with the Moorish nation movement, according to the Anti-Defamation League, and declared himself an “aboriginal indigenous Moorish national of Northwest Amexem,” the Moorish name for North America.

He carried a Moorish ID and said he had been tased and arrested in 2013 after attempting to make a “tax-free” purchase at a gas station using the ID. In social media posts, he described St. Louis as a “Slave Capital in a Slave State!” and the Gateway Arch as a “Symbol of Our destruction and demise.” According to his father, Davis met out-of-state members of the New Black Panther Party after Brown’s killing and was quickly recruited to lead the group’s local chapter. He befriended two FBI informants shortly thereafter.

The older Davis said his son did not realize that he was being framed, but the younger Davis indicated in social media posts that he knew he was under surveillance. “Family and Friends, every day I got Caucasians following me in SUV trucks,” he wrote on Facebook two days before his arrest. “Please be advised that if you show any signs of noncompliance with this Devil they will try to assassinate you.”

In prison, Davis has been taking classes, reading Paulo Coelho novels, recording himself reading books to his children, and volunteering to support fellow inmates who were placed on suicide watch, he wrote last year in a letter to the judge who sentenced him. “I recognize that my incarceration was due to my failure to adhere to the principles of unwavering faith and affirming peace in thought and in action,” he wrote. “My imprisonment has given me the chance to once again develop a perspective that is sound and humane.”

## **Egregious “Bothsidesism”**

As protests over Brown's killing intensified in Ferguson and spilled across the country over the next months and years, so did the FBI's scrutiny of protesters. In November 2014, days before the Ferguson grand jury's decision and Davis and Baldwin's arrest, the bureau circulated an internal bulletin warning law enforcement of "Potential Criminal Reactions to Missouri Grand Jury Announcement." Two years later, after protests against police brutality had engulfed Baltimore, Chicago, and several other cities, the FBI again issued an intelligence bulletin, warning that "Black Separatist Extremists' Call for Retaliation in Response to Police-Involved Incidents Could Incite Acts of Violence against Law Enforcement."

By 2017, the FBI had given this presumed threat a new name: Black Identity Extremism, or what the bureau claimed was a growing, violent, and racially motivated movement targeting law enforcement. Filled with innuendo and stereotypes, the 12-page report that first introduced the label was written so imprecisely that the very definition of a "black identity extremist" was left grammatically incomplete, making its meaning unclear:

*The FBI defines black identity extremists as individuals who seek, wholly or in part, through unlawful acts of force or violence, in response to perceived racism and injustice in American society and some do so in furtherance of establishing a separate black homeland or autonomous black social institutions, communities, or governing organizations within the United States.*

The report also explicitly connected its analysis to the Ferguson protests, focusing on incidents of what it called "premeditated attacks against law enforcement officers since 2014."

"The FBI assesses it is very likely incidents of alleged police abuse against African Americans since [Ferguson] have continued to feed the resurgence in ideologically motivated, violent criminal activity, within the BIE movement," it noted, adding that agency had "high confidence" in its assessment. "The FBI further judges it is very likely BIEs proactively target police and openly identify and justify their actions with social-political agendas commensurate with their perceived injustices against African Americans, and in some cases, their identified affiliations with violent extremist groups."

Hansford, the activist and professor, told *The Intercept* that law enforcement took legitimate grievances about a broken system as personal attacks against them, and fabricated a nonexistent threat to repress criticism. "The Black Lives Matter protesters and other black protesters oftentimes are protesting the police themselves, so it's a situation of self-interest where [police] feel personally attacked," he said. "The problem is there really hasn't been a major [African-American] group that has in any way, shape, or form been a tangible threat to law enforcement, physically, since the Black Liberation Army," Hansford added, citing a militant black nationalist group active in the 1970s. "It's been over 40 years."

Lawmakers also condemned the report. In addition to Wray's meetings with the Congressional Black Caucus and testimonies about it at two separate House Judiciary Committee hearings, Bass memorably grilled then-Attorney General Jeff Sessions about the report's claims at a different committee hearing. Sessions said he hadn't read the report and couldn't name an African-American organization that had committed violence against police. Moments after Bass asked him whether he considered the Ku Klux Klan to be "white identity extremists," Sessions quipped that the names of any white supremacist groups were "not coming to me at this moment."

Despite a barrage of criticism the FBI did not retract or amend the report. Speaking before the House Judiciary Committee in December 2017, Wray said that the FBI would not "withdraw intelligence assessments based on public outcry." Appearing before that committee again, in June 2018, he offered no answers to some legislators' questions about who exactly had written the report and based on what premises, but he said that their feedback "prompted us to go back and take a very hard look at how we are bucketing the different categories of domestic terrorism." "I think it's been a useful learning experience for us," Wray said, "and I expect we will see some changes in how we do things going forward." Still, to date, the FBI has issued no clarification or amendment to the report.

But the “black identity extremism” report wasn’t the only one the FBI produced that year warning about the threat posed by a nonexistent ideological group. As Jezebel reported in January, the FBI in 2017 issued a similar alert about what it called “pro-choice extremists.”

In a one-page memo obtained via public records request by the government transparency group Property of the People, the FBI lists the new category of made-up extremists along actually existing “pro-life extremists” under the common banner of “Abortion Extremism Ideology.” As was the case with “black identity extremism,” the FBI concedes in the report that its own evidence for claiming that such an ideology exists is scant. “Only one pro-choice extremist has been prosecuted,” the report notes. “And that person acted independently and without any direct affiliation to a pro-choice group.”

As Jezebel notes, that is a reference to Theodore Shulman, who served three years in prison for harassing and threatening to kill two leaders of the anti-abortion movement. The only killing of an anti-abortion activist came at the hands of a mentally ill man who had also killed someone else that day, and that showed no signs of being motivated by ideology.

The documents obtained by Property of the People also give a sense of how these reports might be put to use by law enforcement. In one email published by the group, a Washington state sheriff shares the FBI material with his staff with the following warning: “Attached is the latest and greatest about groups we should be aware of. Some of them operate in Eastern Washington.”

Property of the People called the equation of imaginary “pro-choice extremism” to the real “pro-life extremism,” whose adherents have murdered at least a dozen doctors and abortion providers, “an especially egregious case of ‘bothsidesism.’”

“The FBI has a long, sad history of targeting progressive movements as threats to national security,” Ryan Shapiro, the group’s executive director, told *The Intercept*. “From the civil rights and anti-Vietnam War movements to the animal rights, anti-fascist, pro-choice, and Black Lives Matter movements today, the bureau’s fever dreams of leftist subversion have undermined American efforts for social justice.”

The FBI has also done little to address criticism that while it has long warned of the “persistent” threat posed by white supremacist groups — and even investigated white supremacist infiltration of law enforcement, as *The Intercept* has reported — it has grossly undercounted the violent incidents stemming from white supremacist ideology. While a May 2017 FBI report argued that “lone actors and small cells” within the white supremacist extremist movement “will continue to pose a threat of lethal violence,” that report minimized the level of violence coming from these individuals, listing only “one lethal and five potentially lethal attacks” carried out by white supremacist extremists in 2016 and omitting, for instance, the case of Brent Ward Luyster, a neo-Nazi who murdered three people in 2016 while under FBI investigation.

Between 2008 and 2017, “right-wing extremists” were responsible for 274 murders — more than 70 percent of all murders carried out by domestic extremists, according to a review by the ADL. And of 34 extremist-related murders in 2017, 59 percent were related to right-wing extremism, including 53 percent involving individuals who explicitly espoused white supremacist views. But many of those cases were rarely discussed by officials in terms of domestic terrorism, nor were the accused charged under anti-terrorism laws, even though they appeared to be motivated by a clear ideology.

Instead, as *The Intercept*’s analysis revealed, the Justice Department applied anti-terrorism laws against only 34 of 268 right-wing extremists it prosecuted for crimes that appear to meet the legal definition of domestic terrorism — while also targeting 17 environmental and animal rights activists with anti-terrorism laws.

“They view terrorism through a distorted lens that overemphasizes nonviolent acts by groups opposed to government policy over acts of violence against marginalized groups here in the United States,” said

German, the former FBI agent, referring to the agency. “The language is intentionally malleable because they want to include certain acts and exclude other similar acts, depending on who is committing them or who the victim of the crime is.”

“The reason they’re able to do this is because the term ‘terrorist’ is so nebulous, it’s so abstract. Anything they don’t like, they’ll call terrorist,” echoed Hansford, the activist and law professor. “They will always resist having a more precise definition of terrorism because they want to use it as a tool to basically go after whoever they want to go after.”

### **The FBI’s “BIE List”**

In addition to the case of Davis and Baldwin — which the FBI report inexplicably describes as involving only one unnamed suspect — the “black identity extremism” report mentions the deadly shootings of police officers in Dallas and Baton Rouge in the summer of 2016. Those shootings followed the police killings of Philando Castile in Minnesota and Alton Sterling in Louisiana, which were caught on video and reignited the national outrage sparked by Brown’s killing two years earlier. The report also lists nonfatal attacks on police in New York, Indiana, and Arizona.

But despite the FBI’s efforts to group the incidents together, there is no evidence that the perpetrators knew each other, belonged to any common groups, or subscribed to the same set of beliefs. Instead, the cases present a mix of resentment toward police, anger at the treatment of minorities, and mental health issues. At least two of the men referenced had expressed sovereign citizen beliefs: one was a Muslim convert who had shown fascination with jihadi violence, and two were military veterans who had sought treatment for symptoms associated with post-traumatic stress disorder. In many cases, the ideologies that law enforcement has attributed to them appear to have been based on FBI agents scrolling through comments the men had made on social media.

Three of the six referenced in the report were killed before their motives could be tested in court. Micah Johnson, who on July 7, 2016, shot and killed five law enforcement officers and wounded several others at a Dallas protest against police violence, told police negotiators before being killed in a standoff that “he was upset about recent police shootings and white people, and expressed a desire to kill white people, especially white officers,” according to the FBI report. The report notes that Johnson had “searched and liked social media pages of BIE and black separatist groups” and “appeared to have been influenced by BIE ideology.” It also cites news reports saying that he had been “ousted from a local BIE group for being too radical.” It’s unclear what groups the FBI was referring to, since “black identity extremist” organizations do not exist.

Gavin Eugene Long, who shot six Baton Rouge police officers on July 17, 2016, killing three, had used “black separatist rhetoric” on social media and in a manifesto he left behind, in which he described his actions “as a necessary evil ... in order to create substantial change,” the FBI report notes, adding that Long had also declared himself a “Moor,” changed his “slave” name to a Moorish name, and was carrying a Moorish identification card at the time of his death. In videos and tweets posted shortly before the shooting, Long had praised Johnson, the Dallas shooter. He added, if “anything happens to me ... don’t affiliate me with anybody.”

Both Johnson and Long were military veterans. Johnson had sought treatment for anxiety, depression, and hallucinations after returning from Afghanistan in 2014, according to the Veterans Health Administration, and he had reportedly told doctors that he heard voices and mortars exploding, and that he had panic attacks and nightmares. Long, who served with the Marines in Iraq between 2008 and 2009, had told doctors that he experienced symptoms of PTSD, though his ultimate diagnosis was “adjustment disorder with depressed mood.”

The FBI report also lists the case of Zale Thompson, who attacked four New York police officers with a hatchet in October 2014, injuring two. According to the report, Thompson had tattoos that “indicated he

was affiliated with a black separatist extremist group” and “pocket litter indicating he may have been associated with another black separatist group.” The FBI report cites “law enforcement reporting” as its source, but doesn’t mention that Thompson also appeared to have become fascinated by Islamic State propaganda videos and jihadi rhetoric.

Finally, the report listed the cases, though not the names, of Damoine Wilcoxson and Marc Laquon Payne. Wilcoxson was sentenced to 37 years in Indiana state prison after shooting at two Indianapolis police stations in 2016, leaving behind delirious handwritten notes saying, “White must die.” Payne was accused of plowing his car into three officers in Arizona that same year. Authorities indicated that Payne, who has pleaded not guilty and is facing trial later this year, was impaired at the time and that his motives were unknown, but the FBI report notes that Payne’s social media accounts “indicated that he was tied to a BIE group and a Moorish group and that he was angry over police shootings since at least the killing of Brown in 2014.”

But while the FBI stretched its definition of “black identity extremism” to include a disparate series of disconnected cases, white criminal suspects’ connections to extremist groups are often discounted, German said. “There’s evidence that the shooter in Las Vegas had expressed some anti-government views that are in line with some far-right groups, but you don’t see this rush to say he was a far-right extremist and to attribute those deaths to far-right extremism in the United States,” he said, referring to the massacre of 59 people at a country music concert in 2017. “That’s where the politics of this kind of approach are very damaging and divisive in American society, because they do tend to reflect political views rather than the threat of violence.”

### **Rakem’s Story**

The case of Rakem Balogun is often characterized as the first attempted federal prosecution of a “black identity extremist” since the FBI report about the supposed ideology. Balogun is a Dallas-based former Marine and a member of Guerrilla Mainframe, a pan-African group with a broad agenda ranging between universal health care and the abolition of the U.S. Constitution. He was also a member of the Huey P. Newton Gun Club, which promotes the Second Amendment rights of African-Americans.

Balogun, whose legal name is Christopher Daniels, was arrested in December 2017, when officers in riot gear pulled him and his 15-year-old son out of their house and forced them to stand outside in the cold, handcuffed and in their underwear. Balogun spent the next five months in jail on a single illegal firearms possession charge, while prosecutors tried and failed to paint him as a domestic terrorist. At his detention hearing, where Balogun was denied bail, an FBI agent testified that he had been under surveillance for two years, since video of him at an open-carry rally against police brutality circulated online, including on the right-wing conspiracy site InfoWars.

The video shows protesters, including Balogun, chanting, “The only good pig is a pig that’s dead” and “Oink oink, bang bang.” Balogun’s Facebook page “openly and publicly advocates violence toward law enforcement,” the FBI agent said. On the first anniversary of the July 2016 Dallas police shooting, Balogun posted several comments that appeared to celebrate shooter Micah Johnson. “Today one year ago one Black Man brought Dallas Pig Department to their knees,” he wrote.

Today, Balogun says he always suspected that he was being watched. “Anybody that knows a little bit about the history of black activism would know that once you become politically involved as a black person, especially as somebody who counters popular politics, that you will be watched,” he told *The Intercept* months after a judge ordered his release. “I don’t mind having an audience. I’m not doing anything illegal and I don’t advocate for anything illegal.”

“The thing about it is, a lot of mature black nationalists, militants, are not into the concept of going to war with the police or the state or anything of that nature,” he added, noting that he espouses what he called “scientific revolutionary socialism,” and that he believes in an individual’s right to self-defense.

Ultimately, the case against Balogun hinged on an accusation that he was prohibited from owning a gun due to a 10-year-old misdemeanor conviction for domestic assault in another state. Prosecutors tried to convince him to take a plea deal, he said. “Their plan was for me to be weak and sign for six months, and to feel guilty for being a black activist who promotes a culture of self-defense and self-preservation in a white nation. ... That’s really the crime,” he told *The Intercept*. He refused to take a deal.

Balogun, who has long been an advocate for gun rights, said he’s used to the double standard applied to black gun owners. Perhaps the most infamous example of that is Philando Castile, who was killed by a police officer during a traffic stop, which his girlfriend streamed on Facebook Live. Castile was a legal gun owner and told the officer he had a gun, but he was shot anyway while reaching for his license as ordered. Balogun told *The Intercept* that while police officers are generally friendly with open-carry demonstrators in Texas, black open-carry demonstrators routinely receive more hostile treatment.

A federal judge ultimately dismissed the gun charge against him, but Balogun lost his job and home, and missed his newborn daughter’s first months while he was in jail. He says he is now considering legal action to obtain whatever surveillance material the government may have gathered on him. Wray said at a House Judiciary Committee hearing in June 2017 that he was not familiar with Balogun’s case.

Babu Omowale, a founder and director of the Huey P. Newton Gun Club, told *The Intercept* that he is sure Balogun was not the only member under surveillance. The group, which is named after a co-founder of the Black Panther Party, is mostly made up of former members or the New Black Panther Party who have focused their activism on gun rights and self-defense in the black community, mostly staging open-carry rallies, neighborhood patrols, and in one case, counterdemonstrating as an anti-Muslim group rallied outside a Dallas mosque.

“We see them sitting outside of our meetings, watching us, but it’s not going to stop us from organizing our people,” said Omowale, referring to the FBI. “We’ve known about it since the 1960s, when J. Edgar Hoover was over the counterintelligence program where he sought out black leadership.”

## **COINTELPRO 2.0**

The FBI’s leaked memo, as well as evidence that had already emerged that the FBI was targeting black activists for surveillance, drew widespread comparisons to the notorious COINTELPRO, a program aimed at surveilling, infiltrating, and sabotaging the civil rights, anti-war, and black liberation movements of the 1960s and 1970s. “Martin Luther King Jr. was one of the original ‘Black Identity Extremists,’” a HuffPost column noted. Several people called the FBI report “COINTELPRO 2.0.” The FBI itself referred to the civil rights era in its 2017 report, retroactively applying its new “black identity extremist” label to the now-defunct Black Liberation Army. “BIEs have historically justified and perpetrated violence against law enforcement, which they perceived as representative of the institutionalized oppression of African Americans,” the report argued. “BIE violence peaked in the 1960s and 1970s in response to changing socioeconomic attitudes and treatment of blacks during the Civil Rights Movement.”

Under the COINTELPRO umbrella, the FBI went from tracking King’s every move and attempting to smear him, to surveilling Black Panther leader Fred Hampton, including by obtaining a floor map of his apartment, before Chicago police shot about 90 rounds into the apartment in 1969, killing Hampton and fellow Panther Mark Clark. At the same time, they routinely failed to intervene as white supremacist groups like the Ku Klux Klan engaged in a sustained campaign of violence against civil rights activists and African-Americans.

The FBI report noted that between 1970 and 1984, the Black Liberation Army was involved in at least 38 criminal incidents, including 26 armed assaults, three assassinations, four bombings, and four hijackings and hostage-takings — half of them targeting law enforcement officers. But it made no reference to law

enforcement violence against black activists, including the 1985 bombing of the Philadelphia headquarters of black liberation group MOVE, that killed 11 people.

Speaking before the House Judiciary Committee in November 2017, Wray called COINTELPRO “one of the darker moments in FBI’s history.” “It’s something we are not proud of, but it’s also something we have learned from,” he said. But when Rep. Cedric Richmond asked him why the FBI’s building continued to be named after J. Edgar Hoover — COINTELPRO’s infamous architect — Wray replied, “Like most people, he’s complicated.”

The “black identity extremism” report was hardly the first FBI effort to revive the tactics of COINTELPRO. In 2012, German, then at the American Civil Liberties Union, obtained public records revealing that the FBI had come up with yet another label to target what they claimed was a growing threat: “black separatist” domestic terrorism. Then, as now, the more recent violence driven by black nationalist ideology dated back decades, but the FBI included new warnings in its terrorism training materials that inexplicably connected the growing size of the black population in states like Georgia with a growing domestic terror threat. (As the ACLU noted at the time, the FBI had around the same time also invented what it called “American Islamic Extremists.”)

“You would hope that a law enforcement agency learns from its past mistakes,” said German. “I think that’s where the biggest failure is, that there are enough parallels to how the FBI reacted to protests in the 1960s and 1970s that should have dissuaded them from adopting similar approaches again.”

But rather than learning from the past, it seems that the FBI is trying to maintain its old ways under a different name. While the ideologies that the terms “black separatism” and “black identity extremism” purport to represent would appear rather different, the FBI has recently folded both into the latter category, documents reveal. In an internal email exchange obtained by Property of the People and shared with *The Intercept*, Michael F. Paul, an official with the FBI’s Counterterrorism Division, wrote to colleagues that the bureau had updated its definition of “black separatist extremism” in order “to broaden it beyond simply those seeking ‘separatism,’” he wrote. “The threat or movement has simply evolved,” Paul added, “and many are seeking more than/other than separation.”

Shapiro, of Property of the People, said the reclassification aimed to cast an even wider net on black activists at a time when police accountability, rather than separatism, was their priority. “Black Lives Matter isn’t a separatist movement, and the FBI wanted to expand its surveillance of black activists and communities,” he told *The Intercept*.

“With ‘black identity extremism,’ the FBI has expanded its ‘black separatist extremist’ category to also designate groups like Black Lives Matter a security threat,” he added. “The ‘BIE’ classification is the FBI’s bureaucratic umbrella for targeting as terrorists black people who expose the daily terror against their families and neighborhoods perpetrated by unaccountable killers in blue.”

To many black activists, that’s a familiar story.

“The government has always kept an eye on black people because they want to keep us in a certain social order,” said Omowale, of the Huey P. Newton Gun Club. “The term ‘black identity extremist’ may be a new term, but the way that the government operates is nothing new. They’ve been doing it since we’ve been in this country, since black people, even slaves, tried to organize for some type of freedom.”

### **16 Apr - Nina Droz Franco requests our help**

*Some comrades recently received a letter from Nina stating that she is being prevented from receiving all of her mail, and the pieces she is receiving are incomplete or mutilated.*

**MORE:**

Letters are also being returned to sender as "damaged" and undeliverable. Judging from the content of her reply, we believe she hasn't received the letters sent to her from our recent letter writing party. Nina has initiated an investigation at FCI Tallahassee and she intends to see it through to the end. This is part of a pattern of targeted harassment that Nina has received since the beginning of her incarceration, including physical assaults by corrections officers.

What she has asked us to do:

- She's aware that folks are posting images of their returned mail to social media. Find these posts and take screenshots, etc.
- Ask for these people's testimony or pictures of their returned mail and any attached Bureau of Prisons paperwork explaining the return.
- Email it to [abcfoc@disroot.org](mailto:abcfoc@disroot.org), after which we will take care of all printing and shipping.

Alternatively, you can write her a letter and see if it bounces back. If it does, hit us up with a picture of the rejected envelope, paperwork, et cetera. She needs this documentation to go forward with the formal investigation process. Most likely this will be a drawn out fight. Please spread word of this effort to anyone who may have written to Nina recently.

### **17 Apr - Huge Break in Mumia's Case**

*After much pressure from the movement, Yale Law School's Rebellious Lawyering Conference, and Judge Leon Tucker's fierce decision, the District Attorney of Philadelphia, Larry Krasner, rescinded his appeal in Mumia's case.*

#### **MORE:**

by Chris Palmer (*Philadelphia Enquirer*)

Philadelphia District Attorney Larry Krasner said Wednesday that his office would drop its challenge of a judge's ruling in convicted cop-killer Mumia Abu-Jamal's case, clearing the way for Abu-Jamal to again argue his appeal before the Pennsylvania Supreme Court.

The decision marks the latest chapter in a long-running appeals battle that has gained renewed attention in recent years, as Abu-Jamal's lawyers contend he deserves another shot to take his case before the high court due to a recusal issue involving former Pennsylvania Chief Justice Ronald D. Castille.

Krasner said in a statement that his office decided to withdraw its latest challenge in response to an opinion last month from Common Pleas Court Judge Leon Tucker. Expanding on a ruling he made in December, Tucker said Abu-Jamal was entitled to reargue his appeal because Castille — who was Philadelphia's district attorney during the early portions of Abu-Jamal's post-conviction efforts — did not recuse himself when Abu-Jamal's case later came before the high court.

Krasner's office challenged that initial decision, saying it believed Tucker's ruling was overly broad and could require any top prosecutor who becomes a judge to be recused from any case that had been pending before joining the bench — something Krasner's office believed could impact an untold number of already-decided cases.

Last month, Tucker issued an opinion saying prosecutors' reading of his earlier ruling was a "mischaracterization of the facts" and should not be taken in such a broad manner. Krasner said in his statement: "Given that the trial-level court has now addressed the concerns that led us to appeal in the first place, we have withdrawn the appeal."

Abu-Jamal, 64, a former Black Panther and radio reporter, is serving a life sentence for the Dec. 9, 1981, shooting death of Philadelphia Police Officer Daniel Faulkner, 25, at 13<sup>th</sup> and Locust Streets.

His case is one of the most closely watched and controversial in city history. Earlier this year, Krasner, elected on a reform-oriented platform, was uninvited from speaking at a Rebellious Lawyering conference at Yale Law School due to his handling of Abu-Jamal's appeal.

One of Abu-Jamal's lawyers, Judith Ritter, said in an email Wednesday that she and her colleagues were "very pleased" by the decision.

"The D.A's decision is in the interests of justice," she said. "We look forward to having our claims of an unfair trial heard by a fair tribunal."

## **20 Apr - Updates on Cleveland 4**

*An update on members of the Cleveland 4.*

### **MORE:**

We're still waiting on a release date into a halfway house for Connor Stevens. He's currently in SHU and could use letters of support, and books!

He also wants to collect all of his poetry from over the years. You can either mail them to him, copy and mail them to him, or email them to [Cleveland4Letters@gmail.com](mailto:Cleveland4Letters@gmail.com)

Doug Wright has also moved to a new place—USP Victorville in California.

## **22 Apr - In Rejecting Chelsea Manning's Appeal, Court Essentially Ignores All Arguments For Release From Jail**

*The Fourth Circuit Court of Appeals rejected an appeal from Chelsea Manning, which challenged a district court's order that found her in civil contempt.*

### **MORE:**

by Kevin Gosztola (*Shadowproof*)

On March 8, a federal district court jailed Manning for refusing to testify before a grand jury investigation into WikiLeaks. She was held in prolonged solitary confinement for around 27 days before authorities at the William G. Truesdale Adult Detention Center moved her to general population.

Judges for the appeals court offered no explanation [PDF] as to why they believed a lower court committed no error in finding Manning in civil contempt. They also provided no reasons for why it was justified to keep Manning in jail.

"Appellant Manning argues on appeal that the district court improperly denied her motion concerning electronic surveillance, failed to properly address the issue of grand jury abuse, and improperly sealed the courtroom during substantial portions of the hearing," the appeals court acknowledged.

"Upon consideration of the memorandum filed on appeal and the record of proceedings in the district court, the court finds no error in the district court's rulings and affirms its finding of civil contempt," the appeals court added. "The court also denies the appellant's motion for release on bail."

Manning reacted, "While disappointing, we can still raise issues as the government continues to abuse the grand jury process. I don't have anything to contribute to this, or any other grand jury.

She mentioned she missed home, but added, "They can continue to hold me in jail, with all the harmful consequences that brings. I will not give up. Thank you all so very much for your love and solidarity through letters and contributions."

Manning alleged the government engaged in “intrusive surveillance” against her “including surveillance vans parked outside her apartment, federal agents following her, and strangers attempting to goad her into an absurdly contrived conversation about selling dual-use technologies to foreign actors.”

As Manning’s attorneys argued, Judge Claude Hilton did not “seem to even consider the possibility that the government might have an obligation to disclose whether or not surveillance occurred, despite Fourth Circuit law supporting that proposition.” He essentially ignored the motion on electronic surveillance.

Additionally, Manning argued the government sought to “re-question” her about 2010 disclosures “about which she had already testified truthfully and exhaustively at her court martial” in 2013.

“As her testimony would be identical,” Manning’s attorneys contended, “it would in fact run contrary to the government’s theory of any case involving anyone besides Ms. Manning—who cannot herself be re-prosecuted for any offenses of which she was already convicted.”

“This situation therefore gives rise to an incentive for the government to use the grand jury to prepare for trial by undermining her as a defense witness,” her attorneys added. “Thus, Ms. Manning effectively raised substantiated concerns that the subpoena was motivated by an improper purpose, that it was intended as a mechanism of exposure and harassment, and that it was being used as a vehicle for trial preparation.”

Yet, the appeals court did not bother to address these arguments. They merely issued an order that generally mentioned why Manning believes she should be released from jail immediately.

When Manning filed her appeal, WikiLeaks editor-in-chief Julian Assange was still in the Ecuador embassy in the United Kingdom. The government of Ecuador had not expelled him and allowed the British authorities to arrest and haul him out to a police van at the request of the United States government, which indicted Assange and filed an extradition request.

Assange’s expulsion and arrest on April 11 was the clearest confirmation yet that the government is targeting him for information WikiLeaks published in 2010, which was disclosed by Manning.

“The indictment against Julian Assange unsealed today was obtained a year to the day before Chelsea appeared before the grand jury and refused to give testimony,” Manning’s attorneys declared later that day.

“The fact that this indictment has existed for over a year underscores what Chelsea’s legal team and Chelsea herself have been saying since she was first issued a subpoena to appear in front of a federal grand jury in the Eastern District of Virginia—that compelling Chelsea to testify would have been duplicative of evidence already in the possession of the grand jury, and was not needed in order for U.S. Attorneys to obtain an indictment of Mr. Assange.”

“Grand juries may not be used for the sole and dominant purpose of preparing for trial, including questioning potential trial witnesses. Since her testimony can no longer contribute to a grand jury investigation, Chelsea’s ongoing detention can no longer be seriously alleged to constitute an attempt to coerce her testimony. As continued detention would be purely punitive, we demand Chelsea be released,” her attorneys stated.

The appeals court’s order flagrantly dismissed these concerns that involve the due process rights of a citizen, and in doing so, it further demonstrated how oppressive and feudal the grand jury system is in the United States, which is one of two countries in the world that still relies on grand juries for developing indictments.

**22 Apr - A Letter From Water Protector Little Feather**

*Please read the latest from Standing Rock resister, Little Feather.*

**MORE:**

To all my Relatives and Akicita,

As I sit here in these decaying walls of confinement my mind goes thru all of my hardships through out and in my life. I've been through losing the most important people in my life, my mother, little brother Danny who was dying in my arms and my father. I've gone thru the most difficult drug addiction anyone can endure. All these struggles in my life were building blocks of strength and courage. I also witnessed the carnage and pain of my own people being hurt, sprayed and just flat out run over. That tore me up, it shook me to the point of having p.t.s.d. please know I've been through years of imprisonment of my own demise and stupidity.

But to witness law enforcement-the army reserves and other law enforcement from all over the states take brutal action against young women, mothers, elders and innocent children enraged me--still does! So while I'm in this prison I'm still fighting for you all. I'm OK knowing that not only did I fight for unci maka, and something that is very important: mni wiconi--life changing, I stood for our children, elders and all relatives who couldn't be there to stand. For our people who were unprotected who didn't deserve to be treated like animals. I've come face to face with the enemy! And stopped them. Ive been shot, sprayed, beaten-- I'm proud to be a Native. I'm proud to be a water protector. I'm proud to be Akicita.

So all my Relatives out there fighting still--who feel in despair, I stand with you in this Fight. If i was there I'd be side by side with you, taking down the Black Snake. My Spirit and Honor is with you. Stay positive and strong.

Have Hope and stay in prayer. My utmost solidarity, love, and honor.

**25 Apr - Pipeline Protester Charged with "Threat of Terrorism" for Locking Down Against the MVP**

*Below is an action report from Appalachians Against Pipelines about a recent lock down against pipeline construction equipment.*

**MORE:**

Early Thursday morning, 22-year-old pipeline fighter Holden Dometrius locked himself to welding equipment at a Mountain Valley Pipeline (MVP) construction site, stopping work. The work site in question is located above the town of Lindside, WV on Little Mountain. Banners on site read "TO HELL WITH YOUR PERMITS" and "NO BORDERS, NO PRISONS, NO PIPELINES ON STOLEN LAND."

The Mountain Valley Pipeline is a 303-mile, 42-inch diameter fracked gas pipeline that runs from northern West Virginia to southern Virginia, with a 70-mile extension into North Carolina announced in 2018. The pipeline endangers water, ecosystems, and communities along its route, contributes to climate change, increases demand for natural gas (and therefore fracking), and is entrenched in corrupt political processes. Resistance to the pipeline has existed since it was proposed nearly 5 years ago, including a robust nonviolent direct action campaign that began in 2018.

Dometrius, originally from North Carolina, stated: "The Mountain Valley Pipeline is one of the worst possible things we could build at this point in time. All the science suggests that fossil fuels are killing us. A 42-inch gas pipeline is the complete opposite of an appropriate response to the greatest threat our planet has faced. Climate change is not something we can keep putting off; it needs to be dealt with immediately. Millions of people are dying every year as a result of climate change and its root cause, fossil fuels.

"We could just let capitalism run its course, let the politicians and regulators sell environmental permits to Mountain Valley Pipeline, and let extraction destroy the planet. That doesn't make any sense to me. If it

doesn't make sense to you either, then make some moves. Get in the way. If everyone steps up, things could change. So here I am."

Yesterday, the West Virginia Department of Environmental Protection (WVDEP) modified the state's water quality certification standards in such a way that will inevitably allow MVP to construct the pipeline across water bodies using a method that had previously been deemed illegal (and which remains extremely dangerous to impacted waterways and communities). This rewriting of laws comes after a federal court put MVP's streamlined water crossing permit on hold in June of 2018, in response to a motion filed by environmental groups opposed to the pipeline, because the permit plainly violated WVDEP's own regulations. Now that the regulations have been changed to suit MVP's needs, the company will apply for a new permit and construction across waterways will proceed as soon as possible. The banner seen at today's action is a reference to this endless, thinly veiled corruption that is embedded in the pipeline approval process.

Today is also the 233<sup>rd</sup> day of two aerial blockades deemed the Yellow Finch tree sits in the path of the Mountain Valley Pipeline. These tree sits, which are located in some of the last remaining trees along the pipeline's path outside of Elliston, VA, have been protecting the hillside on which they are perched since September of 2018. In December, Mountain Valley Pipeline filed a request for injunction against the tree sitters, asking a federal judge to have the sitters removed, but Judge Dillon has not yet made a decision in that case.

### **5 May - Eating Ethically/Comer de forma ética**

**WHAT:** Cooking workshop and discussion panel

**WHEN:** 5:00pm, Sunday, May 5<sup>th</sup>

**WHERE:** Mayday Space, 176 Saint Nicholas Avenue, Brooklyn 11237

**COST:** FREE

#### **MORE:**

Join us May 5<sup>th</sup>, for a fun workshop on ethically sustainable cooking! We'll be having a vegan cooking demonstration and a discussion panel on the importance of achieving food sovereignty through both ethical & sustainable means

¡Únete a nosotros el 5 de mayo para un divertido taller sobre cocina éticamente sostenible! Haremos una demostración de cocina vegana, y un panel de discusión sobre la importancia de lograr la soberanía alimentaria a través de medios tanto éticos como sostenibles.

This event is free, but space is limited, so please register at [eventbrite.com/e/eating-ethically-comer-de-forma-etica-tickets-60909173979](https://eventbrite.com/e/eating-ethically-comer-de-forma-etica-tickets-60909173979)

### **6 May - Burning Frame: Compañeras/Tectonics**

**WHAT:** Movie night

**WHEN:** 7:30pm, Monday, May 6<sup>th</sup>

**WHERE:** Spectacle Theater - 124 South 3<sup>rd</sup> Street, Brooklyn, New York

#### **MORE:**

For May Day, two films on occupation and "claiming space:" one a testament to the strength of female workers, the other a salvo against the legitimacy of state borders.

Compañeras (Grupo Alavio, 2004, Argentina, 38 min)

Grupo Alavio is an anarchist film collective, their name an homage to the itinerant workers of the early 20<sup>th</sup>-century who would disseminate propaganda kept in their avios (knapsacks). Drawing inspiration from these fleet-footed labor activists of yesteryear, the group travels from town to town filming the struggles of laborers endeavoring to build collective strength and overcome socioeconomic injustice. These

documentaries subvert many of the bourgeois tendencies common to the genre; they are self-funded and screened in the break rooms of municipal and factory workers in order to build solidarity and show the nuts-and-bolts process of workers unionizing and, in some notable cases, seizing the means of production. This particular film spotlights female Argentinian workers under diverse circumstances, united in their pursuit of personal and collective autonomy.

Tectonics (Peter Bo Rappmund, 2012, US, 60 min)

A border is both a place and an idea; it is a line on the ground that cuts through people, destroying the land onto which it is forced. But what does a border look like? What are its sounds? And how can these sights and sounds be presented in a manner that is decolonizing in its effects? Rappmund attempts this by closely observing the U.S. Mexico borderland itself, its monuments, cacti, air traffic, flags, walls and fences. These objects hide as much as they reveal, so Rappmund's methods depict this territory as both familiar and strange, resulting in a landscape documentary that is also animation. Whatever the border is, however many borders there are to know and fight, some of its realities are contained within this film.

### **10 May - Metropolitan Anarchist Coordinating Committee General Assembly**

**WHAT:** General Assembly

**WHEN:** 6:30pm, Friday, May 10<sup>th</sup>

**WHERE:** Mayday Space, 176 Saint Nicholas Avenue, Brooklyn 11237

**COST:** FREE

**MORE:**

The assembly will begin at 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/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).

### **1 May - May Day Noise Demo Against Prisons**

**WHAT:** Noise Demo

**WHEN:** 7:00pm, Wednesday, May 1<sup>st</sup>

**WHERE:** 275 Atlantic Avenue, Brooklyn

**COST:** FREE

**MORE:**

This May Day, in the spirit of the Haymarket martyrs, RAM calls for actions in solidarity with those detained in modern-day plantations and in opposition to the barbaric American state.

On May 4, 1886, Chicago Illinois, a bomb was thrown at police who were attempting to disperse the crowd of protestors during a labor demonstration for the 8 hour work day and the previous murder of workers by the police the day before. In retaliation, the police fired on the crowd of demonstrators and a gun battle ensued between the protestors and the police. Eight anarchists were unjustly accused in the aftermath while

a wave of state repression towards the labor movement began. This incident, now known as the Haymarket Affair, sparked the annual holiday we call May Day. Ever since, May Day (May 1<sup>st</sup>) has commemorated the brave resistance of anarchists and other revolutionaries against both capitalism and statehood.

May Day is also a time to express solidarity with those facing state oppression all over the world and in the U.S. prison system. Slavery in the United States never really ended; instead, plantations became prisons, where upwards of 22% of the world's prisoners are currently held in captivity and forced into labor. The very ideological underpinnings that allow this heinous, racist condition of social death to persist– not to mention the very same human and institutional actors who do so– has resulted in a rapid expansion of immigrant detention in the U.S. What followed was a myriad of senseless deaths forcing those fleeing violence in their home countries to live in makeshift concentration camps, denying access to basic needs, and violating their humanity in general. The violence that immigrants are fleeing currently is a direct result of US imperialism in Central, South America, and the Caribbean. The perpetrators of violence in both instances are the state

RAM stands in solidarity with all exploited and enslaved people around the world. This May Day, we invite you to join us for a noise demo at 275 Atlantic Ave at 7pm. Together with Anarchist Black Cross and Shut it Down NYC, we will put those who are complicit in State violence on notice while letting prisoners know that they are not alone.

MACC events are open to all anarchists, antifascists, anti-authoritarians and those interested in anarchist ideas and organizing.

Bluestockings is wheelchair accessible, with no steps or platforms, and wide aisles between shelves. The bathroom is not wheelchair accessible. There is a Starbucks two short blocks down the street with an accessible bathroom (at Allen and Delancey). Metered street parking is available in the blocks surrounding Bluestockings. Bluestockings is not a scent-free space, but we encourage visitors to please refrain from wearing perfumes, colognes or other scented products (including essential oils) and smoke far away from the entrance to the space.