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Updates for December 15<sup>th</sup>

## **24 Nov - DA seeks clemency for father, '60s radical David Gilbert**

*Pressure to grant clemency to New York state political prisoner David Gilbert is growing.*

### **MORE:**

by Paul Grondahl (*SF Gate*)

When Chesa Boudin was growing up, both his parents were serving long sentences in New York state prisons for their roles in a 1981 armored Brink's truck robbery in Rockland County that left two Nyack police officers and a security guard dead.

Family friend Jeff Jones brought the youngster on prison visits to see his father.

Boudin was raised by adoptive parents and the boy left each prison encounter struggling to process feelings of sadness, anger and confusion over his powerlessness to change a criminal justice system that broke his family apart.

"I had a lot of emotional issues growing up because the nature of incarceration creates distance between family members," conceded Boudin, 40, who was elected District Attorney of San Francisco a year ago after a career as a public defender and champion of alternatives to incarceration.

Now, Jones, 73, of Green Island, an environmental consultant, is joining forces with Boudin and international religious leaders including the daughter of the Rev. Dr. Martin Luther King Jr., to seek mercy from the governor. The coalition is urging Gov. Andrew Cuomo to grant clemency to Boudin's father, David Gilbert, because his age elevates the risk he faces from COVID-19.

Gilbert is 76 years old and has been incarcerated for 39 years. He is serving a 75-years-to-life sentence for felony murder and robbery. Gilbert is confined at Shawangunk Correctional Facility, a maximum-security prison in Ulster County, 80 miles south of Albany. He is one of the oldest and longest-serving inmates among the state's roughly 38,000 inmates. Gilbert is not eligible for parole until 2056, when he would be 112 years old.

"I would urge Governor Cuomo to look closely at the man that David has become and how he has demonstrated rehabilitation and remorse," Jones said. "It's a waste of taxpayer money to keep him in prison after almost 40 years. He is not a threat to anyone."

Jones and Gilbert were members of the Weather Underground, a leftist militant group formed in 1969 to oppose the Vietnam War, fight for black liberation and overthrow American imperialism. The FBI described them as a domestic terrorist group. Members included Jones' wife, Eleanor Stein, 74, a retired administrative law judge, and Boudin's mother, Kathy Boudin, 77, convicted of the same charges as Gilbert and released from prison on parole in 2003. She now works as an adjunct professor at the Columbia University School of Social Work and is co-founder of its Center for Justice there.

Advocates for Gilbert's clemency note there have been more than 3,400 confirmed coronavirus cases and 23 deaths among inmates and staff in the state's prison population, according to the state Department of Corrections and Community Supervision. As of Nov. 20, there were 101 reported positive cases of COVID-19 out of 353 tests among inmates at Shawangunk, including one death. His son said his father has underlying health conditions that put Gilbert at high risk for contracting the deadly virus.

“I’m worried my father could die of COVID-19 in prison. He has always expressed great remorse for the victims and he has never tried to deny or minimize the role he played in a serious crime,” Boudin said by phone from San Francisco. “There is no compelling reason for my father to remain incarcerated.”

As an elected prosecutor, Boudin has a unique perspective. His mother and father were in a transfer truck waiting for the getaway car carrying the robbers after a 1981 Brink’s heist of \$1.6 million at the Nanuet Mall. His mother, Kathy Boudin, received a sentence of 25 years to life after hiring a lawyer, pleading guilty and accepting a plea deal, while his father, who was not a lawyer, defended himself and went to trial.

“My father was not present in the courtroom for much of the trial and nobody advocated for him, which is why it is a bad idea to represent yourself,” Boudin, the prosecutor, said. “My mother and father did the exact same thing and had identical culpability in the crime. My mother served 22 years in prison and was paroled 17 years ago, while my father is still in prison. It’s an example of criminal justice imbalance.”

Boudin believes his father is perhaps the only person his age who has served as many years in state prison who was unarmed during the commission of the crime. Another Brink’s robbery co-defendant, Weather Underground member Judith Clark, who drove the getaway car, was granted parole in 2019 after Cuomo commuted her 75-years-to-life sentence in 2016. Prosecutors and law enforcement bitterly opposed her parole and called it an insult to the victims’ family members.

“My father is the last one in,” Boudin asked. “This governor already granted clemency for Judith Clark, he’s aware of my father’s case and he’s shown mercy previously. I am hopeful Governor Cuomo will show courage and mercy again.”

The Weather Underground formed on the Ann Arbor campus of the University of Michigan in 1969, an offshoot of Students for a Democratic Society, or SDS. Gilbert and Jones were both involved in SDS efforts and met in 1967 at Columbia University at an anti-war event. The predominantly white Weather Underground activists allied themselves with the Black Panthers and other radical groups. They considered violence – including a campaign of bombing public buildings in response to U.S. involvement in the Vietnam War – a viable means to achieve their political ends.

The group took its name from Bob Dylan’s 1965 song “Subterranean Homesick Blues” and the lyrics: “You don’t need a weatherman to know which way the wind blows.” Jones and Stein were fugitives from justice in the early 1970s for their involvement in the Weather Underground and raised their son under aliases. Jones lived as John Maynard and worked as a printer in Manhattan and his wife was Sally, a secretary. They were caught after Jones was busted in Hoboken, N.J. for growing marijuana on the roof of their apartment building.

Jones and Stein were not directly involved with the Brink’s robbery and were living in an apartment in the Bronx, figuring out how to negotiate turning themselves in, when the FBI smashed in their apartment door in 1981 and agents took Jones away at rifle-point. Their son, Thai Jones, 4 at the time, recounted the harrowing scene in a 2004 book he published about his parent’s leftist politics, titled “A Radical Line.” Charges were dropped against Stein and Jones was sentenced to community service and worked in an emergency room in a Harlem hospital and drove a school bus in the Bronx.

Jones and Stein led an effort in 2010 for Gov. David Paterson to grant clemency to Gilbert near the end of his term, but failed. Since Cuomo took office in 2011, he has reduced the number of inmates statewide by more than 30 percent and closed 15 prisons – in contrast to his father, Gov. Mario M. Cuomo, who oversaw the largest expansion of the prison system in the state’s history.

Since 2016, state prisoners submitted more than 6,500 applications for reduced sentences to Cuomo. The governor has executive clemency powers of commutation – shortening the sentence to allow for an earlier parole hearing or immediate release. Cuomo has granted clemency to 104 individuals in nine years, compared to Gov. Hugh Carey’s 155 in eight years and Gov. Mario Cuomo’s 37 in 12 years.

“I would urge Governor Cuomo to listen to a son’s emotional appeal and grant clemency to David Gilbert,” Stein said.

### **25 Nov - Compassionate Release Efforts for Mutulu Shakur Renewed Due to COVID**

*Thank you all...for your ongoing love and support for Mutulu, and your patience while waiting for this update.*

#### **MORE:**

Mutulu's communication with his supporters has been greatly hampered the last several weeks as he was moved into the hospital to receive a stem cell transplant for his bone marrow cancer. Simultaneously, Judge Haight denied his compassionate release petition. As we warned was likely to happen given the prison conditions, Mutulu has now contracted COVID-19. An outside physician is monitoring his records and while we are concerned, thus far the virus has not impacted him as severely as it could. The legal team continues to pursue all avenues for securing his release.

Sign the Petition: [bit.ly/cr-petition](https://bit.ly/cr-petition)

We are renewing the push to petition for compassionate release now that we have resubmitted an application for compassionate release due to the COVID diagnosis. Please sign the online petition using the link above if you haven't yet and continue to share it. We ask that you continue to keep him in your prayers. If you would like to make a tax deductible donation, please use the PayPal link for our fiscal sponsor by visiting [cadnational.org](https://cadnational.org) and then using the link in the right sidebar of the CAD website.

### **25 Nov - The Church at the End of the World + KBP7 Updates**

*In 2018, a group of Catholic anti-nuclear activists made national news when they broke into a naval base in Georgia. One of their members — a New Haven resident — now awaits his sentencing.*

#### **MORE:**

by Sharla Moody (*Yale Daily News*)

Mark Colville is relaxed for someone expecting to be sentenced to federal prison in a few weeks. He stands in front of a stove, white hair sticking out from under his hat, cracking eggs on the stove and piercing the yolks with the shells. As he cooks, he talks about his expectations for the hearing, and how the COVID-19 pandemic has forced him to choose between traveling out of state for an in-person hearing or being sentenced via a virtual meeting. He rolls up the sleeves of his sweatshirt, flips the eggs, then adds slices of cheese and hot dogs. He’s not worried, he says as he glances up from the food, even though it’s a less-than-ideal situation. He’s been arrested as an activist so many times he’s lost count, and he has spent enough time behind bars that he feels prepared for what awaits him. He places the eggs and hot dogs between two bagel halves and wraps them in aluminum foil before handing them off to another man, who will distribute them to hungry people standing outside in the rain. Then, he cracks more eggs.

On April 4, 2018, Colville, who lives in New Haven’s Hill neighborhood, and six other Catholic activists who call themselves the Kings Bay Plowshares 7, broke into Kings Bay Naval Base in Camden County, Georgia. Among the activists were a Jesuit priest, a couple of grandparents and a journalist. Under the cover of darkness, they cut a padlock on a gate and replaced it with another to cover their tracks. They

walked several miles by moonlight to a bunker that stores nuclear weapons and vandalized models of nuclear missiles. They were convicted as a group of three felonies and one misdemeanor — conspiracy, destruction of government property, depredation and trespassing. As of November 2020, six of them have already been sentenced. Colville expects to be sentenced in December.

“I’m worried about the end of the world,” Colville chuckled. “I’m not worried about going to prison.”

## **RESISTING AN IDOLATROUS ABOMINATION**

Plowshares began as a Christian pacifist and anti-nuclear weapons movement in 1980, when Jesuit priest Daniel Berrigan and seven others protested nuclear weapons by breaking into the General Electric Re-entry Division in Pennsylvania, where vehicles for the Minuteman III missile were manufactured. There, they vandalized trucks and documents and prayed for peace. Since then, there have been over 70 Plowshares actions and protests around the world, according to research compiled by Arthur Laffin, an activist who has written two books about the movement.

Colville, who has been involved in peace and progressive activism his entire life, recounted that the Plowshares 7 began “whispering to each other about possibly doing an action” at Berrigan’s funeral in 2016. “I think part of my motivation was in fact Dan Berrigan’s death,” he said. “I felt like that was a good way to honor him, to take up the hammer again and do a Plowshares action.”

Colville believes that nuclear weapons and the United States’ nuclear policy are tantamount to religious idolatry.

“Nuclear weapons represent [a] perpetual posture of hostility ... that amounts to a compulsory religion that us citizens are forced to abide by,” Colville said.

Anti-nuclear activism is not the type of action typically associated with Catholicism. In the United States, Catholic activism usually concerns pro-life or sexual ethics issues and has a politically conservative bend. But pacifist activism has a place in Catholicism, as evidenced by the Kings Bay Plowshares 7’s work, which represents just one group action in the Plowshares movement. In 1984, two members of the Plowshares movement were sentenced to 18 years in prison for breaking into missile silos and launch sites in Missouri.

“If you look at nuclear policy in this country, it does have all the elements of religion,” Colville said. “We’re talking about ultimate sovereignty that a nation claims over the whole planet, and to wield that power puts us into a situation of basically idolatry as a social practice in the United States.”

The Plowshares movement takes its name from a few verses in Isaiah, an Old Testament prophetic book in the Bible. Chapter 2, verse 4 of Isaiah states: “He [God] shall judge between the nations, and shall decide disputes for many peoples; and they shall beat their swords into plowshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war anymore.” A plowshare is a broad blade used to turn soil during tilling and plowing. The phrase “swords to plowshares” has been adopted by anti-war, anti-nuclearism and veteran advocates alike to represent the transformation of violence to nonviolence.

Plowshares asserts that militarism and nuclear arms are equivalent to religious idolatry, arguing that the direct funding of weapons is a misappropriation of money that would better serve the poor. These ideas inspired actions such as the 2018 protest at a Georgia naval port where U.S. Navy submarines armed with Trident nuclear missiles are stored. The Trident missile is armed with thermonuclear bomb warheads,

which are each a thousand times more destructive than atomic bombs. The U.S. Navy has a fleet of fourteen Ohio-class nuclear submarines that carry these missiles. In 2011, the Obama administration budgeted \$70.5 million per Trident missile.

Plowshares believes in Martin Luther King Jr.'s teaching from a 1967 speech that the triplet evils of racism, poverty and war must be addressed holistically.

"I look in my neighborhood and see this place that has been laid waste by the military and this idolatrous commitment to funding this idolatrous abomination. That's a direct theft from the poor," Colville said. "My daily life and lifestyles revolves around trying to bind up some of the wounds that are caused by this unbridled commitment to militarism."

This militarism, Colville believes, has been so pervasive throughout American culture that it must be actively resisted. "We've been living under the shadow of nuclear weapons for 75 years. It can feel like this is a permanent reality," Colville said. "You can really start to absorb the idea that these weapons are approved of by God."

## **CONVERTING DEADLY FORCE**

The Kings Bay Plowshares 7 planned for their action in Georgia for about two years, Colville said. The planning involved discerning whether they should perform the action and training for how to diffuse situations.

"It was a long discernment process," Plowshares 7 activist Martha Hennessy said. Hennessy is a retired occupational therapist, grandmother of eight and community worker who has been arrested and imprisoned several times for protesting nuclear power, drone use, the torture of prisoners in Guantanamo Bay and the use of starvation as a weapon of war in Yemen. "I've grown up with this nuclear threat. It's imperative that we pay attention to this nuclear holocaust."

Building community beforehand was integral to the protest. "I was scared to death," Colville said. "But again, we do it in community. We spent two years discerning this as a group."

Community as the foundation of progressive Catholic thought goes back to Dorothy Day, an American anarchist and Catholic convert who was influential in Catholic pacifism. In 1933, she started the progressive Catholic Worker Movement, which was centered around building local communities. Those involved in the movement live together and dedicate their time to local social justice causes. Day also wrote prolifically in support of pacifism. Today, the Vatican is considering Day for possible canonization into sainthood — in Catholicism, saints are people recognized for their holiness and closeness to God, and they are the only people the Catholic Church confidently and officially claims are in Heaven. Hennessy is Day's granddaughter.

Hennessy said her participation in Plowshares was driven by the work of her grandmother. When Hennessy was a teenager, Day gifted her the book *Hiroshima* by journalist John Hersey, which documents the lives of Hiroshima survivors in the wake of the 1945 atomic bombing. This helped Hennessy prepare to take part in the Plowshares movement, she said.

As the day of their action rapidly approached, Colville felt strangely calm. It was Colville's third time participating in a Plowshares action, and he felt somewhat ready.

“I kind of knew what to expect,” he said. “But I was, particularly because of the deadly force zone, trying to bargain with God. ‘Let this night end in a jail cell and not a morgue or a hospital.’”

The Plowshares group entered the Kings Bay Naval Base near a dirt road at what looked like a disused gate. They broke the lock at that gate and replaced it with another one to avoid being detected. Then, they followed the road for several miles in the dark before splitting up.

“Every 10 or 15 minutes you got this recorded announcement saying you were in a deadly force zone,” Colville recalled. “It was just really chilling to hear that announcement. Our group, we pray a lot. On the walk we were praying the rosary, a litany of the saints, a lot of traditional Catholic prayers. That was a real calming sort of thing for all of us.”

Colville and Patrick O’Neill, a hospital chaplain in North Carolina, parted from the group to see what they perceived as a shrine to nuclearism — a collection of missile models on the base. It was still dark, but they soon found themselves on a busier road in the base. Cars passed periodically.

“I said to Patrick, ‘I need a rest.’ I needed a psychological break before going forward, I needed to really get my head and my heart into this before we went further,” Colville said. “We sat down, did a little talking and strategizing, a little prayer, had granola bars. Then when I was ready, we ran across the street and hid behind a tree and waited for the right moment. And then we went over there. Once we got there and pulled out our tools and started doing the action, that’s when I found my legs and it became a lot easier once we got there.”

After writing “Thou shalt not kill” and “blasphemy” on the missile replicas with markers, they prayed and waited to be arrested. Other members of the group entered a bunker where nuclear weapons were stored, as well as an administrative building, where they left a copy of *The Doomsday Machine*, a book by Daniel Ellsberg, the whistleblower who released the Pentagon Papers.

The Plowshare members’ real fear — aside from being killed — was being arrested before they could complete their protest, Colville said. In this case, they were able to reach each location before they were arrested. According to Colville, their protest was so markedly peaceful that officers waited until they finished vandalizing the last model to make arrests.

“We go into these actions with the intent of doing conversion, converting swords into plowshares,” Colville said. “So, it’s not like we were trying to make trash out of these things. We were symbolically converting them into something useful for life.”

O’Neill, who is garrulous and good-natured even over the phone, struck up a conversation with one of the officers who arrested their group. Their conversation reached significant depths, with the officer sharing that he had experienced the death of his two-year-old son. O’Neill believes he was able to “convert” part of Kings Bay and transform it into something other than a base for nuclear weapons.

“The site ... was really not a deadly force zone,” Colville said. “We converted it into something other than a deadly force zone, at least for those moments.”

Hennessy, O’Neill and Colville all believe that in court, these details were brushed aside in favor of a narrative that depicted them as criminals rather than activists. They spent varying amounts of time — for Colville, over a year — in the Camden County Jail in Georgia.

“I do time well,” O’Neill said. “I look at it as an opportunity to do ministry. I make friends, I like to read, I like to write, I run every day. I don’t get bored in prison. I make the best of it.”

In the Camden County Jail, O’Neill was popular, and he ministered to other inmates. Once, he taught them the Richie Havens song “Freedom” at a “party” he threw in his cell. Still, O’Neill thinks that the group’s sentencing was affected by their depiction as malicious criminals rather than activists. Judge Lisa Godbey Wood, who sentenced O’Neill, was “cold,” O’Neill said, but he added that she showed him mercy by giving him a shorter sentence than the probation department recommended.

“She’s sentenced literally hundreds of people to thousands of years in prison,” O’Neill said. “To be in a job where you do that — I think it’s hard not to see the person on the other side of the bench as being someone you have to punish, and they need to be punished, and all of that is in the interest of justice. So she [sent] a hospital chaplain with eight children, whose youngest child has Down’s syndrome, who runs a Catholic Worker house and works with the poor, and basically devotes his life to peace and justice work ... to prison for a year and two months. She still had to punish me pretty severely for what I did.” O’Neill’s daughter provided character testimony in her father’s defense.

The Kings Bay Plowshares 7 activists faced up to 20 years in federal prison for their action. So far, the longest sentence given to any of the Kings Bay Plowshares 7 activists has been 33 months in federal prison for Fr. Steve Kelly, a Jesuit priest. Of the 20 years O’Neill could have been sentenced to, he was only given 14 months. Colville expects to receive between 21 and 27 months in prison, plus restitution, which he says he will refuse to pay.

“Hopefully I’ll get to go along for the canonization [ceremony for Day] and not go to federal prison for too long,” Hennessy said. On Nov. 13, Hennessy was sentenced to 10 months in prison, the lightest sentence received by any of them so far.

## **WAR, DOGMA AND CATHOLIC LIFE**

Plowshares actions are not explicitly condemned or condoned by the Catholic Church, though the Church views nuclearism unfavorably. In 2004, the Church published the “Compendium of the Social Doctrine of the Church,” which stated that nuclear deterrence must be replaced with disarmament. According to Carlos Eire, the Riggs Professor of History and Religious Studies at Yale, every pope since the invention of nuclear weapons has stated that they should not be used. While popes’ condemnations of nuclear weapons aren’t rigidly dogmatic, they should have great moral weight to the beliefs of Catholics. This moral weight resonates deeply with Colville.

“I have to go to the site where sins are committed, where idolatry is practiced,” Colville said. “Idolatry isn’t to be avoided or argued against or simply ignored. It’s not about nonparticipation when it comes to idolatry. Idols are to be smashed. That’s a basic call of faith in the Bible.”

For issues not dogmatically defined by the church, individual Catholics are able to form their own opinions in good conscience with church teachings. The Catholic Church teaches that there is such a thing as “just war,” and Catholic theologians like St. Augustine and St. Thomas Aquinas developed early versions of just war theory. But during the Vietnam War, opinion began to shift. Some Catholics, like Berrigan, were imprisoned for burning draft cards.

“There are plenty of Catholic clergy who have been arrested, and not just for the nuclear weapons issues, but other issues that fall in the area of ethics,” Eire said. “People are on a spectrum in the Catholic Church, and they don’t have to match up.”

But the idea of just modern warfare is waning among Catholics, even those at the head of the church. In his October encyclical “Fratelli Tutti,” Pope Francis wrote, “We can no longer think of war as a solution, because its risks will probably always be greater than its supposed benefits. In view of this, it is very difficult nowadays to invoke the rational criteria elaborated in earlier centuries to speak of the possibility of a ‘just war’. Never again war!” Whether opposition to nuclear weapons justifies breaking a nation’s laws, however, remains undetermined by the Church.

“To be a Catholic in this country naturally means that we must resist this government,” Colville said. “It’s imperialist, violent and incredibly racist. As a Catholic, I have to have a response to that.”

Pacifism, anti-militarism and advocating for the disadvantaged can exist alongside more traditional Catholic stances of being pro-life, anti-euthanasia and anti-death penalty, Eire explained, and holding these beliefs has been described by Catholics as a “seamless garment” of views of the sanctity of life, or “consistent life ethic.” Pope St. John Paul II stressed the importance of a consistent life ethic but upheld just war theory after witnessing the Nazi invasion of Poland as a young man, Eire added.

Conservative critics of Catholic pacifism have argued that war is necessary in cases of terror states and in cases of religious persecution. Others sympathetic to Plowshares’ goals worry that its confrontational methods alienate potential supporters. Still, Plowshares activists view their efforts as intertwined with their faith and as actions they are morally obligated to carry out.

“I like to study the works of mercy, the spiritual works of mercy, relating to resistance,” Hennessy said. “Admonish the sinner, instruct the ignorant, counsel the doubtful, comfort the sorrowful, bear wrongs patiently, forgive all injuries, pray for the living and dead. And then of course the seven corporal works of mercy, which is what we do at the [Catholic Worker] house: feed the hungry, give drink to the thirsty, clothe the naked, shelter the homeless, visit the imprisoned, visit the sick, bury the dead.”

Hennessy, O’Neill and Colville are all involved in Catholic Worker communities and live according to these spiritual works of mercy. Colville lives in the Amistad House, a Catholic Worker house in the Hill neighborhood of New Haven, where he, his wife Luz Catarineau-Colville, and others cook and distribute meals for over 60 people a day.

“The experience of running a Catholic Worker is all about day-to-day living, trying to simplify your lifestyle and voluntary poverty, looking for peace and justice for all,” Catarineau-Colville said.

In many ways, Colville’s work and Amistad House seem to embody the most radical interpretation of Catholicism. But Colville, Hennessy and O’Neill view the Catholic Worker Movement, as well as the actions of Plowshares, as the correct mode of living according to Catholic principles in this age.

Colville opens another carton of eggs and cracks them onto the stove. The oil sizzles and sputters, and he cracks the yolks with the shells. Later today, he will repeat this for lunch for the people who gather outside of Amistad House. Whatever tomorrow may hold for him, he isn’t concerned. The two greatest commandments, after all, are to love God and to love your neighbor as yourself — Colville leads a life oriented around these missions. He wraps another sandwich in foil and hands it off.

### **December 11<sup>th</sup> - Carmen and Martha to Report to Prison**

After a year of waiting since being convicted after trial in October 2019, two of the seven KBP activists begin their sentences on Monday, December 14. Carmen Trotta and Martha Hennessy will be reporting to

two different Federal Correctional Institutions on December 14 by 2 pm. There is a great risk of contracting the COVID-19 virus in prisons which have four times the rate of the general community.

Carmen, 58, who has provided three decades of hospitality and food at St. Joseph House Catholic Worker in NYC and been a key organizer to shut down Guantanamo and led protests to end the bombing and blockade of Yemen will report to FCI Otisville, NY. Community members will drive him an hour and a half north of NYC to begin his 14 month sentence. He has completed 7 1/2 weeks in pretrial confinement. Combined with good time, he may be released by November or December 2021.

Martha, 65, the granddaughter of Dorothy Day, co-founder of the Catholic Worker Movement, splits her time in Vermont living with her family and grandkids with serving at Maryhouse Catholic Worker in NYC. She'll be reporting to FCI Danbury, CT to begin a 10 month sentence. She has also served 7 1/2 weeks pretrial and may be released after 7 or 8 months. Danbury Federal prison gained notoriety from the TV mini-series, "Orange is the New Black." Recently deceased Plowshares activist Sr. Ardeth Platte was the model for one of the characters from her time there with the author.

You can send letters to them on white paper with blue or black ink but no drawings. We are checking what else they may receive. See the website for updates.

Clare Grady and Patrick O'Neill will report in the New Year.

Clare's been assigned FCI Alderson, West Virginia, to begin a 12 month and 1-day sentence, starting February 10<sup>th</sup>. She's already served 3 1/2 months pretrial and with good time, she may be released after 6 or 7 months. She'll be traveling from Ithaca, NY with her family to report. Clare had served 1 1/2 years at Alderson in 1984-85 for her part in the Griffiss Plowshares Action in Rome, NY with codefendant Liz McAlister.

Patrick will be traveling north from Garner, North Carolina to FCI Elkton, Ohio, just west of Pittsburgh, PA to begin his 14-month sentence, reporting on Jan.14 at 10 am. He also completed 7 1/2 weeks pretrial. He may be released after 11-12 months with good time.

Mark Colville is the only defendant not sentenced yet. He has already served 15 months pretrial in Camden and Glynn county jails. Mark received word from Judge Lisa Godbey Wood on Dec. 8<sup>th</sup> that she has granted him another stay of sentencing until Friday, Feb. 19 at 10 am. Mark will not waive his right to be sentenced in person before Judge Wood. Due to the pandemic, if Mark leaves Connecticut he must quarantine for 14 days upon returning. Mark can't afford that time now as he's been the medically designated driver for his nephew Alexander, taking him 3 times a week for dialysis from New Haven to Hartford.

Fr. Steve Kelly still sits waiting in Glynn County jail in Brunswick, GA for the Bureau of Prisons to transport him to court in Tacoma, WA to appear for a probation violation. Steve had been convicted of trespass in an earlier action at the Kitsap-Bangor Trident nuclear submarine base where eight nuclear armed subs are stationed. Kings Bay Naval Station has six ballistic missile subs, plus four more British subs that are supplied with D-5 Trident nuclear missiles leased from the US. Taking into account his good time credit, Steve has served beyond the 33 month sentence given by Judge Wood. It is expected that his extra time will be credited to any sentence from the Tacoma court. So far Steve has stayed COVID-free and healthy. He gave away most of his belongings just after his October 15<sup>th</sup> sentencing expecting to be moved soon but it hasn't happened so far. He sent this message from jail on Dec. 9, "Let's go back to the bedrock basics. We have the Isaiah 2:4 imperative of conversion. Let's continue to be open for inspiration and help

each other to be God's instruments, in going from war to peace." He also said that he feels things are moving along slowly but satisfactorily.

Liz McAlister was sentenced in June to the 17 months she had served pretrial with Mark and Fr. Steve in the two Georgia county jails. She just celebrated her 81<sup>st</sup> birthday in November. She participated in the Griffiss Plowshares action at the AFB in Rome N.Y. on Thanksgiving Day 1983 and was sentenced to 3 years in FCI Alderson, W. Virginia. Liz is doing well despite living under 3 years of probation restrictions in New London, Connecticut with her family.

### **30 Nov - Eric King Update**

*On November 27<sup>th</sup>, Eric and 95 other prisoners at FCI Englewood tested positive for COVID.*

#### **MORE:**

Per a letter from the 22<sup>nd</sup> it seems that someone in Eric's unit had been sick for 6 days and was not tested or isolated from even his cellmate. Despite the fact Englewood has had a rapid screen machine since may per FOIA documents.

They also failed to follow protocol and because of that in a single day they had 95 positive tests.

This is incredibly frustrating because at the End of October Englewood had no active COVID cases when the BOP thought it was a good idea to sent employees from FCI Florence where there were active staff cases to FCI Englewood, seemingly to intimidate him. Within 10 days the first staff positive showed up and within a month there are at least 126 active prisoner cases and 30 active staff cases.

Florence isn't doing too much better. Yet the two complexes are STILL sharing staff.

We received this message to folks prior to Eric getting sick he wanted to share:

*Hello hello hello!*

*I want to check in with everyone who cares (and all the government creeps stalking the page, we see you we still hate you FTTP) this was supposed to be the month my Mail "privileges" were returned. Apparently a differing opinion about what six months means might push it back to January. I'm working with the admin here to have that corrected. I really miss letters. I missed my friends, caring about your lives, adventures, pets all of it hopefully soon we can get to chatting again and building/ maintaining strong friendships. I've been getting some magazines recently, either in bundle packages or subscriptions THANK YOU so f'n much. magazines and books are so crucial, when you're stuck in the damn SHU forever, they can be a lifeline to the world. Thank you billions to everyone who have looked out for me in any way.*

*We are still pending trial, still in the SHU, still going through it and things have not been pleasant really. I commend everyone who took to the streets, who continue to fight in 1000 different ways. Trump's gone, Barr's gone, nothing is changing though. Police and prisons still exist, our enemies still exist, hunger still exists, patriarchy, imperialism, capitalism all still exist.*

*I love you all, thank you for everything!*

Eric's book list has been closed because the prison has been super sketchy about sometimes just choosing to and all the books he receives back. He feels really bad about the funds that are wasted when this happens. But he has been regularly receiving his books so we're going to give this another go and open his book list again: [tiny.cc/EK\\_Books](http://tiny.cc/EK_Books)

We just received news that Eric's mail ban has expired however he was told there was a 99.9% chance that they will give him another 6 month correspondence restriction. 6 more months cut off from the world during a global pandemic. Mail is the only actual right that a prisoner has in prison. And the Bill Barr BOP has found a way to take it away from him for a year. As well as TWO years of illegal phone restrictions at this point.

If you can or feel so inclined to do so and want to send some love as fast as you possibly can please today drop something in the mail.

Please keep it light, nothing about his case, COVID, or the mail ban.

He misses everyone SO MUCH and just wants to hear from his friends. He was pretty sick but feels he may be on the mend.

### **December 12<sup>th</sup> - Eric King's trial postponed to April 2021**

Eric's trial has been postponed. This is a good thing! Previously, the Judge had set trial for January. It will happen in April 2021.

For now, please send Eric a letter. He appears to be off of mail restriction. If you get any letters denied, please let us know.

Eric has new lawyers from the Civil Liberties Defense Center and you can support his legal defense efforts by donating\* at [cldc.org/donate](http://cldc.org/donate)

\*Please earmark your donation on the website "Eric King legal defense"

### **1 Dec - International Call For New Year's Eve Noise Demonstrations**

*This is a call for a night of strong solidarity with those imprisoned by the state.*

#### **MORE:**

Historically, New Year's Eve is one of the noisiest nights of the year. This year, most of which has been consumed by a global pandemic, we encourage folks to take whatever measures are necessary to insure individual and community well-being, in response to both the virus and the state, understanding the balance each of us must strike for ourselves. Given our current reality, on New Year's Eve gather your crew, collective, community, organization, or just yourself to raise a racket and remind those on the inside that they are not alone.

Internationally, noise demonstrations outside of prisons are a way to remember those who are held captive by the state and a way to show solidarity with imprisoned comrades and loved ones. We come together to break the loneliness and isolation.

We know that prison is beyond reform and must be completely abolished. It is a mechanism of repression used by the state to maintain a social order rooted in white supremacy, patriarchy, and heteronormativity. To come together outside of the sites of repression is to also stand in defiance of what they represent.

The logic of the state and capital—of punishment and imprisonment, must be replaced by a rejection of oppression and exploitation. This call is one step in that direction.

Wherever you are, meet on New Year's Eve at the prisons, jails, and detention centers, be loud in solidarity with those imprisoned and to push forward the idea of a world free from domination.

We send this call in solidarity with those defying state repression of large scale dissent: from the George Floyd uprisings to ongoing defiance in Greece by those facing repression as anarchists, and all of those in the spaces between.

We want a world without walls and borders.

We will fight together until everyone is free!

## **1 Dec - Prison Break: Cracks Beneath the Ice**

*Below is our condensed version of the monthly column by the Certain Days collective.*

### **MORE:**

by Certain Days (*It's Going Down*)

Much has happened in the last month: Nobel laureates and interfaith leaders have called for the release of political prisoner David Gilbert (also a fellow Certain Days collective member); New Jersey released 2,258 prisoners in one day (with many being detained by ICE shortly thereafter); and the U.S. voted for the author of the draconian 1994 Crime Bill and his sidekick super-cop. New York Governor Cuomo continues to deny freedom and safety for those locked in New York prisons and jails, as Trump accelerates Federal executions, with several scheduled for his remaining weeks in office.

In mid-November it was announced that longtime political prisoner and respected elder Russell Maroon Shoatz, who is currently suffering from stage 4 cancer, tested positive for COVID-19. On November 25, we learned that political prisoner Dr. Mutulu Shakur has also tested positive for COVID-19. And on November 26, word spread that political prisoner Eric King and his cellmate have also tested positive for the virus. Fellow longtime Black liberation political prisoner Ed Poindexter, who at 75 years old is at high-risk for COVID-19, is on a wait-list for commutation applicants.

Meanwhile, recently released Black liberation political prisoner Jalil Muntaqim has been released on his own recognizance after being arrested for trying to vote in Rochester, NY. Grand Jury proceedings were postponed in early-November, and Muntaqim, who is recovering from COVID-19, continues to fight for his freedom. Muntaqim was recently issued a voting pardon, restoring his right to vote (subsequently denied by Governor Cuomo), though it is uncertain what this means in terms of his ongoing case.

It's December, which means you'll be flipping your 2020 Certain Days: Freedom for Political Prisoners calendar for the last time. Don't worry, the new 2021 calendars—our 20<sup>th</sup> edition—are now available around the globe. And they make amazing holiday gifts! The art for December is by Brooklyn activist and calendar friend, teev, a beautiful rendition of a well-known Assata Shakur quote (“A wall is just a wall / And nothing more at all / It can be broken down”). The essay for the month, by No New Jails NYC, discusses why building new jails to replace a to-be-closed Rikers Island is not the answer.

Here's a look at what happened in November and what's ahead in December.

### **Releases**

NATO 3 political prisoner Jay Chase was released from prison on November 6 after serving over 8 years in prison. He is now back in Chicago and supporters are trying to get him the medical care and insurance he

needs. For now, there is a need to bridge the gap on expenses until insurance kicks in. You can contribute at [gofundme.com/f/jay-chase-of-the-nato3-is-free](https://gofundme.com/f/jay-chase-of-the-nato3-is-free). Welcome home, Jay!

Hactivist political prisoner Jeremy Hammond was released from prison to a halfway house on November 17. He was convicted in 2012 for allegedly disclosing information about a private security firm, and also spent time imprisoned as a Grand Jury Resistor in investigations surrounding WikiLeaks. Learn more about Jeremy and offer support at [freejeremy.net](https://freejeremy.net). Welcome home, Jeremy!

## **Parole**

Longtime political prisoner and Black Liberation soldier Sundiata Acoli was denied parole yet again in mid-November. Acoli, 83 years old, was arrested in 1973 with Assata Shakur and has been imprisoned ever since. In what is essentially a death sentence, the 3-member parole board gave Acoli an extended hit, meaning he may not be seen by the parole board again for 10 or more years.

## **2 Dec - Russell Maroon Shoatz Update**

*Russell Shoatz, who has been in prison since 1972, is suffering from COVID and colon cancer.*

### **MORE:**

He is being held in inhumane conditions that's detrimental to his health. These funds will go towards costs that the Shoatz family encounter fighting what seems to be an endless battle towards getting proper medical attention for Russell Shoatz, and someday bringing him home where he belongs.

**[gofundme.com/f/support-for-the-shoatz-family-fighting-injustice](https://gofundme.com/f/support-for-the-shoatz-family-fighting-injustice)**

### **December 12<sup>th</sup> - Maroon Covid Positive—Call for Immediate Release**

The second week of November we learned our beloved elder Russell Maroon Shoatz contracted COVID 19. Maroon is a prisoner in Pennsylvania and a former Black Panther who has been imprisoned since 1970. He is 77 years old.

He has been living with stage 4 colon cancer since last year. And just as he was exiting the prison walls last week to get the tumor removed at a hospital, he was stopped at the door and asked to take a COVID test. He tested positive. Immediately they sent him to a small gymnasium where others with COVID are being quarantined in the prison. When he got there, he found 29 senior prisoners who said to him: "welcome. We've been waiting for you, we figured it wasn't long before you got it too."

This means that there are 30 seniors with COVID in a dank, cold gymnasium in a prison in PA. They are being held under the most inhumane conditions imaginable. 30 men including Maroon had access to only one bathroom. Maroon was put in a space without a light and had to go to the bathroom on himself because he couldn't risk getting up and falling.

Maroon's family and the community mobilized and we won his transfer to the infirmary. But we need him to come home.

But this human rights catastrophe is repeating itself across the state and across the country because prisons are a death trap in the age of COVID. Prisons are on lock down in PA right now because the virus is spreading like a storm. Country's around the world like Iran and Turkey but the United States has refused to decarcerate it's mostly black and latinx prison population.

Russell Maroon Shoatz is no danger to his community. He has stage 4 cancer and he has COVID. The civilized and humane thing to do is to allow him to go home to his family. We are asking for his immediate release and for the immediate release of all other aging prisoners over the age of 50 and those with pre-existing conditions for whom incarceration is a death sentence.

We ask for the immediately and unconditional release of Maroon!

Continue to Call Governor Tom Wolfe: 717.787.2500

Russell Shoatz's (#AF3855) health is rapidly deteriorating; demand his immediate release. They track the calls from different phones and how many from the same number so please call and activate your networks.

## **6 Dec - Ruchell Cinque Magee speaks**

*Transcribed and introduced by Baba Jahahara Amen-RA Alkebulan-Ma'at.*

### **MORE:**

by Ruchell Cinque Magee (*San Francisco Bay View*)

This year, unlike most for the past few decades, there were no in-person Black August mass commemorations here in the sacred Indigenous Ohlone lands aka the California Bay Area. However, some of us did gather at San Quentin State Prison before and after to demand the release of those unjustly held during this deadly pandemic that has claimed so many lives.

In the spirit of Black August and as we celebrate the release in October of political prisoner and Jericho Amnesty Movement co-founder Baba Jalil Muntaqim after 50 years of torture, I want to share a recent message from Elder Ruchell Cinque Magee.

Ruchell is now our longest unjustly held political prisoner in the US – and possibly our world – under lockdown for nearly six decades. Many are aware of the shoot-out at the Marin County Civic Center in 1970. Ruchell Cinque was a key figure in that situation but was acquitted of murder, along with our beloved and wise Elder Angela Davis. He should have been set free decades ago, and we must demand his immediate release now. Here we share his insightful words. Asé.

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Ruchell Cinque here, confined in California Medical Facility-Vacaville. Allow me to bring to your attention a live judicial proceeding challenging a kangaroo court's slave operation showing by the pending writ of habeas corpus litigation entitled Ruchell Magee, Case No. S263467, before the California Supreme Court at 350 McAllister St., San Francisco, CA 94102.

According to many who fear to face the truth of the slave operation and what we – the people oppressed – are dealing with, the evidence brought out in court legal documents is not important for learning.

There are many instances I have read about where legal proceedings in the courts and Congress resulted in reparations for the Japanese people in America, as well as judicial action that reversed Chief Justice Taney's slave law decision in Dred Scott and judicial action in the Amistad case releasing Joseph aka Cinque and others who had been kidnapped from Africa to be made slaves.

This means evidence exposing illegal slavery and how it has been carried out matters because it must be exposed and corrected to make sure that what happened to me & my family doesn't happen to anyone else.

It has taken me more than 35 years in prison trying to determine the behavior patterns shared between the racists and the psychopaths with law badges. Both inflict excessive emotion and stress on others, often causing wrongful deaths.

I have served 57 years in California state prisons for allegedly “Kidnapping to Commit Robbery.” Evidence has proven this never occurred prior to my arrest on March 23, 1963.

On false charges in a kangaroo court, I was put in shackles and muzzled in the presence of the mock jurors, while criminals with badges – the judge, lawyers and police – put on a show speaking of my life and using their own false guilty and insanity pleas as evidence. I had no counsel for defense against the prosecution’s false evidence and suppression of proof of my innocence.

I have been filing legal documents in state and federal courts for over five decades: However, I’ve never been allowed the opportunity to be heard on the prima facie issues that mandate reversal of my illegal conviction. New evidence proving my constitutional rights claims now showing in the court are irrefutable.

Being Black makes me appear deserving of being put through white supremacy’s death trap hell played up as “law and order” out of public sight. As I’ve been basically isolated for decades without press coverage, in the eyes of the badged psychopaths, my constitutional rights claims are frivolous or are disregarded before being heard.

### **Regarding the Aug. 7, 1970, Slave Rebellion**

After seven years in prison and petitioning the courts, I found myself in an oppressive circle of negative, psychopathic, racist judges who limited their review to doctored transcripts and piecemeal arguments by the state’s attorney general, who suppressed the most important portions of the trial court records.

Aug. 7, 1970, I joined the slave rebellion with other Black prisoners in Marin County, Calif., where I was taken from a San Quentin dungeon cell to the Marin County Courthouse as witness for James McClain. Shooting ensued, and four people were killed by San Quentin guards and one person killed the superior court judge. I was charged with murder, kidnap and conspiracy along with Professor Angela Davis – charges of which we both were acquitted.

The jurors in San Francisco County who found me not guilty of kidnap studied evidence of the 1960s hate crime frame-up now included in the habeas corpus. The jury went to the press after trial, publicizing that the acquittal was concealed by the judge, thus subjecting my person to double jeopardy prosecution in Santa Clara County. Now: the cat again threatens to get out of the bag.

The jury foreman, Mr. Bernard J. Soares, filed a federal lawsuit in January 2001 along with a criminal complaint with the Federal Bureau of Investigation and US Department of Justice asking that corrupted judges & lawyers be stopped from assaulting the jury system and me. The jury got the old racist runaround.

The acquittal and double jeopardy issues are being challenged by separate litigation in the US Supreme Court. If either case is allowed to be heard, this will open others’ records for investigation into the legislative corruption, which will educate hundreds of millions of peoples of all races. The acquittal and constitutional law prove much bigger than racist and psychopathic elements.

I can think of no special circumstances that would justify use of a constitutional privilege to discredit or convict a person who asserts it. My view of psychopathic and racist behavior is influenced by the criminal and sick action I’ve witnessed and suffered for decades.

Many racists with a law badge seem to have accepted the idea that their Jim Crow tool, referred to as the Anti-Terrorist Act and put into law by Bill Clinton, eliminated our rights under the Constitution. Otherwise, they apply it in deceptive ways to ensure that no racist practicing slavery under color of law can be proven wrong in court.

Therefore, no Black person under attack can be protected against the psychopathic attacks. Out in the open, where people of normal intelligence ask relevant questions court, the real criminals run back into their “good guy” game playing.

As it stands, from an order to show cause on merit, the California attorney general will agree that I am a victim of the kangaroo court frame-up – one of the worst ever recorded over the past century!

### **7 Dec - 10 Day Call-In Campaign for Ed Poindexter**

*Please phone the Nebraska Pardons Board as many times as you and your friends, comrades, associates, and family can between December 10<sup>th</sup> and December 20, 2020. We have provided a script below. Please give your name and the state that you live in, and if you can, leave a phone number.*

#### **MORE:**

Nebraska Board of Pardons Post Office Box 95007 Lincoln, Nebraska 68509

**EMAIL:** ne.pardonsboard@nebraska.gov

**CALL:** Governor Pete Ricketts 402.471.2244

Attorney General Peterson: 402.471.2683

Secretary of State Evnen: 402.471.2554

#### **Sample Script:**

*“Dear Pardons Board member,*

*I am calling to demand and pray for the Compassionate Release/Commutation of Sentence and rapid release of Mr. Edward Poindexter. Ed Poindexter is one of the eldest prisoners in the state penitentiary and as such, along with other elderly prisoners in Nebraska, is at great risk of serious illness or death should he contract the coronavirus. We are focusing on Ed, but also pray for the release of other elderly prisoners.*

*Therefore, I request you schedule a special Pardons Board hearing this month to consider ALL the commutation applications at once, particularly for prisoners over the age of 60.*

*Nebraska is not alone in facing this crisis, and if you act now with compassion to protect the lives of elders in prison, you will be in step with several other states who have taken this important step toward humanity and toward the application of the basic principle of human rights.*

*Please release Ed Poindexter and his peers immediately! Thank you for having compassion for elderly prisoners who are at high risk of dying from covid19, and for recognizing that holding them during this worsening pandemic is tantamount to inflicting a sentence of death or debilitation.”*

### **7 Dec - Parole Letters Needed for Xinachtli**

*Xinachtli, as many of you know, means literally in English, "Seed," or, as Comrade "X" likes to phrase, it from a prisoner's perspective, "Germinating Seed" and s/n Alvaro Luna Hernandez, is a Chicano/Mexicano-Anarchist Communist and Anti-Imperialist Internationally-recognized Political Prisoner, has suffered long enough from a (50-year) bogus Aggravated Assault conviction rife with racist civil rights abuse and judicial misconduct.*

**MORE:**

The contrived & trumped-up Aggravated Robbery charge brought by Sheriff McDaniel without the authority of a warrant, was thrown out later at trial, but through prosecutorial chicanery, allowed the assault charge to stick being a paroled felon.

The so-called Aggravated-Assault charge, which should've amounted to a 'misdemeanor,' occurred with his near-term pregnant wife nearby in their own front yard, as he, showing no demonstrative violent aggressive behavior, correctly disarmed the Sheriff as he drew his service revolver in anger as Xinachtli challenged his authority to attempt an arrest in a situation that could've proved lethal for all three, mother, baby, and most surely Xinachtli himself. The local authorities hated him and his family and his labor organizing in Brewster County, Alpine, Texas.

Many of you already are familiar with this abuse of authority yarn, but, does bear repeating, as he is still held captive for this injustice in 'STG' (Security Threat Group) status, studying law and assisting other prisoners with their appeals, while continuously sharing, and germinating his revolutionary thoughts and ideals in cocoon-like solitary confinement, at the repressive TDCJ-CID James V. Allred Unit, 'Supermax' Gulag, in Iowa Park, Texas, marooned in the North Texas' Red River Valley. Texas prisons are now one of the nation's COVID-19 virus' 'hotspots,' and the courts are refusing to intervene, WHILE PRISONER DEAD BODIES PILE UP IN LOCAL MORGUES. Xinachtli is an elderly person, with his life in danger.

Presently, Xinachtli is preparing for his (1<sup>st</sup>) upcoming 'Parole Review Hearing,' on July 18, 2021. We are in need of help with a groundswell of support from the Prison Abolitionists, Human Rights, Indigenous, and Prison Activist Movement communities. TBPP suggests that FEW, clear & concise letters are preferred, to place in his case-file for review; lazy eyes is a disguise with TBPP Parole Panels. So, let's blast 'em with a barrage of letters to help us ensure that his 'Review' is an impartially-heard (Hearing?) by traditionally 'parole-stingy' Texas Board of Pardons & Parole Commissioners; and is a successful one.

Try to include in the letter that Xinachtli, though he has tested 'COVID-19 - negative,' and in recent months received a 'flu shot,' has hypertension that's medicated, and is ostensibly cured of Hep-C, he nonetheless will be 69 years old May 12<sup>th</sup>, 2021; so the Corona Virus danger rages on!

Also include, a solid confirmation that there's a solid support system waiting, available opportunities of employment, residence, and transportation, as well as psychological/coping support and a period of adjustment, are all important - he's been in a solitary 'time-capsule, the worldwide 'spider' web has exploded on the social scene since his conviction in June of 1997.

We are working on preferably a place here in the Austin/Metro area, or in West Texas, Lubbock, and/or Midland/Odessa region - but not near Alpine, except to visit family.

Please address all your Letters of Support for Xinachtli with his registered name, ALVARO LUNA HERNANDEZ, and prison number, TDCJ-CID#00255735, to:  
Texas Department of Criminal Justice - Parole Division  
Attn: Correspondence  
Post Office Box 13401  
Austin, Texas 78711

**8 Dec - Drop the Charges Against Jalil Muntaqim**

*This is the title of an editorial in Rochester City newspaper. We do not agree with the suggestion that Jalil did anything wrong. It appears he filled out paperwork given to him by a social work, one of the forms*

*being a voter registration form. NOTE: Jalil was scheduled to appear in court December 14<sup>th</sup>, but that date has been indefinitely postponed due to COVID.*

**MORE:**

by David Andreatta (*Rochester City Newspaper*)

Everybody makes a bad decision once in a while.

Anthony Bottom made one in 1971 when he took part in the shooting deaths of two New York City police officers outside a Harlem housing project.

He and two other men, all members of the Black Liberation Army, an underground militant offshoot of the Black Panther Party, were convicted of first-degree murder and sentenced to 25 years-to-life in prison. He was 19 years old at the time of the crime.

Sandra Doorley, the Monroe County district attorney, made a bad decision in October, when she charged Bottom with felonies related to him illegally registering to vote. Continuing the prosecution will only make it worse.

Not that Bottom, who lives in Brighton under the name he assumed in prison, Jalil Abdul Muntaqim, didn't attempt to register to vote. He did. He filled out the paperwork on Oct. 8, a day after he was released from prison on parole.

The problem with his timing was that parolees in New York are allowed to vote only upon receiving a conditional pardon from the governor that restores their rights—Muntaqim hadn't received that pardon.

Gov. Andrew Cuomo has issued such pardons as a matter of course on a monthly basis since 2018, when he signed an executive order directing the commissioner of the state Department of Corrections and Community Supervision to submit to the governor each month a list of every felon newly eligible for parole, with each name to be “given consideration for a conditional pardon that will restore voting rights.”

Anyone on the list would be eligible for a pardon as long as they weren't flagged for any specific concern. Most parolees receive their pardon within four to six weeks of their release. The pardon doesn't expunge their record or restore other rights stripped from them, such as the right to own a gun.

Cuomo denied Muntaqim a pardon when his name came up for consideration in November, spokespeople for the governor and the Department of Corrections said.

By then, Muntaqim had already been arraigned on felony charges of tampering with public records and offering a false instrument for filing, which carry maximum penalties of seven years and four years in prison, respectively. He is scheduled to appear next in Brighton Town Court on Dec. 14.

If convicted, Muntaqim will likely return to prison and die there. He is 69 years old.

Not that Muntaqim's fate matters much to a lot of people.

The concept of disenfranchising felons dates to colonial days, when certain criminals were stripped of rights in a practice known as civil death. Later Americans applied their own uniquely racist twist to the practice after the Civil War, when many states used it to deprive Black men of the vote they had gained.

Today, the impact of these laws still falls disproportionately on poor people of color.

The Supreme Court interprets the Constitution in such a way that upholds these restrictions, which are a confusing patchwork of laws that vary by state.

Forty-eight states prohibit current inmates from voting and 30 keep parolees from the polls, according to the Sentencing Project, an advocacy group for criminal justice reform. Indeed, if Muntaqim resided in 20 other states, he wouldn't be in this predicament.

“The laws are different from state to state, they're very confusing, and the penalties for these offenses are extreme and unconscionable,” Nicole Porter, the director of advocacy at the Sentencing Project, said. “I don't know how these prosecutors sleep at night.”

A national movement to restore voting rights to formerly incarcerated people is gaining steam, though.

Advocates say restoring voting rights to former felons helps them shed the stigma of criminal conviction and empowers them to be responsible citizens with a voice in their community.

But many conservative groups oppose the movement. They point out that supporters often make no mention of restoring other rights, such as the right to own a gun, suggesting that the push is really just about getting the votes of felons.

“You lose many other rights besides your right to vote when you are convicted of a felony,” said Hans von Spakovsky, a lawyer at the Heritage Foundation, a conservative think tank that tracks voting prosecutions. “Yet many of those moving for immediate restoration of the ability to vote when a felon steps out of prison don't seem very concerned about restoring those rights.”

They have a point. The movement to expand access to the vote has become a political hot potato, with Republicans opposing it, Democrats tending to support it as they stand to gain the most from it.

Perhaps not surprisingly, then, it was the head of the Monroe County Republican Party, William Napier, who alerted Doorley to Muntaqim's registration, which was filed under his birth name. Napier even called a news conference for the occasion. The case was a gimme for Doorley, who is also a Republican. That Muntaqim attempted to register to vote is so clear it doesn't require the qualifier “allegedly” here.

Whether he did it with intent to defraud, which is required for the charges to stick, is another matter.

It is absurd to think that a man who spent nearly 50 years behind bars would be so hellbent on casting a ballot in a single election as to jeopardize his newfound freedom on Day One. It seems obvious that Muntaqim didn't know what he was doing when he filled out that form.

Muntaqim and his lawyer, a public defender, wouldn't comment on his circumstances. But his mother has cast his actions as “a mistake,” saying the voter registration form was in “a packet of papers that was issued to him to help him assimilate himself back into society.”

Friends of Muntaqim said that packet was given to him by the county's Department of Human Services, which helps newly released prisoners acclimate. Those packets include everything a former inmate might need — information on Medicaid, food stamps, child care, becoming an organ donor, and a voter registration form.

“I don’t think he was trying to game the system” by signing the form, said James Schuler, who has known Muntaqim since they met as inmates at Auburn Correctional Facility in 2000. “One thing he wanted to be more than anything was a productive member of society. They gave him paperwork to do that; he signed.”

Schuler, 52, described Muntaqim as “a leader” and “a peacekeeper” in prison, where he earned college degrees and mentored inmates.

After nearly 50 years of incarceration, Muntaqim corrected his bad decision to the extent he could. The New York Board of Parole recognized that when it deemed him ready to return to society, having taken into consideration his disciplinary record, personal growth, and the severity of his crimes.

Doorley said in an interview that her charges against him have nothing to do with his criminal past. She said they were about answering allegations of voter fraud in the weeks before the election and that Muntaqim’s case seemed straightforward.

“Is it a major thing?” she asked of the charges. “No.”

Not to her, but the stakes for Muntaqim are life-changing at a time when the nation is changing to recognize the implications of disenfranchising people who look like him.

Asked if she would consider dropping the charges, Doorley replied, “I don’t think we’ve ruled anything out. It’s not like we’re rushing to a grand jury. Obviously, we may consider making some plea offer.”

Now it’s Doorley turn to correct her bad decision.

### **11 Dec - Nashville attorney Kevin Sharp leads push to free Leonard Peltier**

*Prominent Nashville attorney Kevin Sharp is leading the push to grant clemency to Leonard Peltier, whose conviction 43 years ago has been criticized by politicians, prison reform activists, religious leaders, celebrities and even some of the government officials who helped put him behind bars.*

#### **MORE:**

by Nate Rau (*Tennessee Lookout*)

Peltier’s case is renowned in the criminal justice world. Peltier admits to being involved in a shootout at the Pine Ridge Indian Reservation in 1975. The shootout took place after two plain-clothed FBI agents pulled over a truck while investigating a pair of stolen boots.

How the shooting began and who fired the first shot is unclear, but there’s agreement that tensions were high on the reservation at the time because of a feud between the activist group the American Indian Movement, of which Peltier was a member, and the GOON Squad led by tribal chairperson Dick Wilson. The FBI supplied information, weapons and ammunition to the GOON Squad, which was accused at the time of carrying out spectacular acts of violence against AIM members. There were about 60 murders, many of them never investigated, in the area around the time of the incident, Sharp said. The Pine Ridge Indian Reservation was a powderkeg.

So when the shootout began, Peltier and others descended on the scene and fired back at the two young FBI agents, who were killed.

Peltier fled the country to Canada, but was arrested there after FBI investigators secured his extradition thanks largely to sworn statements that were later recanted. At the trial, the conduct of the FBI agents and

their ties to the GOON Squad were blocked from being introduced, and a bullet ballistics test that would have exonerated Peltier was not introduced.

Although Peltier was initially convicted of first degree murder, that conviction was later vacated, but his prison sentence upheld for being an aiding and abetting a murder.

The assistant United States Attorney who helped uphold Peltier's conviction and the federal Appeals Court judge who rejected his earlier appeals have since called for his release, as has a cascade of celebrities, religious leaders and politicians such as Pope Francis, The Dalai Lama, Mother Teresa, Archbishop Desmond Tutu, Floyd Red Crow Westerman, Nelson Mandela, Muhammad Ali, Robert Redford, Wes Studi, Tantoo Cardinal, Willie Nelson, Kris Kristofferson, and Marlon Brando, among many others.

Now, 76, Peltier remains incarcerated at a federal prison in Florida. His appeals have been exhausted and his only hope for life outside of prison is a clemency request that has been sent to President Donald Trump.

The attorney pushing for Peltier's clemency is Sharp, the former federal judge who left the bench in part because he disagreed with mandatory minimum sentencing.

Although Trump and his political supporters continue to contest the election results, there is every reason to believe President-elect Joe Biden will be inaugurated next month. That leaves precious little time, Sharp says, for Trump to grant Peltier clemency. It's a race against time because Peltier is in poor health, and the clemency process restarts when a new president takes office.

The *Tennessee Lookout* conducted this interview about the state of the case as it reaches its 11<sup>th</sup> hour.

**Tennessee Lookout:** Is clemency Leonard Peltier's only hope for release at this point in the process?

**Kevin Sharp:** Essentially yes. His sentence was life, but with parole. You can't do that anymore in the federal system, they got rid of parole in the late 80s. But, because of the time of his sentence, he is eligible for parole. He keeps getting denied, and practically speaking, clemency is his only option because they are not going to parole him for the same political reasons that make clemency difficult.

**When and how did you get involved in his clemency request?**

After I left the bench, I became involved in the clemency petition for Chris Young. That was one of the defendants I had to sentence to a mandatory life sentence as part of a drug conspiracy conviction. In that case, Kim Kardashian got involved, because the lawyer who represented Chris was also the lawyer who represented Alice Johnson. She was the African American woman from Memphis who Trump initially commuted her sentence, and then earlier this year pardoned her back around the conviction.

So when the same lawyer, her name is Brittney Barnett, comes in, I was involved working in clemency for Chris, as was Kim Kardashian. That ultimately results in me being invited to the White House as part of a clemency roundtable discussion. It also results in a personal conversation with President Trump about clemency issues and about criminal justice reform issues.

That's its own story, but when that meeting happens, it becomes its own story that (Kardashian, Ivanka Trump, Jared Kushner and a group of leading experts on reform issues) were all there that day. We were discussing clemency issues, how to clean it up, how to fix this broken system we all have.

Because of that there's this lawyer in Texas named Logan Ross, who reads this and has been trying to work to help with Leonard's case for years. He sees this and sends me out of the blue a packet of information.

So I get this thick packet. Normally what happens is I get lots of letters, mostly from men and family members of men who are incarcerated. These kind of help-me letters. For a while, I was getting so many of them that I would let them stack up and then I'd get into them once a week or so.

One day I get this thick manilla envelope and I recognize it as one of these letters. I pause and turn back to the person in my office and said, "Put it with the others, I'll read it later in the week." Then I'm walking back to my office and I say, "You know what, let me have that one." I come into my office and I open this thing up and it's this history of Leonard Peltier's case. It's trial transcripts, newspaper clippings, photographs, case opinions. I end up spending my day going through this thing. I look up and the sun's gone down. I became engrossed in this case.

At first, I was just kind of shocked at what happened, and then angry at what happened. The gist of it was, would you please help Leonard? So I end up having a couple of phone conversations with Leonard and then flew down to Florida to meet with him and said, "Yeah. I'll do it."

### **What did you find compelling about the case?**

It was this travesty of the criminal justice system and what happened to Leonard, and just the mountain of constitutional violations. Ultimately, Leonard was convicted of murdering two FBI agents, but the government dropped that because years later through a FOIA request it turned out they had withheld some pretty damning exculpatory evidence, which was a ballistics test that showed it was not his gun.

They knew that when they tried him and their whole case was based on another ballistics test. The expert says at trial, "Because the weapon we believe was his was destroyed in a fire, we couldn't do a firing pin test." That would have been the most accurate test. But all they did was a shell casing test. The expert says, "We could only do a shell casing test, and the test tells me this casing was tied to the weapon we believe belonged to Leonard Peltier." And that really was their whole case because they had some eye witnesses that came out during the investigation, but through the course of this as it got closer to trial, they all fell apart because they all ultimately said, "Our prior testimony is not true. We were threatened by the FBI. So we said we saw things that we did not see." So they had nothing except that he was there, and he did fire a weapon along with about 40 other Native Americans. But, a ballistics test showing that the casing was not from Leonard's weapon was deliberately concealed and not introduced at trial.

That was the biggest one that hit me, and then as I got into it there were layers of violations. On appeal these issues came up, and the judge said even if the jury was aware of these issues I can't say for certain they wouldn't have convicted Leonard of aiding and abetting.

### **Is the problem for any president considering clemency that it appears you are going against the FBI?**

Correct. When Clinton was considering this — you have to go back to the politics of Clinton. Can he come out and do something the FBI opposes? He had just survived his own impeachment hearings. He was not wanting to step out in front of this one. Through another FOIA request, I saw a letter that Louis Free, the head of the FBI, wrote to Janet Reno, then-Attorney General, saying we know Clinton is considering this, here is why he shouldn't do it. I read it in 2019, and realized Louis Freeh knew it wasn't true. He knows about the intimidation and threatening of witnesses. He knows about Myrtle Poor Bear (the witness who said she saw Leonard shoot the agents, but later recanted). He knows about the hidden exculpatory ballistics test. So when he's writing to Janet Reno saying we have witnesses who saw it, he knows it isn't true. So Clinton doesn't do it.

Then, Obama has the same issue. It comes back to politics. Do I want to oppose the FBI? As a matter of fact, when Clinton was considering it, there were 500 agents who picketed the White House.

**You now have a president who has railed against the Deep State, and has been openly critical of the FBI and its director. And you have the political point of this being a case of government overreach in terms of its collaboration with the GOON Squad. There's a lot of reasons why a conservative would look at this case and think clemency was fair. So what is your opinion about where things stand with the Trump administration?**

Well all of those things you just mentioned are right. And that's why I think that President Trump will seriously consider it, and ultimately should grant clemency for those reasons you just said. We now all recognize, the FBI and the Department of Justice are not always the guys with the white hats. And they have to be subordinate to the constitution. We saw it with Gen. Flynn. I get why there reasons not to be happy with Gen. Flynn. But, if you're withholding exculpatory evidence, you have got to let him go.

So when he was filing his appeal after the government said we are going to drop this, all of the exculpatory evidence came out and the DOJ said we're going to drop the case. And, they were absolutely right. Not my politics in terms of the people involved. But, the constitution is the constitution.

They're right about Flynn for the same reasons I'm right about Peltier.

### **12 Dec - We did it!**

*Some 550 different donors came together and raised more than \$70K for Lore's legal defense.*

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The generosity is truly awesome. Thank you, thank you, thank you!

*What this means for Lore:* We can start playing a little offense and take the fight to the Trump team. With your support we've retained Paul Hetznecker and Marni Snyder, an excellent and collaborative pair of civil rights and criminal defense attorneys. Paul and Marni will fight with us for Lore's freedom and try her case in court if and when that becomes necessary. Up Against the Law Legal Collective got Paul and Marni on the case immediately and for that we are eternally grateful. Show them some love!

*What happens next:* We cannot know when or if Lore's case will proceed because of the current COVID rampage through Philly, its prisons, and its courts. The federal courts are delayed drastically and the US Attorney's office is ludicrously late in meeting its obligations to us. Everyone is optimistic that we'll soon have a new US Attorney in Pennsylvania's Eastern District who feels shame, who recognizes the toxic political stain all over this case, but we're preparing for every possible outcome.

In the meantime, we are focused on getting Lore out of the COVID-ravaged dungeon at 7<sup>th</sup> and Arch Streets in downtown Philadelphia. Stay tuned for much more about that soon!

*How to help:* Lore still needs our support every day to make it through this ordeal. Please keep writing — your messages are her highlight of each day. Please keep gifting — providing reading materials is always helpful to Lore and to the whole unit of women at FDC Philadelphia with whom she shares. And please keep supporting her commissary fund via Venmo and PayPal — these donations go directly to Lore's food, clothing, and essentials.

This has been a year full of tragedy and loss for so many people. And while some cruel people took advantage of this to inflict pain and consolidate power, others like you have reached out consistently to help & to love. It's such a beautiful thing. I'm thankful beyond words to you all for giving so much to Lore.