



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for October 5<sup>th</sup>

### **19 Sept - Eric King Update**

*We're including the full timeline below, but Eric's trial date has been postponed, again.*

#### **MORE:**

#### **September 19<sup>th</sup> - Trial Dates**

CLDC filed Eric's final pre-trial motions last week.

#### **September 28<sup>th</sup> - Eric King's Trial Postponed!**

by Anarchist Black Cross Federation (*It's Going Down*)

Eric's pre-trial conference and trial has been rescheduled.

First, there will be an evidentiary hearing regarding Eric's motion to suppress. More details to come.

Judge's order:

- *ORDER as to Eric King (1): With respect to [114] Defendant Eric King's Amended Motion to Suppress, the Court finds there are disputed issues of fact necessitating an evidentiary hearing on that Amended Motion.*
- *Based on that conclusion, the four-day Jury Trial currently set to commence on October 12, 2021, and the Final Trial Preparation Conference set for October 1, 2021, are hereby VACATED and will be reset upon resolution of Defendant's Amended Motion to Suppress.*
- *The Amended Motion automatically excludes time from the Speedy Trial Clock so no additional motion seeking this relief is necessary. The Court will set the suppression hearing by way of separate Order.*

#### **September 29<sup>th</sup> - Prison Destroyed Video Proof of Guards Torturing Anti-Fascist, Lawyers Say**

by Ella Fassler (*VICE*)

In 2014, anti-fascist activist Eric King was sentenced to 10 years in prison for throwing Molotov cocktails at a politician's empty office in solidarity with the Black liberation uprisings in Ferguson, Missouri. Now, after years behind bars, King and his lawyers say that he was assaulted and tortured by prison guards—and that the Bureau of Prisons destroyed video evidence.

According to new motions to dismiss filed by the Civil Liberties Defense Center (CLDC), a legal nonprofit, BOP prison staff attacked King after leading him into a small, off-camera storage closet, then deleted video evidence, and may have misrepresented facts about the incident to the FBI. King's attorneys also claim officers tied him to a four-point restraint device for approximately five hours, and then proceeded to interrogate him despite his asserting his constitutional right to counsel. King admitted to defending himself against Wilcox during the interrogation.

The case raises larger questions about the extent to which surveillance footage behind bars is manipulated, destroyed, or circumvented at the expense of incarcerated defendants. "All of these surveillance devices are controlled by those who it would also potentially expose," Bianca Tylek of Worth Rises, an advocacy organization working to dismantle the prison industry, told *Motherboard*.

King was originally set to be released in 2023, but now faces additional charges accusing him of assaulting a federal officer, which could tack on 20 years to his initial 10-year sentence. Up until the incident, which documents say occurred on August 17, 2018, King was a yoga instructor at the prison and had managed to keep a relatively clean record.

“He was a week away from being sent to a low-security facility. He hadn't had a single shot. He had exemplary conduct. He had a good job,” Lauren Regan, King’s lead attorney, told *Motherboard*. “He was seeing his family every week. In terms of doing your time, he was in a really good place at the time that this occurred.” But now, Regan said, she has never had a client where she “feared so deeply just for their very survival.”

King has been held in solitary confinement for about three years, without access to snail mail or phone calls outside of communications with his immediate family and attorneys. And, according to a lawsuit filed by the CLDC on his behalf, the BOP has colluded with white supremacists by staging assaults and bunking him with members of white supremacist gangs.

The switch flipped after King sent an email to his wife wherein he made light of an unrelated assault on a prison guard. Afterwards, Lieutenant Donald Wilcox and Officer Jefferey Kammrad took him into a crowded, 8.5 by 11 foot room full of cleaning supplies—to “interview” him about the email, they claimed. After Wilcox asked Kammrad to leave the closet, according to the lawsuit, Wilcox cursed at King, threatened him, called him a terrorist, and punched him in the face twice. King claims he hit Wilcox back in self-defense, while Wilcox told the FBI King struck him first without any provocation.

Two days after the alleged assault, King’s attorney at the time submitted a request to preserve evidence of all video footage taken before and after the incident. However, an FBI memorandum recently uncovered by King’s attorneys revealed that the BOP destroyed footage of King shortly after the assault because “King was being complaint [sic] at the time.”

The discovery process also revealed one lieutenant and one nurse appear to have misrepresented facts to the FBI by claiming they did not interact with King while he was in four-point restraints. Their own paperwork contradicts their statements, according to evidence presented in the new filings.

While reviewing footage of King in four-point restraints, King’s attorneys noticed that the video was edited. “When we started forcing the U.S. Attorney's Office to turn over [the] video, we were able to ascertain that there were cuts where the video clearly stopped and then started up,” Regan said. “For instance, at one point, he has a certain type of clothing on and the next frame, they've cut that clothing off of him, and now he's in nothing but boxers. And there was no acknowledgement that the cameras were started and stopped.” At least two hours of footage of King in four-point restraints is missing.

One guard suffocated King while he was in the four-point restraint by putting his hands over King’s mouth, according to King’s civil suit. Then multiple guards allegedly taunted, insulted him, and threatened to have him raped by other incarcerated people, calling it “street justice” and “what he deserved.” None of this was documented on camera.

The Bureau of Prisons acknowledged *Motherboard's* request for comment, but stated the agency does not comment on pending litigation. The Offices of the United States Attorneys and the government’s attorney, Aaron Teitelbaum, did not respond to *Motherboard's* request by the time of publication. In court filings, the U.S. government admitted that it destroyed footage but said it did so within the bounds of its existing video retention policy and asked a judge to not move forward with an evidentiary hearing. “The unpreserved video of defendant behaving in a compliant manner between the entrance to the SHU and his holding cell was not relevant to this case, let alone exculpatory,” a U.S. attorney wrote.

On Tuesday, Judge William J. Martinez ordered an evidentiary hearing in response to factual disputes surrounding King’s interrogation and possible Fifth Amendment violations, delaying a trial which was

originally scheduled for October 12. If King's motions to dismiss are denied, a trial is likely to be scheduled for late October or November, where a jury will be asked to weigh the evidence. But people who are already convicted of crimes face a steep disadvantage in court, Regan said. "It's so hard to convince jurors that people with felony convictions deserve to be believed," she told *Motherboard*, "especially when you've got a shiny badge and this Lieutenant saying that he's worked for the Bureau of Prisons for 20 years, you know, and this is just a terrorist...I mean, it's just such an uphill battle."

Since King's character is at the heart of the case, any evidence showing King to be compliant or non-combative before, during, or shortly after the incident inside of the storage closet could be considered "exculpatory evidence"—legalese for evidence that may prove a defendant's innocence.

"If Mr. King is fighting, resisting or otherwise out of control on the video, a jury might infer he was aggressive and may have instigated violence against Wilcox in the closet," Regan argued in a motion to dismiss. "[B]ut on the other hand if King is compliant and not resisting in the immediate aftermath, a jury may infer that he merely defended himself in response to an assault by staff. The video is key to establishing this question before the jury." The video could have also been used to impeach a government witness, Regan argued, since some guards claimed King was acting aggressively and resisting.

Teitelbaum argued that King's attorneys overstated the seriousness of the alleged government misconduct and contended that the conditions of confinement should be excluded during trial. The off-camera alleged assault, Teitelbaum argued, is the only relevant part of the case. "Even assuming that such video is indeed missing, defendant fails to explain how additional video of him lying on a cot in restraints without causing a disturbance (beyond the hours of video already provided) is relevant at all, let alone exculpatory," U.S. Attorneys wrote in response to defendant's motion to dismiss. "This case is not about the defendant's behavior hours after the charged assault occurred."

U.S. prisons are some of the most heavily surveilled places on Earth. But guards can often find a discreet place where no one is watching. And the public and defense attorneys often can't access existing footage that may be incriminating for a department.

For this reason, misconduct captured on surveillance cameras isn't necessarily going to benefit an incarcerated survivor of abuse, Tylek explained. "The issue is very similar to body cameras for police officers. Body cameras aren't saving people," she said. "In prisons, it's just even worse, because there's so little oversight. It's almost as if people who are incarcerated don't deserve to have their civil rights protected. COs and correctional administrators can get away with even more."

In 2020, the Massachusetts Department of Corrections immediately released footage showing several incarcerated people punching prison guards at Souza-Baranowski Correctional Center. In the weeks that followed, more than 40 people reported being assaulted by guards while locked in their cells. Some were allegedly punched, kicked, slammed into walls, starved, tased, shot with mace guns, or bitten by dogs. Meanwhile, according to an investigation by the Boston Globe's Spotlight Team, the DOC's lawyers have sought gag orders to prevent defense attorneys from sharing evidence of abuse with the public.

"That level of citizen accountability, especially when it comes to police misconduct, does not exist in the prison system. There are no cell phones that incarcerated people have, there are no cameras that they get to control," said Regan. "The BOP employees know where the cameras are and are not. So when they are committing acts of misconduct they know better than many how to get away with it."

**September 29<sup>th</sup> - Evidentiary hearing scheduled for October 14<sup>th</sup>**

Join us in supporting Eric King. An evidentiary hearing will be held on October 14<sup>th</sup> at 9:30 a.m. Alfred A. Araj federal courthouse courtroom. During this hearing, evidence will be heard regarding the facts the jury will be allowed to hear. Let's remind Eric he's not alone in this. Dress for court. Identification required.

### **October 2<sup>nd</sup> - New Eric King Poster Fundraiser!**

Friends at Radix Media in Brooklyn, New York have created an amazing poster with a piece of Eric King's poetry! It is a fundraiser and proceeds will go to Eric's support fund. You can order at the link below.

Order at [radixmedia.org/product/eric-king-support-letterpress-broadside](http://radixmedia.org/product/eric-king-support-letterpress-broadside)

On August 09, 2014, a 28-year-old white Ferguson Police officer named Darren Wilson shot and murdered Michael Brown, a young 18-year-old unarmed Black man. Spurred by this event and the continued, relentless cases of police officers across America shooting at unarmed Black people, a wave of protests erupted all over the country, most notably in the city of Ferguson. Protestors held their hands in the air and cried "Don't Shoot," to protest the heavy militarization of American police and their use of excessive force in interactions with Black people.

A month later, angered by the inaction and police brutality during the protests, vegan poet and anarchist Eric King flung two incendiary devices into a Kansas City Congressperson's office, both of which failed to ignite. King was arrested and sentenced to ten years, a statutory minimum and maximum sentence. Despite encountering police harassment, targeting, and extreme isolation from loved ones while incarcerated, King continues to write and champion for racial and social justice.

To support Eric King, Radix is releasing a limited edition of 35 posters carrying one of his revolutionary poems. All profits generated from the sale of the poster will be sent to Eric's support fund. You can support the campaign fighting for his release by visiting [Supportericking.org](http://Supportericking.org).

The print is approximately 12.5" x 20" and was printed in multiple passes on Radix's vintage press.

### **20 Sept - Support the Campaign to #BringSundiataHome**

*Your support for Sundiata Acoli is crucial to his return home.*

#### **MORE:**

#### **Sign the petition!**

Tell your friends, colleagues, associates, and neighbors about #BringSundiataHome. We are just shy of our goal. Help us reach 15,000 signatures by sharing the petition: [campaigns.organizefor.org/petitions/bring-sundiata-home](http://campaigns.organizefor.org/petitions/bring-sundiata-home)

#### **Bring Sundiata Acoli Home! Send a physical postcard to NJ Governor Phil Murphy**

It takes less than 2 minutes to fill out the form [sundiataacolifc.org/uncategorized/postcard-to-nj-governor-phil-murphy](http://sundiataacolifc.org/uncategorized/postcard-to-nj-governor-phil-murphy) and WE will send the postcard in the mail. Click the button below and share!

#### **Cops' support spotlights race issues in ex-Black Panther's parole case by Hassan Kanu (Reuters)**

An unusual coalition is banding together in a petition to release an 84-year-old former Black Panther convicted for his role in the killing of a police officer.

Sundiata Acoli was sentenced in 1974 to life without the possibility of parole until after 25 years for the first-degree murder of New Jersey state trooper Werner Foerster. The officer was killed in a shootout after he and another trooper stopped Acoli for a defective taillight.

Read more at [reuters.com/legal/government/cops-support-spotlights-race-issues-ex-black-panthers-parole-case-2021-09-13](https://www.reuters.com/legal/government/cops-support-spotlights-race-issues-ex-black-panthers-parole-case-2021-09-13)

### **October 1<sup>st</sup> - Caging Old People. Watch the Video!**

The case of 84-year-old Sundiata Acoli, approaching his 49<sup>th</sup> year of incarceration, exemplifies New Jersey's endless imprisonment of older people who pose no risk to public safety, serve as educators and mentors to younger incarcerated people, and have families awaiting them on the outside, yet remain behind bars for many decades as they grow sick and die.

A panel of experts on aging in prison, including two formerly incarcerated elders, discussed this wasteful and inhumane practice of the New Jersey prison system. Watch the full video at [youtu.be/8Rh9zhuMG40](https://youtu.be/8Rh9zhuMG40)

### **21 Sept - LL ABC/Mutual Aid Records Compilation**

*Folks from Lowell/Lawrence ABC have put together a compilation album as a fundraiser for the Anarchist Black Cross Warchest program.*

#### **MORE:**

The compilation contains 16 tracks in genres including noise, industrial, punk, and hip hop. Physical and digital copies can be purchased at the following links and all funds raised go to support political prisoners and prisoners of war via the ABCF Warchest program.

Get your copy now at:

- [etsy.com/listing/1068457398/a-warchest-compilation-for-political](https://www.etsy.com/listing/1068457398/a-warchest-compilation-for-political)
- [mutualaidrecords.bandcamp.com/album/a-warchest-compilation-for-political-prisoners](https://mutualaidrecords.bandcamp.com/album/a-warchest-compilation-for-political-prisoners)

### **21 Sept - MARIUS HAS MOVED (same address)**

*We're including a statement from Marius from his now former unit.*

#### **MORE:**

I don't write very often, as much of my life in the past few years has not seemed very news-worthy...I have been trying to do my best to be a comfort and a support to my fellow prisoners in whatever ways I can be of service, though. We've been through a lot together in these times, what with covid and all of its restrictions.

But on September 7<sup>th</sup>, which is Rosh HaShana in the Jewish calendar, I was called from the chapel trailer at the FSL to the office. I was told to pack out immediately. This was the culmination of my years of advocating for my transfer to a male facility as the logical next step in my transition. It looked like I was going to begin the new year 5782 (still 2021 for most folks) as probably the first trans man to be designated to a male facility in the federal system.

It was suddenly time to go, after waiting for so long -so I said my last good-byes to the friends that I had made at the FSL. All of my crap fit into 5 bags and on to a hand cart, which I pushed through the gates one last time and went down to a waiting van. I was shackled up and packed in, and we drove through the parking lot down to the FCI, which is just from the FSL, all part of the Danbury prison complex.

From the van, I entered the gates to the R and D which I had come through 2 years ago when I first arrived in Connecticut. Next, I was stripped out by a male officer for the first time – but just like anyone else entering the FCI. It was treated like a normal procedure. Being stripped by anyone never feels normal, really, but this was as low key as it ever has been as a prisoner in the system. Despite this, I could feel myself getting nervous as I did not know what to expect anymore. Up to this point in my incarceration

career, lots of people (both officers and prisoners) had shared their ideas with me about how incredibly dangerous it would be for a trans man to be in a men's prison. Lots of ugly and violent possibilities were detailed and shared whenever I had brought up my desire to be transferred as a way to live more completely as a man among men.

But I still believe in the innate goodness of people, all people, and I knew from experience that women in the prison system did not get credited with having humanity or kindness – and since I knew that was inaccurate – why would the men be so much different in their actions and attitudes? I refused to sell them short as being less than anyone else. And that conviction helped me to see past my nervousness...

I was walked to the Skills Unit, I-A, and met several guys living here who were either residents or peer mentors. The men were friendly and open, willing to answer my questions about how things ran here. The Skills Unit is a therapeutic community, a residential community engaged in programming for various psychological issues. There are community meetings to talk about challenges the residents have, and I came out as trans at that first meeting and described what I hoped to be able to offer as a peer mentor.

Fortunately, I have been able to continue my studies in the HVAC course – as there was a men's class running at the same time as the women's class at the FSL. The guys in my class have been easy-going and unfazed by my presence. We are there to study and that is what we do together.

So most of the past few weeks has been getting to know the compound, meeting people and taking care of the logistics of being in a new prison: getting uniforms from laundry, getting my visitation list together, learning the culture of what passes for usual here. I am glad to report that the dreaded bathroom difficulties have not been so bad – there are doors and no one has been bothered. I am sensitive to others' privacy as well. Same goes for the shower issue, there have been no big problems to date – just try to time my showers so it is not crowded or better, when no one is trying to get in or out.

There are differences also because this is an FCI, and there are more rules and regulations than there were at the lower security FSL – but most tend to make things run more predictably. I can honestly say that I am more at peace here in this new community, there are different kinds of drama and interactions (common in any group of humans, of course)...but it feels more understandable and navigable to me. I miss some of the great people that I was privileged to know at the FSL, my friends Molly, Mary Beth, and Diana, especially...I am hoping they are well and will keep safe and healthy. But I feel like I can do my time here and get along fine – though I am still in the process of figuring things and wonder if things will change much as the compound goes from restricted movement back into the “green” mode of pre-covid days. It's early weeks in, but so far, so good. It has been a small distance to travel across a parking lot, but it feels like another mile for trans-kind. Hopefully, we will all keep movin' on...

## **24 Sept - Drone Whistleblower Daniel Hale In Carceral Limbo While US Generals Shirk Responsibility For Deadly Strikes**

*The Daniel Hale Support Team releases the drone whistleblower's full statement from sentencing in July.*

### **MORE:**

by Kevin Gosztola (*The Dissenter*)

Around two months ago, drone whistleblower Daniel Hale was sentenced to 45 months in prison after he stood before a federal judge and delivered a statement that demonstrated he was a person of conscience.

“I am here to answer for my own crimes and not that of another person. And it would appear that I am here today to answer for the crime of stealing papers for which I expect to spend some portion of my life in

prison,” Hale declared. “But what I am really here for is having stolen something that was never mine to take: precious human life.”

Hale added, “I acted not for the sake of self-aggrandizement but so that I might some day ask forgiveness.”

The Daniel Hale Support Team released Hale’s full statement from his sentencing on July 27.

Thomas Drake, a supporter and an NSA whistleblower who survived an Espionage Act prosecution, was in the courtroom. He said Hale’s statement was “extraordinary and remarkable testimony,” particularly because he stood before the judge having been detained at Alexandria Detention Center. “There was an almost full gallery.”

Hale was a signals intelligence analyst in the U.S. Air Force, who was deployed to Afghanistan and stationed at Bagram Air Base. He later worked as a contractor for a firm known as Leidos. His contracting job gave him access to documents on the drone program, which he shared with journalist Jeremy Scahill.

He pled guilty to one count of violating the Espionage Act on March 31.

After sentencing, Hale was transferred to Northern Neck Regional Jail, where he was to be held for two to three weeks until a bed opened at Federal Medical Center Butner in North Carolina. However, as of September 24, he is still at the jail.

The Daniel Hale Support Team told the *Dissenter* they have no idea why he is still at Northern Neck, but the Bureau of Prisons has apparently given Hale no date when he can expect a transfer to Butner. “He waits every week to be transferred” on a bus that comes around two times a week.

“He is in a dormitory-style housing unit at Northern Neck with about 60 other men,” the team added. “He feels paralyzed there, not knowing when he’ll be out and not wanting to settle in due to that reason.”

Until he is at Butner, Hale has asked supporters not to write to him because he is unlikely to receive their letters if he is ever transferred.

This is the first opportunity the world has had to read Hale’s statement in full, which had a profound impact on everyone in the courthouse in Alexandria, Virginia, including Judge Liam O’Grady and the prosecutors.

Hale compared his opposition to the “drone assassination program” to opposition to the death penalty and the rate at which people are exonerated after their executions.

“When it comes to the drone assassination program, the disparity between the guilty and the innocent killed is incalculably higher. In some cases, as many as nine out of 10 individuals killed are not identifiable,” Hale said, referring to one of the most noteworthy disclosures he made.

“The American-born son of a radical American imam was assigned a Terrorist Identities Datamark Environment or TIDE pin number, tracked, and killed in a drone strike along with eight members of his family while they ate lunch together a full two weeks after his father was killed,” Hale recalled. “Asked about why the 16 year-old Abdulrahman, 'TPN26350617,' needed to die, one White House official said he should have had a better father.”

According to Hale, this was the way of thinking he encountered time and time again during his deployment in Afghanistan. “Do you ever step on ants and never give it another thought? That’s what you’re made to

think of the targets. They deserved it, they chose their side. You had to kill a part of your conscience to keep doing your job, ignoring the voice inside telling you this wasn't right," one drone operator told him.

No longer could Hale ignore that voice inside. He ran to the press to "dispel the demonstrable lie that said drone warfare kept us safe, that our lives are worth more than theirs, and that only more killing would bring about certain victory."

"Simply put: It is wrong to kill. It is especially wrong to kill the defenseless. And it is an abdication of the Bill of Rights to kill without due process of law."

Hale spoke profoundly about his family history. He is the grand nephew of Nathaniel Hale, who was a Revolutionary War hero executed for spying on British troop movements to help General George Washington's army.

The sentencing hearing was well before panic over the withdrawal of United States military forces reached a pitch point in the media. But the withdrawal date loomed, and Hale reflected on Afghanistan.

"What I remember best about Afghanistan is the enduring spirit of its people. I think of the farmers in their poppy fields whose daily harvest will gain them safe passage from the warlords, who will, in turn, trade it for weapons before it is synthesized, repackaged, and re-sold dozens of times before it finds its way into this country and into the broken veins of our nation's next opioid victim."

Hale continued, "I think of the women who, despite living their entire lives never once allowed to make so much as a choice for themselves, are treated as pawns in a ruthless game politicians play when they need a justification to further the killing of their sons and husbands. And I think of the children, whose bright-eyed, dirty faces look to the sky and hope to see clouds of gray, afraid of the clear blue days that beckon drones to come carrying eager death notes for their fathers."

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On August 29, a "death note" came for Zemerai Ahmadi, an aid worker and father.

The U.S. military responded to an attack on the Kabul airport that was claimed by ISIS-K and killed Ahmadi, his sons, Zamir, who was 20 years old, Faisal, who was 16 years old, and Farzad, who was 10 years old, and his two nephews, Benyamin and Arwin, who were six and seven years old, according to *New York Times* reporter Matthieu Aikins.

Three girls were also killed in the drone strike: Hayat, who was two years old, Somaya, who was three years old, and Malika, who was three years old.

The Pentagon immediately cast Ahmadi as an Islamic State militant while outlets like the Associate Press put out reporting that showed the U.S. massacred a family, which had "worked for Americans and were trying to gain visas to the United States, fearing for their lives under the Taliban."

On September 17, Marine General Frank McKenzie, who is the head of U.S. Central Command, apologized to the victims and said that the strike was a "mistake." General Mark Milley, the chairman of the Joint Chiefs of Staff, defended the strike, asserting there was a "dynamic threat environment, the commanders on the ground had appropriate authority, and had reasonable certainty that the target was valid."

Yet as Afghanistan War whistleblower and retired colonel Daniel L. Davis wrote, this is plainly wrong. "The strike was an unforced, avoidable error."

“Once a drone operator has the target in his sight, they can follow it indefinitely (handing off to another drone platform if fuel runs low). When the U.S. team identified the target vehicle with the suspected explosives park in a garage, all they had to do was watch and wait. If the vehicle were to leave and begin to close in on troops, commanders would have justification to launch the lethal missile,” Davis contended.

Hale would likely agree. If he were not in carceral limbo in a jail in Virginia, the world may have heard from him. He could have connected the tragic episode to what he had tried to warn us would continue to happen if we did not take the information he shared seriously.

According to his support team, Hale is saddled with debt from an Espionage Act prosecution that spanned seven years and must launch a GoFundMe. Money must be raised to pay for phone calls and commissary items while in prison. There are bills from loans and student debt that will likely be due while he is incarcerated, and his cat Leila needs safe housing and care.

Meanwhile, any of the military generals or political elites, who are responsible or complicit in the death caused by the drone program, are free to appear on CNN or at a university to justify the carnage that unfolds with no end in sight. In fact, they can expect to be paid well for their words.

## **26 Sept - Federal Prisons' Switch to Scanning Mail Is a Surveillance Nightmare**

*The Bureau of Prisons has piloted a program that can give authorities “huge secret intelligence into the public sender of postal mail.”*

### **MORE:**

by Lauren Gill (*The Intercept*)

In a Pennsylvania federal prison, Joe used to trace his girlfriend’s handwriting with his finger as the faint smell of her perfume wafted into his cell. Her letters elicited rare feelings of intimacy in an otherwise cold environment. But after his facility, United States Penitentiary Canaan, replaced physical mail with photocopies in 2019, those feelings have disappeared.

“It’s just like receiving a fake dollar bill,” Joe told *The Intercept* in an email through a prison communications system. *The Intercept* is using a pseudonym because Joe fears retaliation from prison staff.

Over the past two years, dozens of facilities across the Federal Bureau of Prisons, or BOP, which oversees approximately 156,000 people and 122 facilities, have adopted policies of photocopying mail and withholding the originals from their recipients. Prison officials say the change is an effort to stop drugs that are entering facilities by being sprayed on mail, which officials claim is affecting staff, though there is scant evidence of this phenomenon.

USP Canaan is one of 33 federal facilities in 18 states using prison staff to scan mail in-house, according to an informal survey of incarcerated people’s loved ones conducted by *The Intercept*. And the Pennsylvania prison was one of two BOP facilities that participated in a recent pilot program to outsource the scanning of mail to a private company. BOP union heads told *The Intercept* that they are pushing for the bureau to enroll all of its facilities in the private service, known as MailGuard, whose creators boast that it can “gain huge secret intelligence into the public sender of postal mail.”

The BOP did not respond to *The Intercept*’s questions about plans to expand MailGuard or details of prisons scanning mail in-house, though a spokesperson told Slate in August that the bureau is “considering the expansion of mail scanning pending funding.”

Advocates for incarcerated people warn that MailGuard, which is also being used in county jails and state prisons, is chilling communications between incarcerated people and their loved ones. “It’s surveillance on a scale that we haven’t really seen before in prisons,” said Quinn Cozzens, an attorney with the Abolitionist Law Center, which sued the Pennsylvania DoC over its use of the service for legal mail.

Postal mail was the last means of communication that was not heavily monitored by the BOP. The bureau’s transition to mail scanning, coupled with its refusal to release details of the program’s operations to the public, presents novel privacy concerns for incarcerated people and the people who send them mail.

The Knight First Amendment Institute at Columbia University has sued the BOP in an effort to publicize some of those details, such as its record retention policy and rates of drug introduction through the mail.

Stephanie Krent, an attorney with the Knight First Amendment Institute, said the programs’ retention policies will be key to understanding the scope of the surveillance. “The overarching problem is the same, which is that instead of looking at a letter quickly, to determine whether or not anything in the letter could pose a safety threat,” Krent said, “you are potentially creating a record that lives on far longer than the amount of time that that letter is in the scanner.”

Prison mail has long been subject to inspection, albeit through an analog process. Before scanning, staff in the prison mailroom were responsible for opening and browsing the mail for contraband or inappropriate communications. Mail that passed this test was then distributed to its recipient. An exception was made for privileged communications, such as legal mail, supposed to only be opened in the presence of its recipient.

Federal prisons in Illinois, South Dakota, Pennsylvania, Alabama, North Carolina, Kentucky, California, Georgia, Texas, Minnesota, Mississippi, Colorado, West Virginia, Virginia, Florida, Tennessee, New York, and New Jersey are now scanning mail in-house, *The Intercept* found. This list is not exhaustive, and the BOP did not answer questions about the numbers and locations of facilities using scanning.

Some have been scanning mail for more than a year, while others have changed their policies over the last few weeks. At those prisons, two to four mailroom staff open the mail then digitally scan it, making photocopies to deliver to incarcerated people, according to Jose Rojas, the southeast regional vice president for Council of Prison Locals C-33, the union that represents federal corrections officers. It is unclear whether the BOP stores digital copies of the mail scans in a database.

While the workload in the mailrooms has increased, staffing has not, Rojas said. Causing further delays with scanning, he said, mailroom staff are sometimes reassigned to the housing units under the BOP’s practice of augmentation that requires staff such as nurses and cooks to step in as corrections officers when staffing shortages arise.

Several incarcerated people told *The Intercept* that their legal mail has been opened, and sometimes copied, before it reaches them.

The shift to scanning has resulted in extended wait times for mail delivery, and once it is delivered, the scans can be hard to read, said incarcerated people and their loved ones. Photos and cards appear blurred, pages go missing, and parts of the letters get cut off, they said. Joe shared a photocopy of a letter he received with *The Intercept* that had been clipped on the margin during the scanning process, making some words illegible.

Joe’s girlfriend, who asked not to be named because she fears retaliation from prison staff, said she writes to him daily. It used to be one of their most reliable means of communication, especially with visits

suspended during the Covid-19 pandemic and long lines to use phones inside the prison. Now, she said, she sometimes doesn't receive his letters for a week. "You're left wondering, 'Is he safe? Is he in quarantine because of corona?' It's very nerve-wracking," she said.

Lynn Espejo, a formerly incarcerated leader of the advocacy group Inside the Walls and Beyond, said she's heard stories about women not receiving Christmas cards until March because of delays at facilities doing scanning. "It's confusing to me why they think this is good," she said.

In February 2020, the Bureau of Prisons issued a request for information on mail scanning services aimed to "reduce costs, streamline BOP operations, eliminate contraband and provide a whole new field of valuable investigative intelligence not currently available." The ability to retain a "searchable database for each registered sender and all correspondence received" and to store all hard copies of mail for at least 45 days were among the services the BOP sought.

The following month, the bureau enlisted the services of Smart Communications, a Florida-based prison communications company, to do the job. Two prisons, USP Canaan and Federal Correctional Institution Beckley in West Virginia, piloted its MailGuard program from March 2020 to June this year. In practice, this involved people sending mail to Smart Communications' offices in Florida, where civilian staffers scanned the mail then sent photocopies to the prisons.

What little is known about the service comes from Smart Communications' proposals to other correctional systems. Roughly 100 prisons and jails across the country use MailGuard, including the Pennsylvania Department of Corrections, according to a proposal to the Massachusetts Department of Corrections last year obtained by *The Intercept* under the Freedom of Information Act. Records show that MADOC officials signed a yearlong contract with Smart Communications in October 2020 then terminated it in May. It is unclear why MADOC ended the contract early; reached for comment, an agency spokesperson did not respond to questions about it. Smart Communications did not respond to requests for comment or a list of questions from *The Intercept*.

The proposal outlines various services the company can offer, including a review process that allows authorized people to access digitized scanned copies of mail and information on each sender through a database. Smart Communications says this data can be useful to investigators, who have the option to receive "real time text or email alerts and be instantly sent a copy when an inmate receives mail." For legal mail, the company offers a machine for use within prisons where individuals can open and scan their mail in the presence of prison staff.

MailGuard takes surveillance a step further with its "Smart Tracker" system that not only allows senders to track the status of their mail, but also for corrections agencies to "gain huge secret intelligence into the public sender." This includes people's email address, home address, IP address, GPS location tracking, the names of devices used to access Smart Tracker, and any other accounts they use, according to the proposal. MailGuard's creators say the system will store a list of all incarcerated people the sender has communicated with and save all of their mail in a profile for up to seven years after their release.

The company has indicated the timeline could be even longer. "To be honest [in] almost 10 years of business Smart Communications has never lost or deleted records or any data from our database. There are hundreds of millions of data records stored for investigators at anytime," Smart Communications CEO Jon Logan told *Mother Jones*.

Corrections departments can choose whether they want to install kiosks and distribute tablets to go completely paperless or to administer the mail through photocopies. Electronic communications to and

from people in prison are monitored in a similar way as MailGuard, but according to Krent, of Knight First Amendment Institute, “the bigger problem is that programs like MailGuard force writers to leave a lasting digital footprint, even if they opt to send physical mail because they preferred greater privacy.”

In its proposal to MADOC, Smart Communications said the price tag for five years of the services throughout 16 facilities would cost \$8.11 million. The company also told the agency that it would foot the bill for legal costs associated with lawsuits over the introduction of the service by advocates, a document obtained by *The Intercept* shows. The size of the company’s contract for the pilot program with the BOP is unclear, but one union leader from Pennsylvania, who spoke on the condition of anonymity because he is not authorized to speak to the media, said he’s heard that it would cost around \$50 million to expand throughout the bureau.

He, and other BOP union heads, lauded the service and said that they are pushing the Biden administration to allocate funding for its expansion. “We really pushed back against the agency to keep it going and the agency just stated they had no money for it,” said the Pennsylvania union representative. They said they are working closely with Rep. Matt Cartwright, D-Pa., who is chair of the House Committee on Appropriations for Commerce, Justice, Science, and Related Agencies. Cartwright and Rep. Jerrold Nadler, who is the head of the House Judiciary Committee, which oversees the BOP, did not return a request for comment from *The Intercept* on the program.

Corrections officers have described mail scanning as essential to stopping drugs from entering prisons and jails, but data is scarce, and the evidence that exists belies those claims. Despite MailGuard’s promise to stop contraband from entering facilities, drug positivity rates in Pennsylvania prisons increased after the service was implemented, reported *The American Prospect*. There have been numerous reports confirming that corrections officers are the primary source of drugs and other contraband in prisons and jails — a trend that was identified by the Justice Department as far back as 2003.

Rojas, the southeast union head, said some prison staff have gone to the hospital with headaches and increased heartbeats, after they thought they were affected by drugs sent in through letters and books. K2, a synthetic cannabinoid, had become a primary concern after staff thought they inhaled it while sorting mail. “It’s tough, it goes into your lungs,” said Rojas.

There is no publicly available data on drug positivity rates for BOP prisons, and BOP did not respond to questions about those figures or its methods for testing mail suspected to contain drugs. Dr. Ryan Marino, medical director of toxicology and addiction at the University Hospitals Cleveland Medical Center, challenged assertions that mail staff were absorbing K2 through their skin or by inhaling it. “You would need to smoke it to inhale it afterwards,” he said. “These compounds don’t just get into the air and don’t just cause effects at room temperature from touching them, which is why people don’t do drugs that way.”

What is indisputable is that the introduction of scanned mail has made incarcerated people and their loved ones uneasy. Some have stopped sending certain types of mail, like pictures, altogether. “It makes me uncomfortable because it’s a violation of my privacy,” Sharon, who has a loved one incarcerated at a federal prison using mail scanning, told *The Intercept*. (She asked to be referred to only by her first name because she feared retaliation.) “I understand that they are in prison, and I’m sure the mail gets scanned or read at some point to make sure that no crime is being committed but to know that my letters are sitting there with my personal information — you don’t know what the corrections officers are doing with it.”

### **27 Sept - David Gilbert Parole hearing postponed; Support letters needed!**

*On September 21, the New York State Parole Board postponed David's parole hearing for one month.*

**MORE:**

We anticipate at this point that his next hearing will take place sometime in October.

Thanks to your efforts, the packet that David's lawyer submitted to the Parole Board contains hundreds of support letters, many of them heartfelt testimony from people who have come to know him over the past 40 years, during his incarceration. And many also from people who don't know David, but have learned about him and are moved by a sense of mercy and justice. Each of these letters is important—thank you so much.

Although there is much we don't yet know, we expect David's lawyers should be able to file a supplement to that packet. A continued show of support for David's parole is important:

- If you haven't yet, please consider writing a letter to show your support for his parole.
- If you have -- thank you! And, consider asking a friend (yet another one) to write.

Winning clemency was a tremendous achievement and we owe it to all of your efforts and your steadfast support. We will be keeping you informed as the parole process moves ahead.

For more information on David, the latest news, guidelines for writing and submitting letters of support, and to subscribe: [friendsofdavidgilbert.org](http://friendsofdavidgilbert.org)

**30 Sept - Xinachtli Denied Parole**

*Xinachtli has been denied parole and will not be able to petition the board again for three years.*

**MORE:**

This is hard to believe, what with the Texas Elder Prisoner Populations continuing to grow older, and many with serious health issues, they will cling to their 'musty' old 'records' to form their opinions, some record like Comrade "Xinachtli's," maxing-out at 40+ years or more, to fulfill a grudge - don't they get it?

Excerpt from his letter of September 14<sup>th</sup>...

*"...OK, that being out of the way, although I clinged to some hope in getting set free, the stark reality is that how can someone like me, hated by the system-demagogues and right-wing ideologues, who dominate Texas politics, expect fair treatment and a showing of HUMAN COMPASSION, GIVEN THE MANY FACTORS IN MY FAVOR, by a pack of rabid-hyena wolves that are now leading the racist, right-wing EVANGELICAL CRUSADE, LED BY Texas Governor GREG ABBOTT..."*

(y'all can extrapolate the rest, a recap of U.S. politics the past 4 years ... particularly here in Texas)

People DO change whatever it takes that's necessary to LIVE without having ones' honor & pride stepped on! I guess that they wanted him to get down on his knees and grovel and admit he's truly a menacing Security Threat Group member, and renounce the lies they fabricated and bought off 'snitches,' they heaped on him, and wouldn't allow him to defend himself, at their "Kangaroo Court" that he was railroaded at in 2002 - otherwise, you all know the story, he would have long gone been out by now.

I don't know what to say, I can't tell you how much I appreciate your help to liberate "Xinachtli," and I'm very proud of everyone who was able to send letters of support; the fact that the decision took a good (2) months, reflects that we gave it our best shot.

Please write to him, and let him know we are still here for him, and hope his health can hold through this next phase of the journey.

## 30 Sept - State of War

“State of War” is from “The Nation on No Map: Black Anarchism & Abolition” by William C. Anderson.

### MORE:

Saying “stop killing us” and asking an oppressor not to oppress is not going to work. Taking the life of the system we’re up against through abolition is much more complex than simply fighting people in the streets. We need to eradicate the very structures that enable the state to continue systematically destroying our lives. Oppression tortures our existence through the forces that live comfortably in the minds of countless people they oppress. The conflicts created and exacerbated by the oppressive mechanics of the state are not evenly distributed. Some neighborhoods and some people within our communities know destruction in intimate ways that involve infighting and traumatic violence. Black women and girls—especially those who are queer, transgender, poor, and disabled—experience this in the most extreme forms, with their very right to survive called into question. “What the law designated as crime,” writes Saidiya Hartman “were the forms of life created by young black women in the city.”[1] If these women and girls defend themselves, they are criminalized for it, as abolitionist Mariame Kaba documented in the anthology *No Selves to Defend*. [2] Therefore, women and girls in this predicament have been a primary basis for my conception of self-defense, community, and survival amid conflict.

In *As Black as Resistance*, Zoé Samudzi and I touched on “Black gangs that were born of necessity and are often far better organized than those who denounce them would ever give them credit for.”[3] We also noted that these gangs had been politicized at the same time as the social struggles in the 1960s and 1970s and became part of the movement for self-defense and community control. It bears repeating that we shouldn’t ignore gangs and others who have been shunned as we think through these questions.

What does it mean, for instance, to strengthen our communities and build survival programs, when there is no functioning left opposition in the United States that could defend them against militarized police forces, fascist militias, and military assaults? Just because reactionary forces have not freely carried out the full-scale massacres of large numbers of unarmed people all at once, it doesn’t mean they never will. If (or when) that time should come—and if Black people manage to wrest real political and economic autonomy for ourselves, it will—many people will need to know how to fight back.

People imagine history’s revolutions, rebellions, and insurrections in such an idealistic way that they become fairy tales that require magic wishes more than training or planning. As our enemies stockpile, plot, and prepare, far too many act as if merely our love of liberatory ideas will save us. As it often has been throughout Black history, armed self-defense should become more of a serious consideration in the future. We will not be given a choice. Those who are most familiar with fighting in the streets are needed too, which will require people to look beyond the trauma and the stigma of “criminality.” Such transformations should recognize and center the experiences of the women, children, sex workers, and other community members who have borne the brunt of violence. This means we must also address how regularly they must protect themselves from the likes of gangs and the militaristic, patriarchal violence that creates constant clashes. Like the gangs, they know how to fight and defend themselves in ways many of us can learn from.

There are many potential allies out there with the knowledge that pontificating radicals on the left lack. Those people might or might not identify as part of the organized left. We shouldn’t feed into the vanguardist binary that makes “the people” who don’t identify as leftists or radicals into masses in need of leadership. Our respective stories and different struggles will vary from community to community. No one should be carelessly left behind. We also have much to learn from revolutionaries who preceded us and were discarded at times themselves. Assata Shakur, Lorenzo Kom’boa Ervin, Malcolm X, and George Jackson are just a few examples of hugely impactful people who were designated “criminal.” Their

militancy or willingness to address questions of actual confrontation cannot be separated from how they understood the realities of the streets. By the same token, there are many young Black people in the streets, alienated from social movements but with needed energy for liberatory politics. There is certainly crucial organizing to be done among members of groups that get left out of the conversations of both the left and the main-stream nonprofit organizations in the process of movement building.

When we look to our families, many of us will find a history of organized self-defense there too. For one thing, many of the Black anarchists and radicals I've mentioned are former members of the military, including Martin Sostre, Lorenzo Kom'boa Ervin, Kuwasi Balagoon, and others in the Black Panther Party. Each of them enlisted with different histories and brought back their own lessons. Balagoon, for instance, was a bisexual man in the U.S. Army. His experience—who he was and who he became—informed the militancy he later engaged in with the Black Liberation Army. There are others like him among us who also carry knowledge and understanding of warfare that we should familiarize ourselves with. Understanding this doesn't mean embracing imperialism or the military. I am referring simply to information and strategic thinking that should be taken into consideration based on our circumstances. We are not talking about fighting for the sake of fighting; it's about the larger political goal of achieving liberation. Recent uprisings and rebellions we've seen have often lacked organized self-defense components. At the same time, many of the armed self-defense mobilizations we see today are showy demonstrations of symbolic force unconnected to actual communities in struggle—parades and marches that defend nothing. The task of revolutionaries, as Lorenzo Ervin has explained, is to “push rebellions to [an] insurrectionary stage, and the insurrection to a social revolution.”[4] War is not coming. War is already here all around us, and we're already engaged, systematically, as casualties. To change that takes planning and direct confrontation.

If we're waiting for the worst to happen every time, we should expect defeat. In fact, we're beating ourselves. Our advancement requires a proactive effort to abolish the violent institutions of the white supremacist state. Black anarchism reveals to us that revolution and war are about killing concepts that do us damage, the forces that many of us face every day when we go outside. We're at war with white supremacy, sexism, homophobia, transphobia, ableism, and more.

So, if we understand history and the possibility of warfare in front of us, we're required to respond. This means, yes, as many of us as are willing need to be prepared to learn about weapons and be prepared to use them to defend ourselves if or when it becomes necessary. But we have to understand security at every level and learn how to avoid and protect ourselves from every attack. Liberation begins in our communities: if we cannot protect them at the ground level, our work and our efforts will collapse. Masses of people do not need to be squeezed into one specific soldiering role: some people caretake, some cook, some organize, some clean, some make art, some teach, and so on. However, we do need many who are training and preparing consistently with whatever tools they have. The alternative is our demise. Unless we've given up, we have work to do.

### **30 Sept - Support Needed for Russell Maroon Shoatz**

*In August, activist and long-held political prisoner Russell Maroon Shoatz was denied a medical transfer to hospice care despite serious life-threatening medical conditions.*

#### **MORE:**

This ruling was made by Judge Kai Scott, on the grounds that he presents "an undue risk of escape or danger to the community."

Organizers with the Free Maroon Campaign/Coalition ask that you sign the following letter to Judge Kai Scott asking her to reconsider her decision. You'll be joining Joyce Ajlouny, General Secretary of the

American Friends Service Committee and the 1947 Nobel Peace Laureate, and Nozizwe Madlala-Routledge, director of the Quaker United Nations Office in Geneva, and countless others in supporting Shoatz and his desire to transition in the presence of loved ones. You can find a link to the letter and the form here: [russellmaroonshoats.wordpress.com/free-maroon-now-campaign-coalition](https://russellmaroonshoats.wordpress.com/free-maroon-now-campaign-coalition)

If you want to skip straight to the form where you sign: [forms.gle/nZxFwxG7ZEwadFH5](https://forms.gle/nZxFwxG7ZEwadFH5)

### **7 October - Exclusive Film Screening & Fundraiser for Parole Justice**

**WHAT:** Film Screening

**WHEN:** 7:30pm, Thursday, October 7<sup>th</sup>

**WHERE:** Online <Register at [tiny.cc/RAPP\\_PPP\\_Film](https://tiny.cc/RAPP_PPP_Film)>

**COST:** FREE (*but it IS a fundraiser, so please make a donation*)

**MORE:**

The Parole Preparation Project and our sister organization, the Release Aging People in Prison Campaign (RAPP), are hosting an exclusive film screening and fundraiser via zoom.

The event will feature a screening of a short, documentary film, "The Interview," which focuses on parole in New York State. The screening will be followed by a panel discussion with people featured in the film and those leading the work for parole justice across the state. It will be a profound opportunity to hear directly from those who have navigated the parole process and returned home after decades in prison.

Admission is free, but we'll be seeking donations and support throughout the event. Your contributions will go directly to the important, grassroots work of RAPP and Parole Prep.

### **9 Oct - Free Mumia! Free Them All!**

**WHAT:** Film Screening

**WHEN:** 3:00pm, Saturday, October 9<sup>th</sup>

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

**COST:** FREE

**MORE:**

Free Mumia! Free Them All! is a political film screening event about abolition and political prisoner liberation, focusing on the movement to free Mumia Abu-Jamal. Leading with a teach-in by Campaign to Bring Mumia Home organizer, Johanna Fernandez, we will screen two short films—I'm Free Now, You Are Free (director Ash Goh Hua, producer Arielle Knight, creative producer Mike Africa Jr) and By Your Side (directors Mike Sr & Debbie)—followed by a conversation between the filmmakers and Kazembe Balagun about the importance of cultural work to support political organizing.

By screening short films made by members of the political community & hosting a powerful teach-in by movement leaders, we will make the urgency of abolition & freedom accessible through a lens of culture.

### **Schedule, Registration and COVID Protocols**

Event will begin promptly at 3pm and end at 6pm. RSVP to secure your spot <[eventbrite.com/e/free-mumia-free-them-all-tickets-177409575817](https://eventbrite.com/e/free-mumia-free-them-all-tickets-177409575817)>. Space is limited. This event requires participants to be fully vaccinated and must show vaccine card, in accordance with NYC law.