



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for November 1<sup>st</sup>

### **17 Oct - Eric King: New Poem and Brief Update**

*This is a poem Eric wrote in reflection at the ADX.*

#### **MORE:**

The universe continually expands  
but my world stays stagnate  
these walls never move,  
these windows never open  
I remember tho,  
I've been someone else's pain,  
Made others space feel like their own ADX  
the goal then, it seems  
isn't just to breathe fresh air  
but to breathe it as a better me  
To never be someone else's warden  
What good is being free  
if only to be oppressively to others?  
"Freedom doesn't have a purpose"  
but mine will be to love + heal+ grow  
to cherish the million small blessings  
were presented every day  
if we only chose 2 see them  
FTTP  
especially the ones we construct ourselves

The solitude is massive, and the mail is intermittent... This is a funny story because for 3 years now he has been told that the reason he has to have communication restrictions is they don't have the capacity to properly manage his mail and his existence is a risk. He has been promised as soon as he was placed at the ADX he will have his mail restored. This is not it. With his family they receive mail from him twice a month with a few hiccups. He lost the ability to have phone or visits at Lee county in his disciplinary hearing (this makes paper mail the only point of contact) The regional office instructed Lee to find him guilty (so that way they could try again if the ADX placement didn't stick) with that came phone sanctions and visit sanctions. And commissary restrictions. While he is receiving mail, he can't respond to much of it because he cannot purchase enough paper stamps and envelopes. He's watching TV for the first time in 4 years and is soaking it all in. He's catching up on so much and is really enjoying talking about TV. He is receiving books; they can be sent through the wish list or a bookseller. We have no reliable way to tell if he's getting them all or what is happening. Legal visits are intermittent.

There is not much to update on ... We could tell you how he was three or four weeks ago 🙄 it seems this is probably going to be the common theme for his last year in. They are telling him he will get 6 months and a halfway house which is kind of funny because the cares act makes him eligible for 12 but what do we know.

### **18 Oct - The CIA's hypocrisy on 'sources and methods'**

*The Agency's carelessness in protecting its own agents reveals the cynicism of the US government's treatment of whistleblowers.*

**MORE:**

by William Neuheisel (*Responsible Statecraft*)

Reuters recently published new reporting on the story of one of the worst U.S. intelligence failures in decades. From approximately 2010 to 2013, dozens of CIA informants in China, Iran, and elsewhere were rounded up and executed, jailed, or flipped to double agents. In Iran and China, almost the entirety of the CIA's network in two of its top-priority countries are reported to have been exposed.

Some in the U.S. government seemed to try to pin much of the blame on a betrayal by CIA officer Jerry Lee, who was later prosecuted and pleaded guilty to spying on behalf of the Chinese government. But Lee's alleged espionage could not account for all the sources blown.

In a series of articles published by the *New York Times*, *Foreign Policy*, and *Yahoo! News*, another explanation emerged: an astonishing laxity of source protection at the CIA itself. The reporting outlined several lapses in basic tradecraft (which included sending new recruits to meet at locations known to be under close foreign surveillance), but most catastrophic was the (not so) secret communications system the CIA used with these sources. Even if there had not been a mole, it seems hard to believe that the slapdash system could have long evaded the sophisticated counter-intelligence capabilities of the Chinese and Iranian governments.

Essentially, the CIA had set up a system to embed a messaging function hidden in the search box of hundreds of cheaply produced fake websites. The word "hidden" should be used loosely here — the new Reuters reporting found more than three hundred of the sites and showed that a cursory look at their publicly available HTML source code revealed labels such as "message," "compose," and "password." And because the agency purchased the domain names in bulk, the websites were assigned sequential IP addresses — making it almost trivially easy to identify the whole network once a few were discovered.

In other words, simply entering the correct operators into a Google search might have led to dozens of informants rounded up and executed. This level of sloppiness is deeply shocking and inexcusable for a spy service with the resources and expertise available to the CIA. But there are additional layers of hypocrisy and bitter irony that have been less discussed.

This episode coincided with the Department of Justice ramping up its war on whistleblowers. The government used "sources and methods" as a cudgel in these unprecedented Espionage Act prosecutions: they claimed to assign the gravest weight to the protection of sources — so much so that no concern of public interest, no matter how great, could ever be weighed against the secrecy. But those sources were treated as utterly disposable: the agency couldn't even be bothered to obscure the HTML on its communications system.

In a pattern common to the intelligence community's most catastrophic self-owns, no one seems to have yet been held accountable. Well, except one person. As you may have guessed, there was a whistleblower. In 2008, a CIA contractor named John Reidy started sounding the alarm through internal channels that these grave flaws in the system were a ticking time bomb. Reidy was fired in retaliation, and his complaint to the Inspector General went uninvestigated until well after dozens of informants had already been jailed or killed. As Reidy tried to fight the retaliation, the government even prohibited him from telling his own attorney anything about the nature of his disclosures.

At the same time when the CIA's carelessness was burning its own assets, it became fashionable for the critics of whistleblowers who went public to condemn them for not sticking to "internal channels." Those channels didn't do much for John Reidy, or for the scores of intelligence sources he tried to save.

The cruel irony would surely not be lost on former CIA officer John Kiriakou, who became a whistleblower when he discussed the CIA's torture program in a media interview at a time when the CIA was still denying it. Kiriakou was sentenced to 30 months in prison after pleading guilty to inadvertently

confirming the name of one CIA officer to a journalist — even though the journalist never published the name.

Again, it's worth stating clearly: it was not the leaks of conscientious whistleblowers that caused the sky to fall, but the intelligence community's own chronic mismanagement, virtually guaranteed by the very secrecy it always claims to need to protect those sources.

### **18 Oct - Leonard Peltier's 46 years in prison: 'What else do you want?'**

*There is a long list of people, tribes and organizations that have called for Peltier's freedom.*

#### **MORE:**

by Mark Trahant (*Navajo-Hopi Observer*)

Leonard Peltier's name has become a story that reflects other stories. One narrative describes Peltier as America's longest political prisoner, serving more than 46 years in a federal maximum-security prison. In that telling, Peltier has become a humanitarian and a 78-year-old Turtle Mountain elder who has been incarcerated for far too long.

The former prosecutor in the case. Members of Congress. Amnesty International USA. Pope John Francis. The Dalai Lama. The National Congress of American Indians. Dozens of tribal nations, including Peltier's own tribe, the Turtle Mountain Band of Chippewa Indians. And, as of this month, the Democratic National Committee.

That's one version. A contrary account casts Peltier as the lead character for the crimes committed by the American Indian Movement during the Wounded Knee era, including internal community violence, and he is described as a remorseless murderer.

That last story is still promoted by the Federal Bureau of Investigation on its website. But Peltier is not in prison for murder. The government could not justify a murder case, so it switched gears and today Leonard Peltier is Inmate #89637-132 serving at the United States Penitentiary, Coleman, in central Florida, on charges of "aiding and abetting" the murder of federal officers, plus a seven-year sentence for an escape attempt.

Indeed, Peltier has already served a longer sentence than most principals in murder convictions. There is no way to look at the evidence and come away with any conclusion other than Peltier is being punished for crimes that could not be proven beyond a reasonable doubt in a court of law.

Kevin Sharp is a Nashville attorney, and former U.S. District Court judge, who is representing Peltier pro bono with a petition to President Joe Biden calling for clemency. That petition questions the role of the United States government saying "the FBI redoubled their efforts to secure a conviction," including dropping other charges, so that the "weight of the Federal Government could be directed against Leonard Peltier."

One of the problems is that even if guilty, Peltier has overserved.

"He's overserved any sentence he should have," Sharp said. "You got your pound of flesh. If that's what you wanted, you got a guy who was there and you, he's now 78 years old, and he's got 46 years behind bars. What else do you want? Except for him to die. And we stopped talking about him that way, but that's the worst thing that can happen because now you don't start, stop talking about him. Now you've got this guy that you allowed to die in prison. It gets louder, not softer."

Over the years the government first said Peltier shot the agents. Then later the prosecution switched the story to "we don't know who killed the agents, but we know Leonard was there," Sharp said.

“Okay. Congratulations. There were 40 other people there with weapons. There were lots of other people there that day. There were 150 agents there. One of them killed Joe Stuntz, a 21-year-old Native boy. We don't know who killed him. We know it was one of the agents that they never went to figure it out. So those are the facts that we know. And if that case was tried today, there is no way it stands.”

Sharp said the Peltier’s trial would not stand scrutiny today.

“There aren't even two sides,” he said. “We know that the witnesses were intimidated. We know that witnesses were threatened. We know that affidavits knowingly false affidavits were submitted to the courts. We know that when the trial took place and the prosecutor said, we only have this one piece of evidence, this shell casing, this ties Leonard to, to this shooting. We know now that they knew that wasn't true. And we only learned years later after his conviction, that there had been a ballistics test that showed it wasn't his weapon.”

In the White House petition Sharp argues that Peltier “remains a casualty of this country’s cruel and lawless war against American Indians his continued incarceration, moreover, is a constant reminder to Native communities that they are disposable in the eyes of the U.S. government and unworthy of the most basic protections afforded by our Constitution.”

It’s the failure of basic constitutional protections that power Sharp’s message: He left the federal bench because of what he saw as structural issues in the criminal justice system.

“I was forced because of mandatory minimums to sentence a young man to two life sentences,” Sharp recalled. “It was very frustrating to me because in order to become a federal judge, you're vetted and investigated by the FBI, vetted and investigated by the White House, the Department of Justice, the Senate Judiciary committee, and they have their own investigators all for one reason ... and that's to satisfy themselves that you have the intellect and the temperament and the judgment to rule on these most important items in our country and that is dealing with somebody's liberty.”

Sharp sent Chris Young to prison. And that crossed a line for him. So, after six years as a federal judge, Sharp shifted gears and set out to defend justice.

“That led me to the Trump Oval Office and working with Kim Kardashian to help free this young man,” he said. “His name was Chris Young ... and Chris is free today. We actually were able to secure clemency.”

It was in that context that Sharp became interested in Leonard Peltier.

He received a package from Connie Nelson, the former wife of Willie Nelson.

“And I sat down with this package and it was the trial transcripts from Leonard's trial,” he said. “It was newspaper articles, court opinions, photographs, and I just started going through it and I am sucked in.”

Sharp saw holes in the government’s story.

“It was easy for me to see what happened, the misconduct by the prosecutors, by the investigators, the rulings by the court that would never stand today because the standard of review is different. All of that was easy for me,” he said. “What then has sucked me in for years since I first opened that package is the ‘why?’”

Why are there so many constitutional violations? What was going on? What led to this point?

“It was the context. That's what sucked me into this and has aggravated me, has, you know, made me angry, made me sad, made me confused,” Sharp said. “‘What are we doing? And why are we here? And that's why Leonard Peltier is so important.’ This isn't about people with guns on Pine Ridge, you know,

South Dakota on June 26<sup>th</sup>, 1975. That's part of it. But the real story is the why. And as, as one of the courts said in one of the court opinions, the United States government needs to take responsibility for what happened there that day.”

Sharp said there is no way that Peltier’s trial would meet today’s minimum standards of justice.

In 1986 the 8<sup>th</sup> U.S. Court of Appeals found that the government had failed to disclose evidence favorable to Peltier. This is what’s known as a “Brady violation” and it’s enough to require a new trial. But in Peltier’s case the rule was ignored. The district court “held that the October 2, 1975, teletype, evaluated in the context of the entire record, would not have affected the outcome of the trial and that, therefore, Peltier was not entitled to relief.”

Or consider the story of a self-proclaimed racist juror. Three women in Fargo slipped a note to the trial judge, Paul Benson, that said they were friends with the juror and she told them that she was really prejudiced against Indians. The judge asks her about the statement. “Yep, I said it. But I told you when you were asking me questions that I would set any prejudice I had. I’d be fair.” The judge says, “Thank you very much.” And the trial continued on and Juror Number 10 voted “guilty.”

That fact alone would be enough to reverse a trial.

“If that happened today, he gets a new trial,” Sharp said. “So, it's those things that drive me crazy. When I talk about, look, I, I believe in the Constitution, those are all constitutional violations. We get a new trial.”

The government’s prosecutors changed their theory in 1985 — after Peltier’s conviction. As the prosecutor Lynn Crooks told the appeals court, “We can't prove who shot those agents.” Thus, Peltier was not actually convicted of murder instead he’s been in prison since 1977 on “aiding and abetting” the murder of federal officers.

Another former prosecutor in the case, James Reynolds, has called for clemency. In a letter to the president, Reynolds wrote that with the benefit of hindsight “I have realized that the prosecution and continued incarceration of Mr. Peltier was and is unjust. We were not able to prove that Mr. Peltier personally committed any offense on the Pine Ridge Reservation.”

One other story told about Peltier is not directly related to his aiding and abetting conviction — and that’s the tie to the Anna Mae Aquash murder investigation. The American Indian Movement at first blamed the FBI for Anna Mae Aquash’s murder in February of 1976. But later information surfaced that she was murdered by AIM because she was suspected of being an informer. Aquash’s family said Peltier was involved and was aware of her killer. Two former AIM members, Arlo Looking Cloud and John Graham, were convicted of killing Aquash.

Sharp points out that Peltier has never been charged in connection with Aquash.

In a statement the last week of September, Thalia Carroll-Cachimuel, executive director of the International Leonard Peltier Defense Committee, said “there has been an extraordinary volume of misinformation spread regarding Leonard Peltier. Leonard Peltier’s conviction and perverse length of his incarceration are emblematic of the racist mistreatment of American Indians by law enforcement that existed throughout Indian Country for decades. If there is evidence that has never before been produced, then we encourage its unveiling if the true motive is justice. If the motive is simply to support Mr. Peltier’s unjust imprisonment, the bar must be set much higher.”

Peltier’s petition for clemency will be up to Biden. Just this month a resolution enacted by the Democratic National Committee said the party’s platform already says the president should use clemency “to secure the release of those serving unduly long sentences.”

And, in Peltier's case, "given the overwhelming support for clemency, the constitutional due process issues underlying Mr. Peltier's prosecution, his status as an elderly inmate, and that he is an American Indian, who suffer from greater rates of health disparities and severe underlying health conditions, Mr. Peltier is a good candidate to be granted mercy and leniency; and ... it is highly appropriate that consideration of clemency for Mr. Peltier be prioritized and expedited, so that Mr. Peltier can return to his family and live his final years among his people."

Peltier's petition says the time for clemency is now because his health is fading.

"Leonard suffers from a variety of ailments, including kidney disease, Type 2 diabetes, high blood pressure, a heart condition, bone spurs in his feet, a degenerative joint disease, constant shortness of breath and dizziness, and painful injuries to his jaw. A stroke in 1986 left Leonard virtually blind in one eye," the clemency petition says. "Prison doctors advised Leonard that the condition required surgery, but the maximum-security prison where he is incarcerated does not have the capacity to treat the condition. Leonard's physical condition is dire, and he cannot physically defend himself in prison, let alone threaten anyone with harm."

North Dakota state Rep. Ruth Buffalo, Mandan Hidatsa Arikara, brought the resolution forward at the September DNC meeting. She said it started with a coordinated message from a variety of state legislators and the North Dakota Democratic-Nonpartisan League Party. That was followed by a similar call from the Native American caucus of Native American state legislators. All that built toward the DNC resolution.

Buffalo represents Fargo in the legislature, the city where Peltier's trial originally took place. She said has heard from constituents "regardless of party affiliation" supporting clemency because of the constitutional violations.

"One thing that has kept us going is so many of us unfortunately have relatives and loved ones who are currently in the criminal justice system or who have thankfully made it out of serving time behind bars," she said. And so Peltier's long prison time is "something an issue that definitely hits home for many of us."

She said Peltier should come home.

"I know there's so many people who have been praying since the seventies for Leonard's release," Buffalo said. "And so we know that there's many grandmas and elder women at Turtle Mountain who pray for Leonard on a daily basis."

This whole case is a reflection of injustice, she said, and it must be resolved in order to heal communities.

"Leonard's release is one sure way to make sure that we are on a path towards healing," Buffalo said.

### **21 Oct - Six Years Too Many. Free Fidencio Aldama!**

*A call for solidarity with Fidencio Aldama, and an update from his legal team, six years since his arrest.*

#### **MORE:**

October 27 marks six years since our compañero Fidencio Aldama was kidnapped by the state and locked in prison in Ciudad Obregón, Sonora. Like so many other cases in so-called Mexico and throughout the world, Fidencio Aldama is imprisoned for being Indigenous, for defending his territory, customs, and traditions in a world dominated by nation-states and capitalism.

We remember that Fidencio's arrest and continued imprisonment is the result of a coordinated effort between the Mexican State and SEMPR Energy (via its affiliate in Mexico, IEnova) to impose a natural gas pipeline through Yaqui territory. When the Yaqui town of Loma de BÁCUM got organized and refused to accept the "Gasoducto Sonora" pipeline project on their traditional lands, the corporation-state nexus

resorted to violent repression, orchestrating an attack on Loma de BÁCum on October 21, 2016, and ultimately arresting Fidencio Aldama a week later on trumped up charges.

After a legal process filled with irregularities and the anti-Indigenous racism inherent to the Mexican state, in April of 2018 Fidencio was sentenced to fifteen years and six months for the death of Cruz Buitimea Piña, which took place the day of the attack on Loma de BÁCum. After a drawn-out appeal process, the courts recently confirmed Fidencio's conviction, but reduced his sentence from fifteen years and six months to fourteen years in prison.

Since Fidencio has been locked up, the situation in Loma de BÁCum has only worsened. On July 14, 2021, ten people were disappeared from Loma de BÁCum—seven of them Indigenous Yaquis—while organizing for the traditional festivities of Virgen del Carmen in their pueblo. After a months-long search effort led principally by Yaqui women and family members of the disappeared, seven of their remains were found and identified. These disappearances exemplify how organized crime, the state, and corporations mutually benefit from one another, planting terror in Indigenous communities to disarticulate community organization and consolidate projects of capital accumulation and state control.

Meanwhile, the Mexican state has continued promoting the politics of clientelism through their so-called "Plan de Justicia" for the Yaqui tribe, reinforcing the colonial mission to make the Yaqui people and Yaqui lands productive for global capitalism. As part of the so-called "Plan de Justicia," the governor of Sonora, Alfonso Durazo, has even recently proposed the designation of a special economic zone in Yaqui territory, to facilitate manufacturing industries with cheap Yaqui labor.

Considering all of the above, we hold responsible the CEO of Sempra Energy, Jeffrey M. Martin, the CEO of IEnova, Tania Mena Ortiz, the General Director of the CFE, Manuel Bartlett Diaz, the Governor of Sonora, Alfonso Durazo, and the President of the Republic, Andrés Manuel López Obrador, for Fidencio Aldama's continued imprisonment and the ongoing repression/cooptation being carried out in Yaqui territory. We also hold responsible the different judges, magistrates, secretaries, judicial officials, etc. who have maintained this legal charade against Fidencio Aldama.

As the legal pathway for Fidencio Aldama's freedom narrows, we want to reinforce the point that Fidencio Aldama's freedom is in our hands. We must get organized, carry out actions, make noise, show solidarity in whatever way we can, to get Fidencio Aldama free and end the attacks on the Yaqui tribe. For every night Fidencio spends in a prison cell, let's make those responsible suffer with nightmares for the harm they have caused.

### **Current Legal Situation of Fidencio Aldama**

As we shared in a previous statement, on June 17, 2022, the Third Collegiate Court of Sonora ruled on the appeal in the case of our compañero Fidencio Aldama (one year and nine months after the appeal was filed). The ruling was not favorable. The court stated that Fidencio is guilty of the intentional homicide of which he has been falsely accused. However, the resolution ruled that the degree of culpability in the commission of the crime had to be reviewed. That is, the case was sent back to the criminal court which had to decide whether to reduce Fidencio's sentence possibly to the minimum of eight years, or confirm the sentence of fifteen years and six months that was already in place.

On August 24, 2022, the criminal court complied with the upper court's ruling on the appeal, reducing Fidencio's sentence by one year and six months to a total of fourteen years. Faced with this new situation, we cannot remain immobile waiting for Fidencio to serve out his unjust fourteen-year sentence. We must continue insisting and resisting until we can snatch back his freedom.

Legally, the new sentence will have to be fought with another direct appeal. Our intention is that the Supreme Court takes up the case. The case is important because it involves an Indigenous person belonging to the Yaqui Tribe who is being criminalized and punished, sentenced to prison for defending his territory

by opposing the construction of a natural gas pipeline by an international company. This pipeline project puts at risk the lives of the inhabitants of Loma de BÁCum, the pueblo where Fidencio lived with his family when he was detained.

Undoubtedly, we will continue to face the discrimination of the judicial authorities, who have up until this moment punished the struggle and resistance of a land defender. We will not rest until Fidencio is free, to hug his children and mother who impatiently wait for him.

## **24 Oct - Imprisoned Anarchist Toby Shone Fights New Battle Against UK State**

*Imprisoned anarchist Toby Shone is fighting a new battle as he counts down the weeks to his halfway release on December 28<sup>th</sup> 2022.*

### **MORE:**

As the UK collapses into something resembling a tin-pot dictatorship and a Victorian poorhouse, Toby continues to be targeted by the Probation Service and their colleagues in the Counter-Terror National Security Division and MAPPA (Multi-Agency Public Protection Arrangements) for his 'thought crimes', 'anarchism' and 'alternative lifestyle'.

In September, Toby was informed that Cardiff-based probation officer Paul Smith had booked a series of interviews for him (without communicating these to his lawyers as instructed) with forensic psychologist Dr Harriet Chapman from the Centre for Forensic and Criminological Psychology, University of Birmingham. Dr Chapman's intention was to interrogate Toby under the Extremism Risk Guidelines formulation tool, ERG22+. This assessment which is “intended for use with people who have been convicted of any extremist or extremist-related offence” (which he hasn't been) considers at least 22 factors by which an individual can be regarded as an extremist and thus be subject to de-radicalization measures. We could find no public paper detailing these 22 factors or the format of the interview.

These largely experimental and deeply authoritarian de-radicalization measures, which appear to be rolled out on a one-to-one basis, include the Healthy Identity Intervention, Desist and Disengagement Program, Motivational and Engagement Intervention and Developing Dialogues. All of these are highly invasive, intensive programs designed to investigate and dismantle a targeted individual's personal narrative, childhood and influences, to attempt to undermine their critique of the existent, to isolate them from their relationships and affinities and to re-mold them into the perfect citizen under conditions of duress. Think re-education camps and political indoctrination. In effect they are seeking to "pathologize" the holding of anarchist beliefs: anarchism as a psychological illness. This tactic of “punitive psychiatry” has been used by other authoritarian states, most notably Soviet Russia, China and the USA.

Naturally, Toby refused to co-operate, at which point he received a letter from his probation officer Mr. Smith threatening that “Whilst you have every right not to engage with this piece of work, the assessment will be undertaken whether or not you take an active role in it. For your own sake though, I would suggest that it would be preferable for it to include your voice rather than being a paper-based assessment.”

Despite being found Not Guilty of any terrorist offence in October 2021 and the subsequent rejection by a High Court judge of the prosecution's application for a Serious Organised Crime Prevention Order against Toby on the grounds of “No Necessity”, the cops have found willing partners in the probation service. Although at this stage, there appears to be no legal basis for their demands, the cops and probation are continuing to bring the same accusations and evidence to bear that failed to even make it to a trial in October 2021, but this time to a different judge.

The licensing restrictions under consideration by Probation, Counter-Terror and MAPPA are even more extreme and extensive than those applied for under the Serious Organised Crime Prevention Order that Toby defeated in May 2022. He has been re-categorized by Paul Smith, whom he has met a total of 15 minutes, as High Risk in a new OASIS report (his previous probation officer stated that Toby was Low

Risk) and has been placed on MAPPA 4, Level 3 – the highest risk category under this joint agency. All without a trial or a conviction.

It is clear that the UK police state is trying to set the groundwork for LASIT (Left, Anarchist and Single Issue Terrorism). Toby is a test case.

Draft conditions include:

- No contact with extremists or anyone arrested for extremism;
- No discussions (sharing opinions will be regarded as 'grooming' 'radicalization' and 'preaching');
- No attending any meeting or gathering except for the purpose of worship;
- Only one phone, which must be handed over to the police whenever they ask for it – nothing must ever be deleted from this phone; and,
- Toby must live in an Approved Hostel for one year.

The first two conditions (contact and discussions) cannot hold water without defining who and what is an extremist and begs the question whether they will be subjecting all of Toby's associates to ERG22+ too in order to come up with a workable plan. Equally it will interesting and enlightening to find out exactly what topics of conversation and what opinions are now forbidden in modern-day Britain: in recent weeks, we have already seen that silently and peacefully holding an anti-monarchy placard is an arrestable offence.

Furthermore, a year in an Approved Hostel is unprecedented and unnecessary. AP's are for those who will find it difficult to 'integrate back into society': people without social support, sex offenders, addicts and violent offenders.

There are more political prisoners in UK now than in living memory. Toby Shone's case – more than any other – is of paramount importance as this is an almost extra-legal attempt to criminalize and destroy not only a perceived opponent, but also the entirety of anarchist and libertarian ideals and ideas at a time when crushing and barefaced attacks on the poor give those ideas more leverage and potentiality than ever before.

It is time to dismantle any lines people may still be drawing between each other in the hopes of appearing to be more legitimate to the State. Particularly, in these times, when civilization as we knew it is in collapse and the infrastructures of the fourth and fifth industrial revolutions are being established, any one of us who has an ounce of free thinking in them is a threat and a target. This attack on Toby Shone is not isolated. All over the world, anarchists and activists are being rounded up and thrown in jail. We are responsible for keeping these ideas alive and we need to pay attention, stand together, support those trapped in the judicial system and attack where we can.

#### **UPDATE:**

Toby is currently in segregation as a punishment for a demonstration that took place at HMP Parc last Thursday (20<sup>th</sup>) and all indications are that he could well be held in segregation until his release due date in December. More information will follow when we get it.

#### **24 Oct - Interview with Anarchist Black Cross of Orange County**

Abolition Media interviewed comrades from Anarchist Black Cross Orange County about their recent *Pushing Down the Walls* event, a burpee marathon, which raised money to support political prisoners.

#### **MORE:**

**How did you all get the idea to start the Pushing Down the Walls event?**

**T:** Early on in the pandemic, some of us lost access to the gyms where we normally would work out and train. In searching for alternative ways of staying active while also social distancing, some of us embraced a solution that was already very popular amongst our incarcerated comrades: the burpee! It has so many

variations that make it quite versatile and suitable to folks at different levels of ability. They are challenging and yet adaptable, which is very important when you're working out alone in a parking lot.

Turning them into an event was a very natural progression. Pushing Down The Walls is a twist on the Running Down The Walls concept that reflects our specific point of view or vibe as a chapter within the wider Anarchist Black Cross Federation.

**C:** Totally. Similar events have been a part of the work that the Anarchist Black Cross Federation has undertaken since its re-founding in 1994 and are an integral part of how we as a formation provide material solidarity to our comrades on the inside. Typically, the fundraising events have focused on runs of varying lengths, and still do. As far as the format for our event, we opted for the "burpee marathon" for several reasons along with what the comrade has already mentioned. In our part of the region, ample, open and secure space is a challenge to come by, and so we opted for a fitness-related option that would require less of that and also make planning for and addressing any potential security concerns somewhat easier. It also occurred to us that the ways in which the exercise portion could be modified to ensure the greatest degree of participation possible (small groups, alternating sets, consistent check-ins at regular intervals to assess physical stress levels, breaks in between sets) also facilitated comradely discussion among groups of folks a bit more effectively. And, finally, while running is an excellent way to build conditioning, muscle endurance, joint health, and other areas, the burpee is a really terrific compound-movement bodyweight exercise that incorporates and trains both conditioning and strength, and also allows for a surprisingly wide range of variations—not just to accommodate personal capacity, but also to focus on different fitness goals.

### **Who are some of the political prisoners that you are raising money for?**

**T:** Well, the full list of folks who receive funds from the ABCF Warchest, which is the that program which received the majority of the proceeds from PDTW 2022, is available at [abcf.net/warchest-program](http://abcf.net/warchest-program)

However, this year we were very fortunate to be able to collaborate on the event with Oso Blanco, Sean Swain and Dan Baker. They wrote some really inspiring statements which we distributed widely in our region at various events leading up to the event, as well as on social media, etc.

Additionally, to regular deposits on the commissary accounts of our comrades in the so-called "USA", the ABCF Warchest has been making regular contributions to Fidencio Aldama, an Yaqui indigenous land defender kidnapped by the Mexican state. We were also able to make a sizeable (for us) transfer of funds to ABC Belarus in late 2021. There are a number of Anarchist and anti-fascist comrades there and in Russia who are facing severe repression there and will continue to need consistent support from the movement. Going forward, we'd very much like to continue making these gestures of international solidarity. Every donation, no matter how small, goes a long way in allowing us to do that.

**C:** Since its inception in November of 1994, the Warchest Program has collected monthly funds from groups and individual supporters and send that money to Political Prisoners and Prisoners of War (PP's/POW's) via monthly checks. Currently, there are 17 imprisoned comrades who receive a monthly stipend as part of the program. They are Abdul Azeez, Dan Baker, Ed Poindexter, Eric King, Fidencio Aldama, Hanif Bey, Jamil Al-Amin, Joseph Bowen, Kamau Sadiki, Leonard Peltier, Malik Smith, Mutulu Shakur, Oso Blanco, Ronald Reed, Ruchell Magee, Veronza Bowers, and Xinachtli (FKA Alvaro Luna Hernandez). It's worth noting that, over the last twenty-five years, the ABCF Warchest has dispensed almost \$200,000 to political prisoners and prisoners of war incarcerated in the so-called US and elsewhere.

### **How have political prisoners that you've been in touch with responded to hearing about the event?**

**T:** Pretty positively! As mentioned above, we got statements in support of PDTW 2022 from Dan Baker, Sean Swain and Oso Blanco. Some other comrades couldn't hit us back in time, but they were pretty stoked on the concept. One in particular made a very conspicuous point to make sure we were doing our burpees up to his standards. haha.

C: Yeah, for sure—the response has been, I’d say, completely positive! Our comrades have been really eager to help in whatever ways they can. Dan Baker, for example, committed to doing 300 burpees the day of the event and also wrote a statement we shared with folks the day of. Along with his statement, Oso Blanco also provided some original artwork we used to raise funds in support of Schools for Chiapas at the comrade’s request. In the days that followed, comrades with whom we talk and correspond regularly expressed real excitement at how successful the event was. More than one person expressed the sentiment that it felt good to know there were folks on the outside making sure that they weren’t forgotten or overlooked. The system’s ability to get away with carceral violence relies, in part, on the erasure of our imprisoned comrades from daily life and from living memory; we know this, and our comrades inside know this. Events like this help ensure that our friends on the inside are never forgotten and consistently supported.

### **Can you talk a bit about the importance of physical training and defense for revolutionaries?**

T: Personally, I believe that reinforcing the connection between mind and body is very important for anyone doing revolutionary work. This can mean many different things from person to person, obviously. But in the course of struggle, we are faced with a lot of opportunities to interpret our circumstances and choose our praxis. If we are passively carrying accumulated stress, pain, discomfort, and so on into our deliberations, we become predisposed to choosing things that reflect helplessness or worse, disinterest.

Having an active relationship to stress, on the other hand, builds a regular practice of autonomy and empowerment. Even if it’s just breathing to improve your focus or walking in the evening to get better sleep at night, being consciously in your body can help you consciously be in the world and its conflicts. It’s a very helpful tool to have as we push our ideas forward and give them some flesh with our organizing.

Of course, these liberatory visions of ours mean nothing if they are physically smashed up by fascists or placed in chains by pigs. All of the radical zines in any given distro might as well go straight into a flaming pyre if some shithead can flip the table over without consequences. Likewise, if they can attack your meeting, then eventually they will follow you home. The fascist’s hatred of us always escalates in one direction: elimination.

So, then we must ask one another: Can our struggle for freedom physically overcome the oppressor’s struggle for power? Forming a winning answer to this question is going to take all of the creativity, resourcefulness and strength our communities can muster.

C: The last six years have furbished many disturbing and persistent reminders about the importance of the need to actually train and be prepared for any eventuality that may arise in the fight for our collective liberation from a system that thrives on violence, both direct and indirect. Our comrade Dan Baker expresses it well in the statement he produced for our event. “If we want liberation, lives worth living,” says the comrade, “we need to be strong, healthy and coordinated as a family that defends itself from extinction and humiliation at the hands of violent fascists, racists and dogmatic fanatics.” This is because, as Dan goes on to say, these same monsters “are working daily to out-shoot you, run you down and beat you to death” and “[w]hoever works harder will win that fight.” Our comrade Sean Swain, though not on the Warchest, is even more terse: “The future is liberated territory. Defend it.” The simple fact of the matter is that the moment that you refuse to accept their lies and inducements, you’ve already made yourself an enemy of the State, and that has very tangible consequences. Our comrades on the inside know that arguably better than any of us out here.

### **Moving forward, what do you think are some ways for anarchists to connect with and support comrades inside?**

C: All of us feel that prisoner support is an essential and necessary part of the work that we do as anarchists, and there is always a huge need for more honest and sincerely dedicated folks to commit to

building real and meaningful relationships with our incarcerated comrades. It's as simple as getting together with some likeminded comrades and deciding to form some iteration of a prisoner solidarity organization—it needn't even be the ABC/ABCF. Then, it's about trying to get connected to some friends on the inside! The ABCF, thanks largely to our comrades in NYC, produces an updated list of folks to whom interested people might write that also includes facts of their cases, support site info, and short bios, but there are other resources out there that provide similar info. Even better than looking for info online: try and find and link up with any radical abolitionist organizations or radical inside/outside projects or formations actively doing the work on the ground in your area and find out how to get involved. Developing relationships with support crews on the outside is also a good step to take once consistent contact has been established. Naturally, interested folks for whom it might make sense given where they are geographically or what have you are def encouraged to hit our chapter up!

C: There are some really great organizations doing important building with folks inside currently. I'd encourage everyone to check out Power Blossoms, Jailhouse Lawyers Speak, and True Leap Press to name a few. Support Through The Walls in NYC is a great example to emulate as well.

### **What other kinds of organizing projects are you (or other comrades of yours in Southern California) involved in?**

C: Comrades in our ABC chapter stay active in a number of areas of work. Along with standing in solidarity with and providing concrete support for folks in our community threatened by or experiencing right-wing violence through direct action, we also engage in providing legal and other forms of support to comrades who are arrested or facing charges for the righteous decisions they made to openly revolt against the system, help facilitate self/community-defense trainings and medic workshops, and also engage in mutual aid. One formation with which members of our chapter are affiliated, 714 Mutual Aid, was formed in March of 2020 as a direct response to the grotesque capitalist mismanagement (and weaponization) of COVID. Since that time, we have provided clothing, medicine, and other necessary resources to our housed and unhoused neighbors, along with providing over 3 tons of food per week to over 200 people through our walk-up grocery distributions. Our mutual aid work is also heavily focused on harm reduction efforts, which include distributing Naloxone, safer use kits, injection alternatives, food, and other items to housed and unhoused folks in our community by going mobile. For us, we see such efforts as an integral part of revolutionary abolitionist work because, if we conceive of what the system calls "crime"—generally—as the expression of an unmet need, such formations and projects constitute autonomously organized and non-carceral responses to meet those needs. A number of folks in the work think of such projects in terms of "starving the beast" that is the Prison-industrial Complex, making it weaker and more susceptible to attack and—ultimately—helping lead to its defeat.

### **26 Oct - Ex-Black Panther asks for fresh trial amid new evidence**

*Mumia Abu-Jamal, the best known of the African American radicals incarcerated for decades for their actions during the black liberation struggle of the 1970s and 80s, is petitioning a Pennsylvania court for a new trial after the discovery of fresh evidence that casts doubt on his conviction.*

#### **MORE:**

by Ed Pilkington (*The Guardian*)

Abu-Jamal's case will come before the court of common pleas in Philadelphia on Wednesday. The hearing could be one of the prisoner's last attempts at freedom after more than 40 years behind bars, including two decades on death row, for the murder of a white police officer – a crime for which he has always insisted he is innocent.

The former Black Panther and radical journalist is 68 and has long struggled with serious heart conditions and other health problems. He was moved off death row in 2011, but since then has been held on life without parole.

Abu-Jamal was convicted of murdering Daniel Faulkner in December 1981 in Philadelphia. At about 4am that morning the prisoner's younger brother, William Cook, was stopped in his car by the police officer.

Abu-Jamal, then working as a taxi driver, coincidentally passed them by and came to his brother's assistance. A shooting spree ensued and Faulkner was shot and killed while Abu-Jamal was also shot.

He was put on trial in 1982, found guilty and sentenced to death. Flaws and inconsistencies in the prosecution case have been revealed, generating worldwide concern about the justice of his prolonged imprisonment.

In 2000 Amnesty International investigated the case and, without taking a definitive stand on his guilt or innocence, concluded that "numerous aspects of this case clearly failed to meet minimum international standards".

Wednesday's petition relates to six filing boxes marked with the prisoner's name that were found in a storage room in the Philadelphia district attorney's office in December 2018. The existence of the boxes were disclosed to Abu-Jamal's lawyers the following month.

His lawyers, Judith Ritter and Samuel Spital, argue in the petition that the boxes contained "highly significant evidence which the commonwealth never previously disclosed". The new evidence shows that their client's conviction was tainted.

One of the documents found in the boxes is a handwritten letter sent from the state's star witness at trial, Robert Chobert, to the prosecutor, Joseph McGill. "I have been calling you to find out about the money own (sic) to me," Chobert writes. "Do you need me to sign anything. How long will it take to get it."

Chobert was one of only two witnesses at the trial who claimed to have seen Abu-Jamal shoot the police officer. No other evidence directly connected the defendant to the killing.

Abu-Jamal's lawyers argue that the letter indicates that Chobert "understood there to be some prior agreement or understanding between himself and the prosecution, such that the prosecution 'owed' him money for his testimony".

The state has disputed that interpretation, saying that Chobert asked for money to compensate himself for lost earnings after the trial had finished and that the prosecutor merely said he would "look into it".

The second witness who testified she had seen Abu-Jamal shoot Faulkner was Cynthia White, a prostitute with 38 previous arrests on her record. She was in prison in Massachusetts at the time of the trial, and had five current criminal cases pending against her.

Among the documents in the boxes were letters from the DA's office to prosecutors involved in each of the five pending criminal cases against White. Abu-Jamal's lawyers argue that the letters "reveal a concerted effort by Mr McGill and several Philadelphia DA unit chiefs to bring Ms White back from Massachusetts, secure an early trial date in order to expedite her release and ultimately allow her cases to be dismissed for lack of prosecution."

Such favourable treatment, they suggest, was designed to make "life easier for her in exchange for her testimony against Abu-Jamal".

The lawyers also point to a third cause for concern. In the boxes were the handwritten notes that McGill kept as he was filtering out possible jurors for the trial during jury selection.

The notes show that the prosecutor placed a large letter "B" next to any prospective juror who was black. During jury selection, McGill struck 15 people from the pool – 10 were black and five non-black.

The prosecutor blocked 71% of all potential black jurors from sitting on the final jury, compared with only 20% of all non-black panelists. It is a violation of federal law to strike potential members from the jury on the grounds of race.

Abu-Jamal was born Wesley Cook and grew up in a low-income black neighborhood of Philadelphia. He became involved in black resistance as a teenager in the late 1960s after he came across the Black Panther party's newspaper.

"A sister gave me a copy of the Black Panther newspaper and I was dazzled. I made up my mind to become one of them," he told the *Guardian* in 2018.

As part of his work with the Panthers he was one of the first to visit the house in Chicago in December 1969 shortly after one of the movement's leaders, Fred Hampton, was shot and killed by police as he was sleeping in bed. "We saw the bullet holes, which raked the walls. We saw the mattress, swollen with Fred's blood. I was 15," he told the *Guardian*.

He left the Black Panthers in 1970, thereafter working as a journalist. He was a prominent supporter of Philadelphia's black liberation group, Move.

Abu-Jamal is the author of several books, including a collection of prison writings, *Live from Death Row*.

### **October 26<sup>th</sup> - Mumia Abu-Jamal denied a New Trial**

by Noelle Hanrahan (*Prison Radio*)

Yesterday, at 12:45pm October 26, 2022, a proposed order denying Mumia Abu-Jamal's constitutional claims of jury bias and suppressed evidence was issued by Common Pleas court Judge Lucretia Clemons.

Abu-Jamal's defense petition included newly discovered evidence that had been buried in the prosecutor's own files. This evidence documented key witnesses receiving promises of money for their testimony and evidence of favorable treatment in pending criminal cases. The petition also documented the abhorrent and unconstitutional practice of striking Black jurors during Mumia's original trial.

### **Racism remains the ELEPHANT in the room.**

*"I am going to help them fry the n---word"*

--Original trial court Judge Albert Sabo said this in front of court clerk Terri Maurer Carter and fellow Common Pleas Court judge Richard Kline during the first week of Mumia's 1982 trial.

Philadelphia ADA Jack McMahon made the policy clear in a 1986 training tape stating that getting "a competent, fair and impartial jury. Well, that's ridiculous, '...'"You don't want smart people. But if you're sitting down and you're going to take Blacks, you want older Blacks."

If you put thick blinders on that block out all reality and rely on procedural minutia for cover, honestly, it is still *impossible* to avoid the scorching blatant racism of trial judge Albert Sabo, Assistant District Attorney Joseph McGill, Mayor and former police chief Frank Rizzo, District Attorney during Mumia's trial Ed Rendell, and Ron Castille DA on appeal.

Yesterday, Judge Lucretia Clemons in her oral statements from the bench continued a common practice of adopting wholesale the Philadelphia District Attorney's positions. These positions only seek to preserve convictions at all costs. These arguments prevent the defense from putting on the record evidence of discrimination. PCRA procedural rules such as time bar, due diligence, waiver, previously litigated, all avoid a judicial review of the merits.

The racism is so transparent and indefensible so the DA is using court created law to dismiss cases before hearing new suppressed evidence. This is a blatantly dishonest practice routinely used by the prosecution

and the courts when everyone knows, and I mean everyone knows, that racism was a hallmark of the original trial.

### **Striking Blacks from the Jury**

Judge Clemons stated that she was dismissing the claim of striking Black jurors on procedural grounds, without addressing the merits of the claim. She suggested that former counsel for the defense had not sought prosecutor McGill's previously buried notes (notes that highlight his impermissible race-based tracking and discrimination). Clemons adopts the prosecution position that the defense had the opportunity to receive these notes by merely asking the prosecution or cross-examining ADA McGill in prior court proceedings. This is a key and deliberate misreading of the record. At no time were these crucial notes and the motivations that guided ADA McGill ever available to the defense. McGill struck Black jurors at a 71% rate, significantly higher than the strike rate for white jurors. His reasons for seating some white jurors and not seating nonwhite jurors were not on the record, they were in his notes.

One only has to look at the McMann training tapes that were made by the Philadelphia DA's office which instructed district attorney's how to strike black jurors. These were made after Mumia's trial but they document the practice which was the norm in the office. This is the context for this ruling which misstates the record and ignores the reality in these Philadelphia courtrooms. Judge Lucretia Clemons and her law clerks complained on the record about how long it took them to find Pennsylvania cites to bolster their opinion. Why is Judge Clemons working so hard to avoid the elephant in the room?

### **Suborning Perjury: Paying Witnesses**

Additionally, at issue is the note from supposed "eye witness" Robert Chobert that asked ADA McGill after the trial "where is the money that is owe to me?" This note was scrubbed from any filings and buried by the prosecution for 40 years. This dramatic "Brady evidence" previously unavailable to the defense, was dismissed by the Judge in her written opinion as not "being material." Meaning it would not have affected the jury's verdict. Underlying this is the wholesale adoption of the credibility determinations of the original trial court judge Albert "I am going to help them fry the n---word" Sabo. It allows his racist tainted rulings to stand.

She also dismissed records from ADA McGill that extensively track and monitor another key witness who's pending criminal cases were ALL were dropped by the prosecution following her testimony.

How can the court ignore the context? Note this information which follows had been previously prevented from being added to the record by Albert Sabo and other judges on appeal:

Photos from the *Philadelphia Bulletin* that prove Robert "I was on probation, did not have a license to drive a cab, and threw a Molotov cocktail into a school for pay" Chobert was not parked at the scene of the shooting. Chobert could not have witnessed the shooting. He was **NOT** parked directly behind the officer's car as he claimed to be. The answer is: because the PCRA (Post Conviction Relief Act) allows the dismissal of this critical evidence through by time bar.

Finally, Judge Lucretia Clemons admonished the defense to limit their briefs challenging her proposed ruling to cite Pennsylvania law. It is commonly understood here, rather than being the birthplace of liberty, Pennsylvania is the place where the US Supreme Courts constitutional standards for criminal defendants are the very last place to be honored.

This case proves that racism reigns unabated in the American justice system, Mumia Abu-Jamal is the canary in the coal mine.

Judge Clemons' 31pg proposed opinion will be available today, 10-27-22. The Defense has 20 days to reply, and prosecution given 10 additional days to respond before the court's order dismissing Mumia's request for a new trial becomes final and appealable.

Mumia Abu-Jamal has spent 42 years in prison for the death of Philadelphia Police officer Daniel Faulkner on Dec. 9<sup>th</sup> 1981. He has maintained his innocence and has sought his freedom by appealing to the very courts that now seek to preserve his unjust and unconstitutional conviction. At age 67 he has spent 42 years in prison.

Mumia Abu-Jamal is a broadcast journalist and internationally recognized author. Mr. Abu-Jamal is serving a life sentence at SCI Mahanoy in Pennsylvania. He is the author of 13 books, holds a Master's degree in Comparative Literature and is currently working on the requirements to complete a PhD in the History of Consciousness Department at University of California Santa Cruz.

### **3 Nov - Rikers Day of Action: End NYC's Death Penalty**

**WHAT:** Demonstration

**WHEN:** 7:00am-midnight, Thursday, November 3<sup>rd</sup>

**WHERE:** City Hall Park, NYC

**COST:** FREE (register at [tiny.cc/Rikers\\_DoA](http://tiny.cc/Rikers_DoA))

**MORE:**

This past Saturday, Erick Tavira died on Rikers, bringing the death toll to 17 people this year. This has been the deadliest year in over a decade!

Please join us Thursday, Nov 3 from 7am - Midnight. We will gather at City Hall Park for 17 hours of action in honor of the 17 lives taken by New York City jails this year, as well as lives taken last year. As the humanitarian crisis of Rikers continues, we'll be calling on Mayor Adams to release people from city jails, stop sending people to these deadly jails, and protect the human rights of all New Yorkers.

As first steps, the mayor must issue a public plan to "close the pipeline that feeds Rikers," stop arresting and incarcerating people with mental health needs, use his direct authority to immediately release people, and protect the rights of people in the City jails now.

Throughout the day we'll be remembering the lives lost at Rikers and The Boat, holding speak outs, doing outreach, and incorporating art and performance. Some of our main events during the day will be:

- 11am rally & press conference
- 7pm vigil in honor of lives taken by NYC jails
- 11:30pm closing ceremony

### **4-7 Nov - Watch the Cops! Policing New York in the Movies**

**WHAT:** Film Series

**WHEN:** November 4<sup>th</sup> through November 7<sup>th</sup>

**WHERE:** Brooklyn Academy of Music, 30 Lafayette Avenue, Brooklyn 11217

**COST:** \$11-16 (Tickets at [tiny.cc/IA\\_BAM](http://tiny.cc/IA_BAM))

**MORE:**

Interference Archive is excited to collaborate with Brooklyn Academy of Music for the upcoming film series, Watch the Cops! Policing New York in the Movies. This series of electrifying and rarely screened films invite us to "watch the cops" with a critical perspective. Made from the late 60s to 90s—as police budgets swelled and violence against poor communities of color intensified—they offer a cinematic survey of the movement to resist police and reallocate resources. The series travels through neighborhoods, city blocks, and community spaces where dreams of freedom clashed, often literally, with the police.

Revealing New York as both a rehearsal space and ground zero of the prison state, Watch the Cops! highlights the geography of policing and the media that redrew the map for our abolitionist future.