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Updates for May 30th

16 May - Atlanta Activists Are Racing to Stop \$33.5 Million 'Cop City' Funding

A controversial police training facility needs more than \$30 million from Atlanta taxpayers.

MORE:

by Kelly Weill (*The Daily Beast*)

But during more than seven hours of public comment at a packed city council meeting on Monday, hundreds of locals expressed unanimous opposition to the project.

The Atlanta Public Safety Training Center—called "Cop City" by challengers—is a proposed \$90 million, 85-acre police training ground slated for construction in Atlanta's South River Forest. The project has seen opposition from environmental, racial justice, and indigenous rights activists, who argue that the project will cut down a forest on historically Native American land and fuel aggressive policing. After a series of protester arrests, and the killing of one activist by police, the project is now close to breaking ground. And opposition is louder than ever.

"I've been to City Hall for some years now," Micah Herskind, an Atlanta-based community organizer who attended the Monday meeting, told *The Daily Beast*. "But until the Monday city council hearing, "I've never seen the line at the door, even, of where the public comment sign up is. It was out the door, around the whole second floor, winding down the stairs, and then eventually went out through the building, through the security line. I've never seen anything like it. And not only did masses of people show up, they showed up literally 100 percent against Cop City. We did a complete tally of public comments. 100 percent of commenters were against Cop City."

The purpose of the meeting was to hear public comments on a bill that would give the police training project \$33.5 million in city funds, approximately \$16 million of which must be signed over to the construction project by the end of June. (The city's payout has edged up in recent months, from earlier estimates of \$30 million, then \$32 million.)

Not one of the nearly 300 speakers supported the spending.

"People were not only talking about not wanting Cop City. They were also saying, 'hey, you have \$30 million? Put that in our schools, put that in affordable housing, put that in our streets, put that in childcare, in food for people, for people who are homeless,'" Herskind said.

Other speakers pointed to the city's history of aggressive policing. Atlanta father Jimmy Hill, whose son was shot and killed by police in 2019, used the public comment period to return a proclamation the city had awarded his family after the killing. The proclamation condemned gun violence, which Hill said was a mischaracterization of his son's death.

"Call it what it is: police brutality is police brutality. Stop trying to sugarcoat it. It's police brutality, a police killing," Hill said.

Hill also used the comment period to condemn the police killing of Manuel Esteban "Tortuguita" Paez Terán, an activist who was camping in the South River Forest in opposition to the Cop City construction. On Jan. 18, police opened fire on Terán's tent, shooting the activist at least 57 times. Police claimed Terán had fired a gun—a claim strongly disputed by Terán's family and complicated by autopsy reports. An independent autopsy by Terán's family suggested that their hands were up at the time of the shooting. An

autopsy by DeKalb County could not make a definite determination about Terán's posture, but found no evidence of gunshot residue on their hands. A report by the Georgia Bureau of Investigation found traces of gunshot primer residue on Terán's hands, but noted that the residue can also land on gunshot victims. No body camera footage of the killing is available.

"I think about my son because he was unarmed and surrendering," Hill said of the two shootings.

Hill is not the only person to return awards to Atlanta in protest of the police training site. Terán's death, and the mass arrests of people at an anti-Cop City music festival, have drawn national scrutiny to the project as it nears its planned August groundbreaking.

Civil rights leader Angela Davis, who received a proclamation from Atlanta, returned the award days later.

"I regret that I did not consider the implications of my acceptance of this award at the time, given the fact that the City Council voted in favor of the construction of a massive militarized police training facility in the South River Forest," Davis said in an April statement.

Other civil rights leaders also spoke out against the project last month, in a growing trend of public opposition to the construction.

Bernice King, daughter of Martin Luther King Jr. and leader of Atlanta's King Center for Nonviolent Social Change, penned an April op-ed opposing the training center at its proposed location.

"I urge you to rapidly expand your efforts in police and justice reform and a new approach to holistic community safety and wellness that engenders trust and confidence in police and policymakers," King wrote to city officials. "I also urge you to revisit the programming and design of the training center and to identify a more suitable location. Ignoring the calls of the community will only multiply the cries. "

Atlanta's City Council is slated to vote on the \$33.5 million funding on June 5. A failed funding vote is not necessarily a dealbreaker (the police foundation behind the project is trying to raise \$60 million of its own), but it might be activists' best legal avenue for blocking the project.

"I think it would significantly hamstring the project," Herskind said. "It wouldn't cancel the lease, but it would be the council effectively removing its blessing from the project. In my mind, the city would have no choice but to choose a new path."

17 May - Two Essays About One Week in January

Two essays by Eric King about things that happened one week in January 2021 following Denver's global noise demo on New Year's Eve at FCI Englewood.

MORE:

Eric's ADX referral was extensively about a protest outside the facility that neither he nor his support team had anything to do with organizing.

These are essays that Eric is writing in his programming. He is not able to participate in any other pre-release programming but he is able to write essays for snacks and rewards.

These are two of them...

Overreaction and no communication

Before being moved to this unit, I was told it was to get me better prepared for freedom by increasing my contact with family and friends and contact with other prisoners. Yet while I watch my TWO groupmates

email and make phone calls, I am stuck with no phone or email privileges...despite everyone bullshitting me on how important communication is.

In January 2021, 3 years of zero phone calls, emails or visits W/ZERO SHOTS people came out and protested conditions at Englewood while I was pretrial. I wrote my lawyer a sealed legal letter asking who they were and celebrating the protest. In July of 2022 I was given two shots for that legal letter. A 106 "Inciting a Riot" and 196 "using mail to commit a crime" these two shots behooved me, blew my mind (this letter was recently used by the US attorney to justify use of an electrocution belt during a medical visit).. I'd in the time between and since had zero shots...the DHO at USP Lee was not impressed, said he'd lose his job if he didn't crack me.

These were my only shots in 2 years, for which I was rewarded w/one phone call in the past 8 months...when I spoke to S.I.S. they said "yeah sure, not a big deal at all" yet I still sit here with no email or phone. This is stressful for multiple reasons 1) I have a wife with chronic health issues and I can't be there for her...we get visits twice a month but these bring stresses of their own, such as gas money and the pain in her body and the wildly uncomfortable position/chair during visit... but further 2) I have release coming up and planning things are difficult as fuck over mail, where letters take 3 weeks to leave and two to three to return.

I don't like putting out the "woe is me" shit, but one call zero emails and zero contact visits in 4 years and 8 months is crazy.... That I still HAVE a wife is a testament to the bond we've fought to keep and strengthen through the vulnerable and difficult letters. People on SAMS have family contact, people at the CMU have family contact, why am I so bad that talking to my wife must be prohibited? Communication is a threat but they're jumping to release me in 2 months?

I've spoken to the warden, to _____, to _____, to SIS Lt _____ no one cares- so they say, but nothing is being done to change anything? I miss my family and it eats at me...we are told to be good and things can be improved, but I've never seen that, at 10 different institutions... Extreme bucking ALWAYS gets short-term pain and long-term rresolution...being "good" ALWAYS makes you feel stupid, like waiting for your partner to call you back- Cause they promised-even though social media shows them out partying.

I feel like I'm waiting on a text

Staff note in response to essay: "do I have permission to look into this?"

Mail as a weapon

One of the most vicious tools of repression the BOP uses is withholding and manipulation of mail. This is especially true when mail is the ONLY form of communication you are able to use. At FCI Englewood while pretrial, I got to experience this in its most brutal form

For a period of about 2 months (March 2020-May 2020) every letter my wife wrote me was rejected and each one had the same reason "sexually explicit material" this was the most stressful. Of our lives. We we're facing decades of additional time and Englewood was preventing all contact, all while my wife was dealing with chronic illness and raising two girls. We were scared, desperate and felt like our lives were being decimated. After the 12th rejection I began cutting my arm and writing messages in blood and asking for mail help, then hanging those messages on my wall. Psych and other admins would walk through and say things like "that looks like blood"...but never check on me.. I'd ask for help, be ignored, lash out and then get shots for lashing out which were used to justify for their harsh restrictions... eventually after 6 more rejections I couldn't take it anymore, sliced my face and arms 10 times, and asked for suicide watch.

My wife's letters didn't contain sexual material, they contained her most devastated feelings...depression over her illness, my restrictions, the fear that we'd never have our family united. Vulnerable letters fueled

by heart and heartbreak...we literally had zero other contact so all her feelings were funneled through letters to me that I'd never see. While SIS and mailroom Gilley were telling me they were sexual to see, but in reality, they were sending them to child protective services claiming that her mental state and politics proved my wife wasn't fit to be a mother. We found this all out recently after court filings...FCI ENG created a horrible desperate situation, then used my family's desperation to try to take our children away.

This is the cruelest thing I've ever experienced but makes me wonder what is happening now? Still can't call or email, still have mail that is 3 to 5 weeks delayed, still have legal mail that goes totally missing. Is there no end to the cruelty?

Staff note in response to essay: "It does take a while here, even without restrictions. 😞"

May 28th - Update

Eric wanted to communicate what this week feels like for him. This week would have been his out-date. Halfway house would have been behind him, he would be home and starting his new life. The targeting, monitoring, inciting, and just constant attacks has cost him immensely. Yesterday he spoke about what it was like being a human stuck in a cage. Unable to hug his family, unable to do anything besides live in his mind, play out worries, losses.... over and over. No power, or knowledge about how this is going to all play out. The uncertainty is huge regarding even the most basic things... if he is going to be able to come home to his family. If he will be accepted into the federal district that we have built our home.

He was eligible for a halfway house in February, and if he would only just claim to be homeless... He could be free within 1-2 months. He has lost over 8 months because of Bureau of Prisons psyops. Over physical attacks, Union cards and poems. Each lost day is connected to a horrible moment that he's lived through. Each day is connected to phone sanctions and visit sanctions and deprivation and loss. Every. Single. Day... Is felt. And it hits in a very brutal way when he's actively fighting so, so hard to get medical care for a terrifying situation.

We've been trying for three and a half years... We've had biopsies canceled... Scans ordered on the wrong side. Electrocutation belts worn to medical appointments and doctors that just don't give a s***. At USP Robert E Lee... Medical staff claimed to an inquiring Senator that there simply was no mass at all, contrary to all the recent scans as well as the scans in Englewood prior to his trip to Lee. They recommended that he wait years to go to a doctor to follow up.

Last week Eric was given the doctor's interpretation of an ultrasound that the prison received a month ago. They have been telling prisoners lately over and over that they have access to their medical records ...yet someone at the ADX is sitting with his ultrasound report and it's not him. All he gets is some mumbling about "abnormal", "ENTs" and "comparisons to past scans". From the date the prison received his results to the date that he was given it is about how long it takes for him to get a letter there. So apparently his medical information is subject to the same scrutiny and delay that every other piece of mail is.

The FEEL in this is heavy when we know we could have him in a specialist's office getting a biopsy within a month if he were out... Yet he gets to start over next week... attempting to call over any staff that walks past his cell... beg for appropriate care. Beg for those ultrasound results. Beg for that biopsy.

The reality is he doesn't know how any of this is going to turn out. There are a million ways it could go but it isn't looking good. And as a human being... Sitting in that prison. Without phone calls, emails and a plethora of other things five visits a month (which is a heaven we haven't felt in years). He wanted to talk about what all of those days feel like in between... The agony of loss.

ALSO wanted to let folks know how beautiful it was to tell him about the fundraiser being at 15k 🥰 he definitely cried. He's been so worried about the future, a world that has grown far past him. But today feels a bit more secure.

May 28th - June 11 Statement

Greetings comrades. Let me tell you about this prison, the federal supermax ADX [in Florence, Colorado]. In this joint there are different levels and units with varying levels of physical isolation and communication, but there are things we all experience. Everyone is locked down at least 21 hours a day, at max 24. When you have inside rec you are by yourself in a room without a pull up bar. Outside rec cages are 8 x 10 foot dog kennels surrounded by concrete walls and a chain link roof — a cage within a cage. Unless you are in the pre-release unit (K-A) or long-term elder unit (K-B), you will never be in the same room as another person. And even in those units you only come around your ‘group’ — which is one to four other people — for inside rec. The other 22 ½ hours are in your cell by yourself. I have been in C-unit, the discipline unit and K-A; there is one other person in my group.

The cells are sparse. Concrete walls and double doors make any communication between convicts very difficult. Cells feature a low concrete bed, an oddly shitty mattress, a concrete desk, concrete stool, and in some units, a shelf above the desk. You never have solo interactions with staff — you are always double-manned with one of them carrying a steel baton, and you’re always cuffed behind your back. Depending on the unit, you can get 4–10 calls per month. I’ve made two ‘live-monitored’ calls in the past 10 months, but I’m being told that by participating in psychology programs I’ll earn a few calls per month. Time will tell. We’re allowed five visits per month, all non-contact in a concrete booth over the phone. All visits have to be scheduled in advance, which can be difficult with such restricted communication. I’m the only Anarchist here, but I’m definitely not the only political prisoner. Within this prison there is a group of prisoners the US government has attempted to bury. The general abolitionist community has consented to this, and it’s devastating.

The most restrictive unit in the most restrictive prison in America

is H-Unit, which is for people on SAMS (Special Administrative Measures). These restrictions are placed by the Attorney General, and they are sickening. SAMS vary per captive, but all entail only being allowed to write to direct blood family and your lawyer. The FBI must read and approve all letters, magazines, and books. Calls are severely limited, live-monitored by the FBI, and reviewed by magistrate judges. These convicts get three showers per week. The vast majority of people on SAMS are Muslim and foreign born. Because their families are in Afghanistan, Yemen, Pakistan, or in Africa, it is nearly impossible to get visits, calls, or mail. These people will never see their families or home countries again. Their children will get married, have kids, grow old, and they will never know it. If that doesn’t make you sick, I don’t even know what we’re doing here.

Most of these people have never been to America or speak English. They had war brought to them. They were farmers, bakers, engineers, fathers, and husbands, and then US and Western imperialists arrived on their land. Many of these people never harmed anyone, but were entrapped by rivals and US bootlickers. Some were fighting their own governments, some donated money to local charity groups that were later deemed terrorist organizations. Others did attack US “interests,” or attempted to. Some of these actions make me really uncomfortable — just like some of the IRA’s, Kurd’s, and Palestinian actions make me uncomfortable. Just like US drone strikes, missile attacks, and invasions make me uncomfortable. It’s only from a place of privilege that I can tell an occupied people how they should fight. The goal is freedom, not being palatable to Western sensibilities. We took to the streets with rage and sorrow when the pigs killed Tortuguita (Rest in Power). How would our hearts burn if they’d wiped out the entire encampment? If they killed 100,000 little Tortuguitas? It’s hard and painful to even fathom.

Sometimes, after 10 or 15 years, via lawsuits or legal pressure, people can be released from their SAMS. These people end up in other ADX units or the CMU. The heartbreaking thing about this is that almost all of these fighters get off SAMS and find themselves supportless, friendless. Imagine you go 15 years of being banned from contact and reading material and when you finally are allowed access there is no one there for you to talk to. How heartbreaking that must feel. Think of someone like Richard Reed (Raheem). He did 7 years on SAMS then forced his way to the Life/Elder unit. He will never leave this prison; he will

never touch or talk to his loved ones again. No one is standing by him. Everyone has bought into the government's version of events and the idea that if you fight back, you no longer deserve love and support, or to feel human. I vehemently reject this idea. No one should ever have to suffer this level of total isolation alone. The government doesn't get to tell me, an Anarchist, who is a good fighter and who is bad. I think we should all keep an open heart to those who resisted the US military machine and shed light on this blindspot in the abolitionist movement. What did Assata say? "It is our duty to fight for our freedom / It is our duty to win / WE MUST LOVE EACH OTHER AND SUPPORT EACH OTHER / We have nothing to lose but our chains."

Lastly, I'd like to give love and solidarity to everyone resisting Cop City in any capacity. It's beautiful to see. Every prison is a cop city. Every prison was once a patch of land with flowers and bugs and wild life. Evil people turned that nature into militarized torture camps. Trees replaced by bars and barbed wire; wild flowers replaced by poisonous gasses. We need to shut down every cop city, past and present. I commend those who dedicate themselves to the liberation struggle.

I'll end with this: Certain Days quoted Kathy Boudin (Rest in Power) in its May calendar page, and I feel it captures our sentiment perfectly. "The meaning of my life has come from being part of a worldwide tradition of fighting for a more just and humane world. My ideals give me strength today as well as yesterday and tomorrow." We can all gain so much from our elders. All love and respect to all my Anarchist comrades, state and federal, everyone who has supported any of us in any way. Free Joe-Joe Bowen, Free Kamau Sadiki, Free Oso Blanco, Free Kojo Bomani Sababu!

18 May - Pro-Abortion Activists Face Conspiracy Charges — for Spray Painting

The absurd RICO allegations come after the Biden administration hit the activists with federal charges that carry a 12-year sentence.

MORE:

by Natasha Lennard (*The Intercept*)

This Past winter, the Biden administration appeased the far right by leveling severe charges against abortion rights defenders. Now, the activists targeted in the federal crackdown are also facing legal attacks from an anti-abortion group and Florida Republican Gov. Ron DeSantis.

In addition to the federal criminal charges — which carry a sentence of 12 years in prison — Florida's attorney general sued two of the activists for damages. Heartbeat of Miami, a "crisis pregnancy center," is also absurdly alleging that all four activists were engaged in a conspiracy.

The purported crime, the conspiracy, the federal charges? Spray painting.

"The underpinning of these prosecutions is absolutely political, and Florida political specifically," Lauren Regan, executive director of the Civil Liberties Defense Center and attorney for defendant Amber Smith-Stewart, told me. "It's DeSantis political."

In her filing, Florida Attorney General Ashley Moody cited the conspiracy case filed by Heartbeat of Miami and requested that a federal court "assess damages/fines against the defendants of \$170,000 each."

The Heartbeat of Miami suit, which names "Jane's Revenge" as a defendant, includes civil Racketeer Influenced and Corrupt Organizations charges in a groundless attempt to frame autonomous protesters using a shared slogan as some sort of criminal organization. Moody also hit on this theme, reviving an old far-right canard by describing the four defendants as "members" of "antifa" as well as "Jane's Revenge" — both of which she describes as "criminal organizations," though neither is an organization with members.

Legal experts say the RICO civil charges have a low chance of sticking. “We’re looking at four people acting over the course of a month,” said Regan of the alleged vandalism. “That does not a RICO make. There are no facts underlying this situation which would warrant that charge.”

Of the four defendants, three are women of color: members of the very same demographics most harmed by the decimation of reproductive rights.

The activists’ legal ordeal is the product of blatant and shameless acquiescence to Republican political pressure. GOP lawmakers have for months been calling on federal law enforcement to use the Freedom of Access to Clinic Entrances, or FACE, Act against reproductive rights activists — and Democrats have followed suit accordingly.

In January, the Justice Department charged Caleb Freestone and Amber Smith-Stewart under the FACE Act for spray painting pro-abortion messages and the tag “Jane’s Revenge” on the outside walls of a fake abortion clinic in Florida, one of many so-called crisis pregnancy centers.

DeSantis praised the charges but said that the Justice Department “needs to do a lot more.” His wish was soon granted by Joe Biden. Two more women in Florida, Annarella Rivera and Gabriella Oropesa, now also face federal FACE charges related to the same alleged act of graffiti. The act should, at most, carry a state-level misdemeanor charge. Instead, the FBI raided Rivera’s home with a heavily armed SWAT team, causing the mother of two and ultrasound technician to lose both her home and her job in the fallout.

Like Freestone and Smith-Stewart’s indictments, these FACE Act prosecutions are an affront to the law’s spirit but not its letter. The legislation was originally forged to protect abortion providers amid a deadly campaign of far-right extremism, but its wording does apply to all “reproductive health centers.” Operating behind a veneer of medical legitimacy, fake clinics duplicitously claim this label, offering pregnancy tests and sometimes ultrasounds alongside misinformation and anti-abortion dogma.

With these prosecutions, the Justice Department is complicit in further legitimizing and elevating these dangerous facilities and their deceptive practices as genuine reproductive health providers, at the very same time the Biden administration baselessly positions itself as a defender of reproductive justice.

It is no accident that both the criminal and civil cases will be heard in the very same federal court: the extremely conservative Middle District of Florida.

“Forum shopping appears to be very much afoot,” said Regan. “They found the most conservative venue most likely to be favorable to them in the country.”

The prosecutors and plaintiffs will indeed have to rely on right-wing, sympathetic judges to have any chances of success. The criminal and civil cases are all extraordinarily weak; no previous FACE Act charges have been successful based on a set of facts as light as they are in these “Jane’s Revenge” cases. The notion that spray painting slogans as vague as “we are everywhere” and “if abortions aren’t safe, neither are you” could rise to the level of credible threat is risible, especially given FACE law precedent that sets a much higher standard.

As with any capricious and overreaching prosecution, however, the effect is chilling even if the charges don’t hold up. For Rivera, the FBI raid alone was ruinous. And the broader stakes are high: If successful, anti-abortion zealots who have pushed these cases will further elevate fraudulent “crisis pregnancy centers” as worthy of robust legal protection, while genuine reproductive health clinics struggle to stay open and face an increase in far-right, anti-abortion attacks.

In pursuing these weak cases, the Justice Department has given a gift to the Republicans and their agenda of fascist forced births. In service of a spineless twosidesism, the government is persecuting those fighting for reproductive justice, while upholding well-funded fundamentalist institutions.

Federal law enforcement interest in pursuing such cases extends beyond Florida. The FBI has on a number of occasions in recent months posted calls for information on activities related to minor property damage against other fake clinics and anti-abortion institutions in states from Iowa to Oregon to New York, offering bounties of between \$15,000 and \$25,000 for information on those involved.

Even as a political maneuver, the Justice Department's attempted appeasement of Republican wishes is a fool's game. Fascists won't be sated. The Democrats' refusal to learn this lesson can only be understood as willful at this point. On Tuesday, Republican lawmakers held a House Judiciary subcommittee hearing to specifically condemn the Biden administration's use of the FACE Act against the religious extremists for whom it was intended, and who are responsible for all attacks on legitimate reproductive health clinics.

"We believe that the facts show the Biden administration has shown a clear double standard of enforcing the FACE Act in a way that protects pro-abortion activists and facilities while substantially ignoring attacks on pro-life advocates, facilities and churches," said Rep. Mike Johnson, R-La., during the hearing.

The Republicans, of course, did not mention the fact that four young reproductive justice activists in Florida are facing a potential 12 years in prison for graffiti. Their trials are expected to begin in August or September.

18 May - Mel Broughton Released From Prison!

We have excellent news to share with you today. Mel Broughton, who has been locked up since november awaiting trial, has been granted bail today.

MORE:

He has been given bail conditions, but he can be out in the world whilst awaiting trial, which is still scheduled for the end of July.

If you recently sent a letter, you might receive it back with "No longer here" masked as a reason. There are much worse reasons to receive a letter back aren't there?!

Join us in welcoming Mel back to the outside world and celebrate, every time a comrade is out of prison it is a day to celebrate.

Welcome back Mel, we hope the colours of spring treat you well. Enjoy your home cooked vegan meals!

18 May - Woodbine Subscriber Drive

Help support the homies at Woodbine; they are doing good stuff!

MORE:

Woodbine is running a Spring Subscriber Drive to help grow our base of community contributors in order to keep the space open and thriving: withfriends.co/woodbine/join

The majority of Woodbine's operating budget comes from community donations and monthly subscriptions, which allow us to host our twice weekly food pantry, speaker series and reading groups, fitness and yoga classes, arts workshops, film screenings, soccer games, a basement hackerspace, poetry readings, and Sunday dinners, all of which are offered for free or sliding-scale donation. Our overhead expenses of rent and utilities come to about \$4,000 a month.

Woodbine is a volunteer-run, non-commercial space we have maintained for the last 9 years in one of the most expensive cities in the world. Our collective ability to survive and sustain experimental programming and community organizing is an act of defiance against the logic of capitalist competition and domination.

We have online recurring donation pages on both Patreon and WithFriends, ranging from \$5 a month, \$10, \$25, \$50, \$100, and up: patreon.com/woodbine You can also make one-time donations via our WithFriends page. withfriends.co/woodbine/join

If you live here in Ridgewood or New York City, and you get to participate and experience the work that happens at Woodbine, please consider becoming a monthly subscriber so we can maintain our space. And if you follow our work from elsewhere in the country or world, and recognize the importance of what physical hubs represent as beacons in a global communal movement, we'd love it if you could contribute whatever you can to keep the space going.

It's vitally important we don't take our autonomous gathering spaces for granted, which provide a foundation for the political, creative, and social lives we want to live.

19 May - Guards Brutally Beat Prisoners and Lied About It. They Weren't Fired.

When New York State accused prison guards of abuse, the disciplinary proceedings tilted heavily in the guards' favor, a review of records shows.

MORE:

by Alysia Santo, Joseph Neff and Tom Meagher (*New York Times*)

Shattered teeth. Punctured lungs. Broken bones. Over a dozen years, New York State officials have documented the results of attacks by hundreds of prison guards on the people in their custody.

But when the state corrections department has tried to use this evidence to fire guards, it has failed 90 percent of the time, an investigation by *The Marshall Project* has found.

The review of prison disciplinary records dating to 2010 found more than 290 cases in which the New York State Department of Corrections and Community Supervision tried to fire officers or supervisors it said physically abused prisoners or covered up mistreatment that ranged from group beatings to withholding food. The agency considered these employees a threat to the safety and security of prisons.

Yet officers were ousted in just 28 cases. The state tried to fire one guard for using excessive force in three separate incidents within three years — and failed each time. He remains on the state prisons payroll. An officer who broke his baton hitting a prisoner 35 times, even after the man was handcuffed, was not fired. Neither were the guards who beat a prisoner at Attica Correctional Facility so badly that he needed 13 staples to close gashes in his scalp. Nor were the officers who battered a mentally ill man, injuring him from face to groin. The man hanged himself the next day.

In dozens of documented cases involving severe injuries of prisoners, including three deaths, the agency did not even try to discipline officers, state records show.

For decades, the workings of the prison discipline system had been hidden from public view under a secrecy law adopted at the urging of the state's powerful law enforcement unions. But after the Legislature repealed that law in 2020, *The Marshall Project* obtained more than 5,600 records of disciplinary cases against prison employees, for issues ranging from physical abuse of prisoners to sleeping on the job.

The records probably reflect only a fraction of the violence guards have inflicted in New York's corrections system, experts said. Many prisoners do not file complaints because they fear retaliation or not being believed. And in most of the state's 44 prisons, officers do not wear body cameras, which sometimes help prove abuse. These records do not detail prisoner attacks on officers, which the department and the guards' union said have increased in recent years.

A key reason the prison system finds it so hard to get rid of guards is the contract the state signed in 1972 with the union. The agreement requires any effort to fire an officer to go through binding arbitration, using

an outside arbitrator hired by the union and the state — a system the union has successfully kept in subsequent contracts. Only a court can overturn arbitration decisions.

In abuse cases, the arbitrators ruled in favor of officers three-quarters of the time, according to a review of nearly 120 decisions by *The Marshall Project*, a nonprofit news organization. Arbitrators, most of whom are lawyers, often said the state's evidence was insufficient or found prisoners' testimony unconvincing.

Rather than go to arbitration, the state sometimes withdraws charges, or officers choose to resign or retire. Guards accused of abuse are often suspended without pay — a three-month suspension is most common, the analysis found.

The abuse by guards has not just left prisoners with lasting injuries. It has also exposed the corrections department to liability in legal cases. The state paid more than \$18 million as a result of lawsuits alleging excessive force, *The Marshall Project* has found.

The state's weak record on firing officers was not limited to cases of excessive force. Overall, the corrections department has tried to oust staff members almost 4,000 times since 2010, for such infractions as chronic tardiness and drug use. It succeeded in just 7 percent of the cases.

The agency said it takes officer accountability seriously and has "zero tolerance" for violence within its prisons.

Daniel F. Martuscello III, the corrections department's executive deputy commissioner, said in an interview that the number of officers accused of abuse is a small subset of the department's 16,000 guards.

"Certainly on egregious cases, we want to go all the way to termination," Mr. Martuscello said.

He said that the overall firing rate was low in part because department officials have usually settled for less harsh punishments than they originally sought, just as prosecutors do.

Many officers are "doing a lot of great things within our system," Mr. Martuscello added, "and helping incarcerated individuals."

The New York State Correctional Officers and Police Benevolent Association represents the guards. Its president, Michael Powers, said in a statement that the union's job "is to negotiate fundamental due process rights in employment decisions." While the small number of bad officers responsible for wrongdoing should be held accountable, he added, the union "vigorously defends its members from false allegations by the incarcerated community, and a neutral party renders decisions based on the facts and evidence presented."

The union has said officers have faced a growing number of assaults by prisoners, though the corrections system has defined assault broadly, counting incidents involving no physical contact or injury. The department has also noted a jump in injuries to staff and prisoners since 2020. The federal Bureau of Labor Statistics reports that corrections officers have one of the highest rates of job-related injury and illness, with the injuries often stemming from confrontations with prisoners.

'I want to be heard'

The case of Harold Scott shows how corrections department officials can struggle to fire guards they believe have brutalized prisoners.

In June 2019, Mr. Scott had just begun a 90-day sentence at the Willard Drug Treatment Campus, in the Finger Lakes region, for violating parole after serving time for burglary and assault.

He got into a dispute with a guard over the number of rubber bands in his dreadlocks. When the officer, Timothy Downs, slapped him in the face, Mr. Scott said, he hit the guard back. What followed was a

"criminal street gang-style beating," investigators would later write, with guards punching and kicking Mr. Scott even after his hands had been cuffed behind his back.

Doctors at a nearby hospital determined that Mr. Scott had life-threatening injuries, including a punctured lung, and put him into intensive care, records show.

Discipline cases for guards can start in many ways, including a phoned-in tip, a letter, a prisoner's complaint or a report from supervisors. It is not clear who reported the beating of Mr. Scott, but investigators spoke to him at the hospital the next day.

Officers told investigators that they did not know how Mr. Scott was injured, records show. Officer Downs, who confronted Mr. Scott about the rubber bands, said the prisoner had hit him first, so he had tackled Mr. Scott to the ground.

Guards' written reports said they stopped using force as soon as they handcuffed Mr. Scott. Investigators concluded that the reports were falsified and that the officers "conspired and created a false narrative to cover up the beating," noting that the documents were "identical in important sections."

Officials decided to fire the officers, who did not respond to phone calls, emails and certified letters requesting comment from *The Marshall Project*. Their lawyer declined to comment.

The union challenged the firings in front of separate arbitrators, arguing that none of the state's witnesses saw the attack and that Mr. Scott was not credible. His criminal history of assault and burglary, and an altercation with officers at a county jail in 2002, meant "he is not a good guy," the union lawyers wrote.

In all the cases, arbitrators agreed that Mr. Scott had been attacked but said the evidence did not prove who did it. They did not find any guards responsible for the assault but ruled that three covered it up; those officers were suspended for at least six months. A fourth officer had previously agreed to a suspension.

After his beating, Mr. Scott was accused of assault and violent conduct and kept for months in solitary confinement. The incident left him with lasting injuries, he said in an interview. Mr. Scott, 44, has difficulty breathing and speaks softly, he said, because it hurts to talk.

In December 2021, Mr. Scott filed a lawsuit against the officers who he said beat him. In a voice as quiet as a whisper, he said, "I want to be heard."

'Systemic cultural problem'

The corrections officers' union contract expired at the end of March. The office of Gov. Kathy Hochul is negotiating a new contract, and a spokeswoman said it hoped to reach an agreement with the union soon. "Gov. Hochul strongly condemns violence in all forms," the spokeswoman, Hazel Crampton-Hays, wrote in an email. She added that the office will continue to work with the corrections agency "to improve safety throughout the system."

In the past, the union has wielded significant political influence, especially in rural communities that are home to prisons and their workers. It has put up billboards and held regular news conferences opposing limits on solitary confinement and calling attention to assaults on officers.

The union has succeeded in protecting members' jobs even as the number of people incarcerated has plunged by nearly half since 2010 and the state shut two dozen prisons. The number of officers has fallen about 22 percent, leaving the state with about one guard for every two prisoners, among the highest staffing ratios in the country.

Guards made an average of \$87,000 last year, though pay of more than \$100,000 was not uncommon, according to a *Marshall Project* analysis of payroll data from the Empire Center for Public Policy.

In 2018, Democrats won control of the State Legislature, and some of them have been critical of the corrections department's failure to discipline officers accused of abuse.

"This is a systemic cultural problem within the department," said State Senator Julia Salazar, a Brooklyn Democrat who chairs the committee that oversees prisons. "It's just a massive betrayal of the public trust."

But past efforts to give the corrections department more power to discipline its employees failed.

In 2016, *The New York Times* reported that state officials vowed to beef up investigations into brutality after an arbitrator reinstated an officer with back pay even though the guard had been caught on video repeatedly punching a prisoner lying on the floor. A jury acquitted the guard of assault, however, and attacks on prisoners continued.

Two years later, Gov. Andrew Cuomo pushed legislation to give the corrections commissioner the power to dismiss officers, but the plan withered under opposition from the Assembly and Senate.

In 2019, state officials negotiated a rare change to the disciplinary system: new three-person arbitration panels for serious cases, which might have given the state more power to fire guards. But that system has never been used; a corrections spokesman blamed the coronavirus pandemic.

A powerful union can undermine safety in prisons by gumming up the disciplinary process, said Steve J. Martin, who has worked as a consultant for corrections facilities across the country and is now the court-ordered monitor for the New York City jails on Rikers Island.

Officers "know they can beat the system more often than not," Mr. Martin said. "That's how you develop these cultures where you have frequent instances of excessive force."

Turning to the courts

With prisoners unable to rely on the state to discipline officers accused of abuse, many have turned to the courts for help.

When Karl Taylor, a prisoner at Sullivan Correctional Facility, died in 2015, his family sued, alleging guards had beaten him for refusing to clean his cell. The state settled during the trial for \$5 million and agreed to install cameras at the prison, which is near Monticello, N.Y. But the department did not file disciplinary actions against any of the officers involved. The agency noted that a grand jury did not indict the guards.

The Marshall Project identified more than 160 excessive-force lawsuits that the state lost or settled, paying \$18.5 million in damages. The corrections department's records show that officials attempted to discipline an officer in just 20 of those cases. They fired six guards. More than 65 officers were defendants in multiple suits.

While settlements are not an admission of guilt, they can serve as an indicator of abuse: The prisoners must provide enough evidence of misconduct for their lawsuit to survive initial court challenges.

Prisoners face steep obstacles when pursuing lawsuits over abuse. Many such suits are dismissed, often for procedural mistakes or a lack of evidence. Few private lawyers take such cases, which are hard to win and seldom financially rewarding. In 23 suits, prisoners settled for \$1,000 or less.

Often, incarcerated people end up representing themselves against experienced lawyers from the state attorney general's office, which defends both the corrections department and the officers.

Nearly a third of the payouts in excessive-force lawsuits went to prisoners who acted as their own lawyers, records show.

To win a case from behind bars is an extraordinary feat, said Karen L. Murtagh, executive director of Prisoners' Legal Services of New York, which provides lawyers to incarcerated people. "They can't afford an expert," she said. "They've never litigated before. They don't know how to pick a jury."

But in the cases in which a prisoner can get a lawyer, the results can be striking. The attack that prompted Nick Magalios to file his lawsuit began when officers at Fishkill Correctional Facility, in New York's Hudson Valley, yelled at him for hugging and kissing his wife hello during a visit, which prison rules allowed.

Afterward, Officer Mathew Peralta, who had reprimanded Mr. Magalios, knocked him to the floor and kicked and punched him as another guard held him down and a third officer watched, according to testimony in the civil trial.

Photos of Mr. Magalios taken that day, in September 2017, showed bruises on his back and knees. He said he needed surgery to fix a shoulder injured in the attack. The corrections department opened an investigation but, citing insufficient evidence, never filed disciplinary charges against the officers. They still work at Fishkill.

Officer Peralta and the other guards did not respond to phone calls, emails or certified letters seeking comment.

State lawyers called Mr. Magalios's allegations "a fiction." Officer Peralta and another guard testified that they had never interacted with Mr. Magalios, who was imprisoned in 2014 for burglary, and they denied using any force.

A federal jury awarded Mr. Magalios \$1 million in 2021. Judge Cathy Seibel reduced it to \$550,000 — closer to previous jury verdicts for prison abuse in that court district. Both sides have appealed.

Judge Seibel wrote in an order that the officers lied repeatedly, and she called Officer Peralta's testimony "laughable." She described the lawsuit as "one of the strongest cases for excessive force I have seen in my years on the bench."

She urged corrections officials to deem the assault on Mr. Magalios "intentional wrongdoing" to force the officers to pay damages themselves.

"I cannot think of a more effective tool for deterring future misconduct," the judge wrote. It did not happen. *The Marshall Project* found only two excessive force lawsuits in which officers had to contribute some of their own money; taxpayers were on the hook for the rest.

Mr. Magalios, who is now out of prison and runs a property management company, said in an interview that he appreciated the jury's ruling in his favor but was frustrated that no guards were punished.

"You can commit gang assault on an inmate," he said, "and there's no repercussions."

20 May - FBI Visits Burning Books in Buffalo

On Wednesday May 17, A female FBI Agent approached Burning Books wanting information about an arson attack on an anti-choice medical center.

MORE:

In June of 2022, a pro-choice activist group, Jane's Revenge, claimed responsibility for the action. Burning Books is trying to spread this information around the activist community to be aware. Leslie James Pickering, one of Burning Books owners, wrote the following:

About an hour ago I had a visit from the FBI. The agent presented her badge, stuck her foot in the threshold of the door, & attempted to ask me about the fire last June at Compass Care here in Buffalo. I replied that I was not going to talk to her, pointed to her intrusive foot, and said she was not welcome to come inside.

The FBI has an inexcusable and horrific track record of working to destroy social justice movements, which spans its entire history. I have personally been targeted by the FBI for over 25 years, & the thought of cooperating with them in any way turns my stomach, to say the least.

Please be aware that this investigation is underway and do all you can to spread the word about the danger to activists, our movements, & our collective future. Together we keep us safe.

23 May - FBI Struggles To Find Mink Liberators, Begg Snitches To Come Forward

FBI Cleveland and the FBI Toledo Resident Agency continue to seek information from the public regarding the release and vandalism surrounding several mink farms in Northern Ohio and Michigan several months ago.

MORE:

The Animal Liberation Front (ALF) claimed responsibility for the releases. According to the ALF Liberation Press Office website, ALF is an international, leaderless, decentralized political and social resistance movement that advocates and engages in what it calls nonviolent direct action in protest incidents of animal cruelty. Arson is one of the many tactics utilized by ALF. ALF's goal is to cause financial hardship to entities whom ALF believes to have committed acts of animal cruelty. Members of ALF and other underground organizations feel that to truly liberate animals, the unjust laws that allow their exploitation must be broken.

The releases and criminal activities stem from occurrences at various locations between November 2022 and January 2023.

The FBI is working collaboratively with local law enforcement agencies, including, but not limited to, Van Wert County and the Mercer County Sheriff Offices.

The releases caused significant economic strain to the locations where the vandalism occurred. In one instance, the farm closed entirely.

Due to ALF being a leaderless movement and the subjects who carried out the crimes potentially being transient, the FBI is seeking information on individuals who were involved in attempt to provide a successful judicial outcome for the local business owners who suffered financial loss.

3 Jun - Feminist Fanzine Workshop

WHAT: Workshop

WHEN: 2:00pm, Saturday, June 3rd

WHERE: Interference archive - 314 7th Street, Brooklyn

COST: FREE

MORE:

Join us at this workshop where we will share the creative process to build a feminist fanzine from and for the womb. Based on the "Menstrual pain wisdom" zine by Anabela Musante and María Valencia.

11 Jun - MACC Organizing Assembly

WHAT: Assembly

WHEN: 2:00pm, Sunday, June 11th

WHERE: Online Event Location - Details sent when you RSVP

COST: FREE

MORE:

The Metropolitan Anarchist Coordinating Council (MACC) is hosting our next Organizing Assembly. The meeting will be hybrid. You can call in or join us in person. See above for physical location information or RSVP to get the online call-in details.

Organizing Assemblies (OAs) differ from Care Assemblies in that we encourage people already involved in some way (this can be even participating some time ago, in a working group, assemblies, etc.) to join. We don't have an orientation at these assemblies and we prefer brand new folks come to the Care Assemblies. We deal with monthly business and major decision making at these OAs.

We encourage everyone to participate in the meeting with ideas about what they would like to see for future campaigns or actions and what direction they'd like MACC to take to build a more powerful, militant anarchist movement.

For more information visit macc.nyc or contact us at maccmutualaid@protonmail.com

11 Jun - #JUNE11 2023!

WHAT: Letter Writing and Card Signing Party

WHEN: 1:00-4:00pm, Sunday, June 11th

WHERE: Woodbine (585 Woodward Avenue, Queens)

COST: FREE (Donations to cover the cost of stamps greatly appreciated)

MORE:

Join NYC Anarchist Black Cross for a June 11th card signing and letter-writing party for Earth and animal liberation and anarchist political prisoners! For more on June 11th, check out the following excerpt from this year's call!

Against Oblivion, Against Despair: A Call for June 11th

Another year passes, and another June 11th is upon us. Once again we're appreciating all that has unfolded in anarchist struggle over this period, both triumphs and hardships, outside the prison walls, and within. We're appreciating the beauty in fighting back, and the strength that can be fostered when we refuse to succumb to both oblivion, and despair.

Against oblivion: we refuse to let the state disappear rebels, to erase their sweet or sharp words from our discussions, or to remove or obfuscate their contributions to our shared struggles. Instead, we remember them. Their actions, words, laughter, potential, and humanity. We can act as conduit for each other through prison walls and among generations. They can be kept involved as our struggles shift and change, and we can keep them connected to the outside world, and too the outside connected to them.

Against despair: up against the power of the state, it can feel as if nothing can be done. Despair is a very particular space to inhabit. Despair is not hopelessness, as hopelessness can be a fair assessment of circumstances. One can see and acknowledge hopelessness with a full heart and strong spirit. But despair, despair destroys courage. What is despair, but to value the knowing of suffering without acting against it. We refuse to wallow in the realm of despair, indefinitely. We refuse to let despair destroy our courage.

Instead, we will offer hope to one another. Not a naive or misguided hope that offers false solutions. But instead, an impassioned belief in our capacities as individuals, and capabilities together, to continue on. We can learn from people, like prisoners, who face the full power of the state in isolation and maintain their principles, their humor, their courage, and their resolve. We will act not just based on what's possible or "strategic," but on what we know to have value and meaning both out of care and love for each other and in an acting for our own selves, our own aliveness and spirit. Imprisoned comrades are often an incredible example of persevering in the face of hopelessness. Of coming out on the other side of it to the fierce activity of nothing to lose, and nothing worse to be feared.