



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for November 12th

25 Oct - Kings Bay Plowshares 7 Update

As they await sentencing, more news is coming out about the Kings Bay Plowshares case. We've collected a few articles below.

MORE:

October 25th - Peace Activists Face Up to 25 Years in Prison for Breaking Into Nuclear Submarine Base

by K Thor Jensen (*Newsweek*)

Seven Catholic anti-war protesters who raided the Kings Bay Naval Submarine Base in Georgia last year have been convicted of conspiracy, depredation of government property, destruction of government property and trespassing. They each face up to 25 years behind bars.

America magazine reports that members of the Catholic peace group called the Kings Bay Plowshares 7 were found guilty by a jury that took less than two hours to deliberate. Each of the seven, who range in age from 55 to 78, will be sentenced for the three felonies and the misdemeanor charge.

On April 4, 2018, the protesters used bolt cutters to break a padlock and then breach a security fence at the naval base near the city of St. Marys, Georgia. Once inside, they split into three groups to perform acts of protest vandalism.

At an installation demonstrating the Trident nuclear missile, Mark Colville and Patrick O'Neill pulled out hammers and smashed the dummy missile, symbolically following the instructions in Isaiah 2:4: "He shall judge between the nations, and shall decide disputes for many peoples; and they shall beat their swords into plowshares, and their spears into pruning hooks."

Clare Grady and Martha Hennessy went to the Strategic Weapons Facility Atlantic's administration building. Using baby bottles filled with their own blood, they doused a Navy logo on the wall and hung crime scene tape.

Elizabeth McAlister, the Reverend Stephen Kelly and Carmen Trotta went to the nuclear weapons storage bunkers and spray-painted slogans on the pavement outside. The group was apprehended while trying to cut through an electrified fence leading into the bunker area.

At trial, attorneys for the group used the defense of necessity, according to The Ithaca Journal. The group claimed they were acting to prevent the "imminent harm" of nuclear war, arguing that "only by symbolically disarming these nuclear weapons is there any hope for real disarmament."

Prosecutors disagreed. A facilities management specialist testified that even though nobody was harmed, their actions caused \$31,833 worth of damage to the base.

The protesters are allowed to reside in their homes until sentencing is determined in 60 to 90 days. Kelly has declined that offer and will remain in jail.

Prison will not be a new experience for many of the Plowshares 7. Grady spent six months behind bars in 2006 for splashing blood on a recruiting office in Lansing, New York, during the Iraq War. The group had expected a guilty verdict, with O'Neill telling the press, "Nothing meaningful comes out of life that doesn't require sacrifice."

October 31st - Religious Beliefs Are Struck Down as Defense for Nuclear Protest

by Sam Hussein (*The Nation*)

On October 21, the trial of the Kings Bay Plowshares 7 began in Brunswick, Georgia. A year and a half before, on April 4, 2018, this group of seven Catholic peace activists had entered the Kings Bay military facility—which stores much of the US government’s Trident nuclear arsenal—in St. Marys, Georgia. They spray-painted messages on walls and sidewalks, spilled small bottles of their own blood, and hammered on the monuments to nuclear weapons that had been erected at the base. The activists were willingly arrested two hours later; some were held in jail for more than a year afterward. As they stood trial this month, the Plowshares insisted that, in the face of the threat that the US nuclear arsenal poses to the world, what they had done was not illegal. Their actions were intended as “symbolic disarmament”—an act of civil resistance.

“The government has set up a religion of nuclearism,” said activist Elizabeth McAlister—cofounder of the Baltimore resistance community Jonah House with her late husband, Philip Berrigan—before the trial began. “It is terrifying and dead, dead wrong. It is a form of idolatry in this culture.”

But on October 24, in the US District Court for the Southern District of Georgia, all seven activists—Father Stephen Kelly, Mark Colville, Clare Grady, Martha Hennessy, McAlister, Patrick O’Neill, and Carmen Trotta—were deemed guilty of conspiracy, destruction of property on a naval installation, depredation of government property, and trespass. They could each face more than 20 years in prison.

In her testimony, Clare Grady, of the Ithaca, New York, Catholic Worker community, had tried to explain to the jury the motivation and urgency of their protest: The group had wanted to show that the US government’s nuclear weapons are like a gun pointed at the head of the planet. But as she spoke, she had a series of legal guns pointed at her own head. She and her fellow defendants had been threatened with charges of contempt of court if they disobeyed the edicts of the judge, Lisa Godbey Wood, who had already ruled that they could not invoke arguments of justification, necessity, or international law. Thus, a sort of legal brinkmanship ensued throughout the trial, with frequent vigorous objections from the prosecution, as well as sidebars with the judge and litigants.

Grady pleaded with the members of the jury to act according to their own consciences; the jury still handed down its guilty verdicts in under two hours. Throughout the proceedings, Father Steven Kelly—a Jesuit priest who is the only defendant still locked up—sat quietly in his jail uniform, never rising for the judge or jury and saying barely a word.

During the trial, Trotta told the jury that after entering the base in 2018, they had looked over the bunkers that housed the Trident missiles: “Each one of them the equivalent of a mass grave...and that’s an understatement.” But it was unclear whether the jury understood that there really were weapons housed at Kings Bay—especially because Wood allowed prosecution witnesses who worked at the base to state under oath that they could “neither confirm or deny” the existence of nuclear warheads at the base.

On the stand, Special Agent Thomas Kenney of the Naval Criminal Investigative Service produced photo after photo of Kind bar wrappers, spray paint cans, hammers, and even the actual fence that the activists had cut to get into the base. The activists had openly admitted to entering the site, but that wasn’t the point of Kenney’s prolonged testimony: The prosecution was aiming to depict the defendants as vandals.

The activists had also left behind a copy of Daniel Ellsberg’s 2017 book *The Doomsday Machine: Confessions of a Nuclear War Planner* at Kings Bay. But when Assistant US Attorney E. Greg Gilluly held up a copy of the book during his closing arguments, it was to declare that it was admissible as evidence only because it was left at the base; the content of the book would not be considered. The same stipulations were made for an indictment of the United States’ nuclear program that the activists had posted online immediately upon completing their action at the base.

The content of Ellsberg's book was not the only defense ruled inadmissible by Wood. Francis Boyle of the University of Illinois had submitted an extensive legal declaration in defense of the activists, noting that binding US treaties are "the supreme law of the land" under Article VI of the Constitution. But late on October 18—the Friday night before the trial would begin the following Monday, October 21—Wood had ruled against the use of international law as a defense. This meant no reference could be made to a condemnation of nuclear weapons from the International Court of Justice, though such arguments had been employed at previous Plowshares trials. In his closing arguments on October 24, Gilluly demanded that the jury render a verdict based on US law, "not some other law that someone else wants to believe in."

Also excluded by Wood was the affidavit filed by Ellsberg in support of the Plowshare activists, arguing that the defendants were justified in their actions because they are attempting to prevent a far greater evil: that of nuclear war and "omnicide." Ellsberg also highlighted the history of civil disobedience—or, as the Plowshares activists prefer to call it, civil resistance—echoing testimony from Howard Zinn in a Plowshares trial from the 1980s.

Instead of hearing from Ellsberg and other experts on the side of the defense, the jury heard Assistant US Attorney Karl Knoche deriding Grady, saying that it was as if she thought she should get to "decide to run red lights"; he accused her of being a "bully," even as he attempted to convict her on charges that could lock her up for decades. In response, Grady's codefendant Mark Colville testified that he had run every single red light when he drove his wife to the hospital to give birth. And Grady herself cited a statement from Martin Luther King Jr.: "When a fire is raging, the fire truck goes right through that red light, and normal traffic had better get out of its way."

Martha Hennessy's testimony initially seemed as if it might be a high point for the defense: To the palpable relief of their supporters filling the pews, one of the Plowshares was finally able to speak meaningfully about their religious motivations. Hennessy talked about her grandmother, Dorothy Day—the famous founder of the nonviolent Catholic Worker movement, who is currently up for sainthood—and the Workers' engagement with the poor. Hennessy spoke about how Day had given her a book on the Hiroshima bombing as a child, how she had opposed nuclear weapons, and more. Nonetheless, Wood continued to block the defendants from drawing any empirical connections between their direct action at Kings Bay and the threat of nuclear weapons; Hennessy was not even allowed to speak about how she worked with victims of atomic bombing as an occupational therapist.

When prosecutors asked Hennessy if other activists had been prosecuted in prior Plowshares actions, she simply answered "Yes"—which the jury likely took as admission of legal precedent. But as Arthur Laffin, editor of the two-volume work *Swords into Plowshares*, noted during the week of the trial, there had been several Plowshares actions in the United States (and several outside of it) for which activists had not been charged with felonies—including the 1991 Aegis Plowshares action in Maine, the 2003 Riverside Plowshares action in New York, and the 2011 Crane Plowshares in Kansas City, Missouri.

Pope Francis condemned the possession of nuclear weapons in 2017, and Cardinal Joseph W. Tobin of Newark issued a statement of support for the defendants. Still, the Kings Bay Plowshares 7 were unable to mount a defense based on the Religious Freedom Restoration Act, the first attempt to do so in a Plowshares case; Wood cited the US government's "compelling interest" in continuing the prosecution, in spite of the group's religious motivations. The defendants spoke in general terms about their faith in connection with their protest. When Patrick O'Neill cited Jesus' driving the money changers from the temple, the prosecution objected, and Wood quickly sustained. Still, by invoking their sincere religious beliefs throughout the trial, the defense ensured that the case was not just about their bolt cutters.

After the lengthy verdict was read—finding the defendants guilty of three felonies and one misdemeanor—there was not a sound in the packed courtroom. As the community of supporters from around the country went to the hallway, wailing began. Then the supporters began to sing, "Rejoice in the Lord always—and again I say, rejoice!" Bill Quigley, an attorney for McAlister, said an appeal was almost certain. Sentencing is expected in 60 to 90 days.

27 Oct - Gang Assault Law by David Campbell

Recently imprisoned David Campbell has a new writing we are excited to share.

MORE:

As this legal quagmire has dragged on and on and slowly calcified into a felony plea deal with jail time, the people who know me best, those closest to me—family, friends, partners, coworkers, roommates—who know I have no prior convictions, who know I am an engaged member of my community, who know I am not a danger to anyone, have asked me one question, time and time again:

How could it possibly come to this?

More than anything else, the gang assault charge was the deciding factor in my case.

The gang assault charge was passed in 1996 when NYC was undergoing a series of crackdowns and “clean-ups” by Giuliani. Although it is a statewide law, enacted by the legislature, it reflects perfectly the iron-fisted tone of the Giuliani era. It has an extraordinarily low standard of evidence—any time three or more people are engaged in a fight with one or more people, those three people are legally a gang—and a very stiff mandatory minimum (3.5 years). What’s more, the previous applications of the gang assault law have established a legal precedent that heavily favors the state. The prosecution, as established by jurisprudence, has no obligation to prove that the “gang members” are affiliated in any way, know each other, or even share the same intention, only that they were acting “in concert.” Basically, any time three or more people are engaged in a fight on the same side, they are legally a gang, responsible for each other’s actions, and liable to spend 3.5 years or more in prison.

I was not originally charged with gang assault. When officer Adam Keegan of the 1st precinct, shield #3588, assaulted me and broke my leg on January 20, 2018, he proceeded to allege, to the media and in his own police report, that I had stalked and strangled the alleged victim (or placed him in a chokehold, or punched him once, or punched him repeatedly, depending on the version) and then tried to place him in a chokehold, refusing several orders to leave the poor man alone and put my hands behind my back—a feat which, he claimed, ultimately required the efforts of himself and his partner. He probably fabricated the story in large part to protect himself—he had not introduced himself as an officer, but rather charged at me from behind without a word—as he could suffer disciplinary action for attacking me this way and breaking my leg. Keegan repeated his claim to the right-wing media, which seized upon it as proof that antifa terrorists were trying to kill every red-blooded white male who’d had the audacity to vote for Trump.

The surveillance camera footage showed nothing of the sort. When it became available to the prosecution, and then the defense, about 6 months after my arrest, it showed no stalking, choking, chokeholding, or assaulting an officer. It showed 6-8 people in black with their faces covered slowly trickling around a corner, past a man in a suit who they pay no attention to. Then 5-6 men in suits come up the street in the opposite direction. Some people start shoving—it’s impossible to tell who shoves first—and then throwing punches. The man in the suit comes back around the corner and charges into the brawl. It spills across the sidewalk, into the street, and then calms down for a minute, with a few men in suits circling around the center. The violence then erupts again into punches and shoves. A man in a suit falls off the curb onto the concrete, and hits his head, hard. It’s impossible to tell if he trips or is pushed. What happens next is more clear: four people in black swarm the man and begin stomping and kicking him. I pass through this mêlée at some point and move backwards up the hill. It’s impossible to tell that it’s me, but what happens next allows anyone to identify me by playing the footage backwards and tracing my movements through it. As I back up the hill, away from the fight, a man in a suit attacks me. I kick him once. A police officer slowly strolls around the corner, unconcerned and clearly unaware of the fight on the other side. The man attacking me tries to punch someone next to me. I take advantage of this and kick him again. The cop does a double take, seeing the brawl, and charges right at the closest black-clad person to him: me. He throws an arm around my shoulders and neck from behind, lifts me clear off the ground, and slams me to the pavement. I

do not move. His partner walks onto the scene a moment later. The gentleman who was injured is knocked out cold, face-down on the pavement. Partisans from both sides gaggle around the scene for the next 20 minutes. Despite the “gang” nature of my charges, the cops do not arrest a single person from either side besides myself.

Upon receiving the footage, my initial charges of strangulation and obstruction of oxygen (strangely, two different crimes in New York) were dropped, and replaced with gang assault and assault. Keegan’s lies ultimately did not impact the final sentence, because the gang assault law is so vague, and has been determined by previous cases to so heavily favor the prosecution, I could have been convicted of it just by being present during the brawl. But his lies set up an important precedent for the handling of my case: I was a dangerous radical, and had to be physically restrained from assaulting others purely because of political differences. First impressions, unfortunately, matter. The narrative stuck. The judge, when I accepted the plea, even asked me, “and you assaulted this man because of differences in political opinion?” I had not, in fact, assaulted anyone purely because of a difference in political opinion. I found a discreet way to reply truthfully without derailing the plea deal. The New York Post, gleefully reporting on my copping to felony assault and an 18-month sentence, wrote that I had pleaded guilty to choking the man. Having little inside experience with either the judges or journalists of New York, I was a bit surprised to find that laziness in research is a common feature of both. In retrospect, I must have been a bit naive to expect any better. People believe what they want to believe, and the more complicated, the more upsetting the truth is, the more they shrink from it, settling into their fantasies.

Lastly, the power of the prosecution as structured in the US legal system is a grossly undemocratic affair with little room for any input by those affected, or oversight on their behalf. The prosecutor decides what charges to bring and how many, and how actively to pursue them. They decide whether to charge the defendant with a misdemeanor or a felony, and whether it’s one felony or two, and whether they want to scare you with a felony charge into taking a misdemeanor plea, or whether they want to actually pursue a felony charge, and force you to plea to that. The prosecution could easily have charged me with disorderly conduct—a violation, less than a misdemeanor—and sentenced me to a week of community service, like they did for the Proud Boys arrested in similar circumstances on the Upper East Side ten months later. But, my lawyers explained, I was the only one arrested in my case. I was all the DA had, and they watched the news. They read the papers. They’d heard about Charlottesville and Berkeley and Portland, and they wanted none of that here.

This was the first time there had been a similar arrest in New York, and they needed to get a lid on politicized street violence, now. Make an example of both the far-right and far-left, subpoena Trump’s taxes, smile for the cameras, and call it a day. The Proud Boys shot themselves in the foot—the ones that weren’t given sweetheart plea deals, anyway. Two of them, Jon Kinsman and Maxwell Hare, turned down better offers than I was ever made—they were offered 12 months, serving 8, despite much clearer video evidence of them actually viciously assaulting people on the ground, a discrepancy the Manhattan DA has still not explained because they simply don’t have to—went to trial, and lost on gang assault charges. They’ll spend a few years upstate, and then a few on parole. The far-right goons brawling in the street have been made an example of. Now, to make an example of a far-left goon. I look around. There’s no one here but me.

It is sheer damage mitigation for me to do this time. It’s not my time, and it’s not justice. The bastards have got me. But the bastards won’t have the last laugh. As a matter of fact, I’m looking forward to it in many respects. It isn’t often you get to live rent-free and eliminate all distractions, all complications in your life. I love to read, I love to write. Reflection, meditation, exercise—sounds like the kind of stuff people pay good money for. I’m far from an optimist, but it’s funny sometimes how life forces you to see the good in things.

So how could it come to this? Without sounding like I’m trying to pass the blame onto others (after all, I made a choice to go out to that protest, and not to leave the violence once it broke out), it’s a bit of a perfect shitstorm. A vague law with a stiff mandatory minimum, a cop covering for his illegal assault, a bad first impression complete with media coverage, and a hungry prosecutor with too much institutional power in a

time of great political instability. It's complicated, but it's certainly not justice. Somehow, despite all my efforts and those of my very-competent lawyers, it has, in fact, come to this.

1 Nov - Antifascist Gage Halupowski Begins Nearly 6 Year Sentence in Oregon

Portland based antifascist is in transit to begin a nearly 6 year sentence in Oregon state prison.

MORE:

Gage was arrested at a counter demonstration against a far-right rally in Portland, Oregon on June 29th, 2019 and had been locked up at the local county jail since that day with a high bail. Then on November 1st Gage accepted a non-cooperation plea deal, plead guilty to an assault charge, and was sentenced to nearly 6 years in prison. At this point he is still in the county jail, and that's most likely where he'll be for another couple weeks before he gets moved to a state prison. Once Gage gets moved to a state prison in Oregon we'll be sure to update his address accordingly so he can still get the letters and solidarity cards he deserves.

4 Nov - Commutation Campaign for Jalil Muntaqim

As many of you know, Jalil has been to the parole board twelve times since 2002, when he first become parole eligible.

MORE:

Jalil has been denied each time for a variety of reasons, all of which are tantamount to the nature of the crime—something that will never change.

Pursuant to NYS Constitutional Article IV, Section 4, Jalil has filed an Application to Commute the Sentence to Time Served with NYS Governor Andrew M. Cuomo. Governor Cuomo has the authority to grant the Application and order Jalil's immediate release from NYS DOCCS custody.

Since the Application's submission it has been revealed that the NYS Board of Parole had a "secret deal" with the NYC Police Benevolent Association (PBA), permitting them to submit opposition letters directly to the Board of Parole from their website. These opposition letters negatively influenced the decision-making process, ensuring Jalil would not receive a fair and impartial parole hearing. During Jalil's 2014 parole hearing, he was told that "current and former members of law enforcement" were parole commissioners, many of whom decided to deny his release.

On December 4th & 5th, 2016, *The New York Times* published an extensive exposé entitled "The Scourge of Racial Bias in New York States Prisons" that informed: "The racism can be felt from the moment a black inmate enters New York's upstate prisons." This implacable racism has been institutionalized in the entire parole system, permitting subjective biases of parole commissioners to influence parole decisions.

Since the submission of the Application to Commute the Sentence to Time Served, Governor Cuomo has received many letters and communications urging him to grant Jalil's Application. However, due to the revelation of political collusion between the Board of Parole and the PBA, and the PBA/media backlash and scrutiny of the Parole Board's release of Jalil's co-defendant, it has become necessary to launch this initiative in support of Jalil's Application.

Jalil exceeds all requirements for release. His release on parole has been supported by activists, academics and community leaders from across the country and around the world, including Archbishop Desmond Tutu and the family of one of the victims. The political nature of his conviction has prevented parole commissioners from giving fair and impartial consideration to his release, despite the overwhelming community support.

ACCOMPLISHMENTS

During his 48+ years of his imprisonment, Jalil has accomplished the following: Bachelor of Arts degree in Sociology, Bachelor of Science degree in Psychology, Certificate of Architectural Drafting, Certificate of Computer Literacy.

He has established many programs, such as the first Men's Group for therapeutic training in the NY State prison system, an African/Black Studies program, a computer literacy class, a Sociology class and a poetry class. He has received two commendations for preventing prison riots. He has raised money for the children's fund, was office manager of the computer lab and a teacher's aide for GED classes.

Jalil is also the recipient of several certificates for rehabilitation programming, and is a published author, poet, educator and blogger.

As a human rights advocate, he had the first U.S. prisoners national petition heard and recorded by a Special Committee at the United Nations on U.S. prisons and the existence of U.S. political prisoners. He has litigated several civil rights complaints on behalf of prisoners. In 2000, Essence magazine featured an article on father-daughter relationships. The article, entitled "Daddy Says," quoted Jalil stressing the importance of maintaining these relations even during incarceration.

We request that people do the following for Jalil throughout the months of November and December:

We are requesting that Friends and Supporters call, tweet, email and write NYS Governor Andrew M. Cuomo's office and appeal to him to grant Jalil's Application to Commute the Sentence to Time Served.

We also request that this initiative be widely posted on social media platforms, encouraging freedom loving people around the world to join in this initiative.

Since this will be ongoing throughout the months of November and December, we propose that people tweet and/or email Governor Cuomo every Monday, Wednesday and Friday, and call and write the Governor every Tuesday and Thursday.

Communications to Governor Andrew M. Cuomo's office must refer to Jalil as: Anthony Jalil Bottom, 77-A-4283, Sullivan Correctional Facility, Post Office Box 116, Fallsburg, New York 12733-0115.

Write the Governor:

The Honorable Andrew M. Cuomo
Governor of the State of New York
Executive Chamber
State Capital Building
Albany, New York 12224

Call the Governor: 518.474.8390

Tweet the Governor: @NYGovCuomo

Email the Governor: governor.ny.gov/content/governor-contact-form

For more information concerning Jalil's case, check freejalil.com and thejerichomovement.com

To download a pamphlet to distribute to your family, friends, neighbors, faith group, et cetera visit jerichony.org/2019_Jalil_Commutation_Brochure.pdf

6 Nov - Interim win in CCR CMU case

The Center for Constitutional Rights (CCR) has written to share news of a ruling in their case, Aref v. Barr (formerly Aref v. Holder), which challenges the Federal Bureau of Prisons (BOP) Communications Management Units or CMUs.

MORE:

Our case, filed in 2010, challenges the procedures used to designate people to a CMU, and review them for potential release.

As you may remember, we have recently faced yet another motion to dismiss by the Bureau of Prisons. The BOP argued that the case should be dismissed as moot because our clients have been released from prison, yet seek only injunctive relief. We responded by explaining that we are seeking expungement of the false prison records created about our clients during the flawed CMU designation and review procedure, and this form of injunctive relief remains meaningful despite our clients' release from prison, because that flawed information might impact them in the future. In our filings, we described how the stigma of the CMUs follows both of current clients – Kifah Jayyousi and Yassin Aref – and how it may impact them in the future.

On Friday, the Court ruled in favor of one of our clients, Kifah Jayyousi, holding that his claims are not moot, and expungement remains a meaningful remedy. Unfortunately, the DC District Court Judge did rule that Yassin Aref's claims are moot, explaining that his removal from the U.S. means that his prison records are unlikely to impact him in the future.

We are happy not only for Mr. Jayyousi, but also for the important precedent this win may set for broader justice for people in prison. All too often, people in prison who seek to challenge unfair treatment have their claims dismissed as moot upon their release (or transfer to a different prison). This approach offers a different way forward.

Moreover, the victory is particularly important to our longstanding challenge to the CMUs, because it means that we will soon get a decision from the District Court on the merits of our claim – arguing that the BOP's fundamentally flawed procedures used to designate Mr. Jayyousi to the CMU and to retain them there for years, violated due process.

You can read the Friday decision at tinyurl.com/sf4m43a, and learn more about the case at ccrjustice.org/home/what-we-do/our-cases/aref-et-al-v-barr-et-al

8 Nov - A Message from Eric King

The following short message is taken from issue 5 of a zine titled Fire Ant.

MORE:

Here are the things I hear most:

What are you doing, we heard this, I don't think so, we'll see, maybe, Chow!, Count!, who's mess is this, who's shaking the bars, lights out, mail call, rec call, you want a shower, clean this mess, nope not today, not happening, I'll check on it, put in a cop-out request, doubt it, quit trashing my tier, cuff up...

Sometimes I spend hours pondering revenge fantasies, most time I think of my wife and kiddos. Fourteen months in segregation minus 4 days at Grady County, plus 6 at McCreary. We haven't been in the same room since August 11th, 2018. Now these bastards drag me back to Colorado to force more time, and have the audacity to block our family visits, due to a bad check from 15 years ago. Maybe people who read this will be disgusted by this news.

That said, I'm hurting friends. Being attacked sucks. Being charged with new federal charges for that attack is sickening. Never forget how horrible these people are. This system exists from the top to the bottom which is why reform is such a joke. You don't reform cancer, you destroy it. We must destroy this system.

11 Nov - Government Doesn't Want Trump or His Immigration Policies Mentioned in Retrial of Border Aid Worker Scott Warren

As they prepare to make their second attempt at sending a border-based humanitarian volunteer to prison, federal prosecutors in Arizona are worried that the politics behind the policies they enforce might creep into the courtroom.

MORE:

by Ryan Devereaux (*The Intercept*)

In a late-stage motion, government lawyers have urged an Arizona judge to bar any mention of President Donald Trump or his immigration policies from the upcoming retrial of Scott Warren, a 36-year-old geographer who was indicted on felony harboring and conspiracy charges for giving two young migrants crossing a deadly stretch of desert food, water, and a place to sleep for three days in 2018. Warren is one of nine volunteers with the faith-based organization No More Deaths that the administration has charged with federal crimes for their work in the Arizona desert since Trump's inauguration.

The prosecutors' concerns that Warren's trial could become a referendum on Trump's policies — specifically those that involve pressing charges against people for providing humanitarian aid — are not entirely misplaced. According to new research examining public opinion around the president's hard-line border enforcement measures, Americans, regardless of political affiliation, overwhelmingly reject the notion that providing lifesaving care to people in the desert should be criminalized, suggesting that the government's crackdown in the borderlands is well outside the bounds of what most people expect or demand from law enforcement.

A national survey conducted in August by Chris Zepeda-Millán, an associate professor of public policy at UCLA, and Sophia Jordán Wallace, an associate professor of political science at the University of Washington, posed the question: "Do you agree or disagree that it should be a crime for people to offer humanitarian aid, such as water or first-aid, to undocumented immigrants crossing the desert along the U.S.-Mexico border?" To the researchers' surprise, nearly 87 percent of the 1,500 American adults surveyed disagreed. When the results were broken down along party lines, the survey became even more interesting: Nearly 70 percent of Republicans said they disagreed with criminal prosecution for the provision of humanitarian aid, and nearly 38 percent said they "strongly disagreed" with the idea.

"The findings suggest that the vast majority of Americans, including the vast majority of Republicans, do not support the criminalization of the type of work that No More Deaths and Scott Warren were doing," Zepeda-Millán told *The Intercept*.

The survey was conducted for a forthcoming book and paper looking at public opinion around Trump's most aggressive immigration and border policies. And while there's still work to be done on that broader project, the researchers chose to share their findings on the humanitarian aid question in advance of Warren's retrial — he returns to court on Tuesday and faces a decade behind bars if convicted and sentenced to consecutive terms — in part because of how striking they are.

Students of U.S. immigration enforcement history tend to agree that the Trump administration's approach did not suddenly materialize out of nowhere, but is instead the extension of a multidecade trajectory of increased criminalization of immigration offenses and an unprecedented build-up in border security infrastructure, now infused with the hard-right rhetoric of authoritarian regimes around the world. There is one area, however, in which the current administration has distinguished itself from its White House predecessors, Zepeda-Millán noted: the targeting of immigrant rights activists. While it keeps thousands of asylum-seekers in legal limbo in some of Mexico's most dangerous border cities, the administration is simultaneously criminalizing — and in some cases arresting and deporting — those who challenge Trump's policies, he noted.

It's a pattern of "anti-movement state repression," Zepeda-Millán argued, and it's why understanding public opinion on these policies is so critical. Traditionally, the best indicator of a person's stance on a given immigration policy issue is their party affiliation, he explained. "When it comes to immigration, there's usually a really strict and stable partisan divide," he said. "As long as we know what your political party is, we can pretty much guess what your opinion is going to be on deportation, on the wall, etc."

The survey results bucked that trend in a major way, reflecting a rare thing in American politics: strong, bipartisan consensus on a matter of immigration-related policy in the era of Trump.

The same Trumpian politics and policies that Zepeda-Millán and Wallace examined, and that prosecutors have sought to banish from Warren's trial, have served as the backdrop for the government's criminalization campaign in southern Arizona from the beginning.

It started in the run-up to the 2016 election, with Border Patrol agents parking their vehicles outside the humanitarian aid camp that No More Deaths has used for years and urging the volunteers to "Vote Trump!" by megaphone. Shortly after Trump's election, then-Attorney General Jeff Sessions flew to Arizona, where he encouraged his prosecutors to bring more cases like the one against Warren. "This is the Trump era," Sessions said at the time.

Not long after the visit, the Border Patrol raided No More Deaths' camp in a show of force that involved a helicopter and roughly 20 agents, some carrying rifles, deployed to arrest four undocumented migrants who had crossed the desert and were receiving medical aid. Six days later, a senior Border Patrol agent in the Tucson sector told a world-renowned forensic anthropologist, who works on the issue of migrant deaths in the desert, that the humanitarian aid group had "messed with the wrong guy." The anthropologist, in a sworn court declaration, said the agent told her his agency intended to "shut them down."

Throughout the summer of 2017, the Border Patrol and senior officials at U.S. Fish and Wildlife Service worked together to monitor the activity of No More Deaths volunteers who were leaving food and jugs of water on the Cabeza Prieta National Wildlife Refuge, a profoundly remote and extraordinarily deadly stretch of the Sonoran Desert. They compiled blacklists of volunteers and kept tabs on Warren's movements in the tiny border community of Ajo, where he lives and works. As summer turned to fall, prosecutors filed federal misdemeanor charges — for littering and trespassing — against Warren and eight other No More Deaths volunteers for driving on designated wilderness and leaving humanitarian aid supplies on the wildlife refuge.

On the morning of January 18, 2018, No More Deaths published a scathing report implicating the Border Patrol in the destruction of thousands of gallons of water, left in jugs for migrants crossing the desert. The report, which included video evidence that soon went viral, was shared with the patrol agent in charge of the Ajo Border Patrol station. Agents from the station then set up surveillance on a building known as "the Barn," which serves as a base for Warren, No More Deaths, and other border aid groups. Late in the afternoon, the agents spotted Warren with two young men who they suspected to be undocumented. A raiding party composed of most of Ajo's law enforcement community was quickly organized.

Warren and the two young men were placed under arrest. Their names were Kristian Perez-Villanueva and Jose Arnaldo Sacaria-Godoy. They had fled El Salvador and Honduras, respectively, and crossed the desert by foot, where they were chased by immigration agents and lost the food they had brought with them. In the depositions they later gave, they described how a man in Ajo dropped them off at the Barn and they let themselves inside. Warren showed up not long after. They asked him for food and water, and he welcomed them to both. Warren came and went in the days that followed, the migrants said, along with a number of other humanitarian aid volunteers using the space at the time.

Warren was indicted a month later on two charges of harboring and one count of conspiracy, bring the total time he faced in prison to 20 years. His trial, which began in late May, ended in a hung jury.

With Warren's retrial approaching, the prosecution and the defense have filed several motions in recent weeks, perhaps none so unusual as the one the government's attorneys submitted on October 29. "For the first time, the United States learned the defense might mention the President of the United States, Donald Trump, his administration, or his administration's policies," the motion read.

Such references, the prosecutors argued, "would be irrelevant and unfairly prejudicial."

The idea that Warren's actions should now be divorced from the politics of the world at large is a new direction for Assistant U.S. Attorneys Anna Wright and Nathaniel J. Walters — though given the events during the last trial, that is perhaps understandable.

While Walters, in his opening statement at Warren's trial over the summer, insisted that the prosecution was not about No More Deaths, and that the government's concern was Warren's actions alone, the nature of the prosecution's case was something else entirely. Throughout the eight-day trial, Walters and Wright argued that Warren was the lynchpin in a shadowy criminal conspiracy to move people into the country illegally for political purposes. According to the prosecutors, the goal was not to make a profit, unlike most other criminal operations, but to undermine the Border Patrol and further No More Deaths' political aim of establishing a borderless world. Over and over, both at the trial and pretrial hearings, the prosecutors asked No More Deaths volunteers if they supported the abolishment of Immigration and Customs Enforcement, a policy proposal born in the midst of Trump's immigration crackdown.

Central to the government's narrative was a characterization of Warren as a deceptive and "high-ranking leader" of No More Deaths who could not be trusted. In an effort to underscore this idea, Walters at one point entered into evidence an article Warren wrote for the *Washington Post* on the eve of his trial. The bungled and baffling attempt to draw some damning revelation from Warren's own assessment of the case backfired spectacularly. On cross-examination, Warren's attorney, Greg Kuykendall, argued that if Walters was going to cherry-pick details from the op-ed, the jury should hear the rest of what was written. District Judge Raner Collins directed Warren to read the piece out loud and, with that, Warren linked his case directly to Trump's most infamous immigration enforcement policies, from the crackdown on humanitarian aid to the separation of families at the border to a pattern of potentially preventable deaths in the desert.

For Warren's friends and supporters, the introduction of the politics and policies that surround Warren's prosecution into the official record felt like a turning point, a moment when the people deciding his fate were permitted to see what his case was really all about. In the end, eight jurors chose to oppose Warren's conviction, while four supported it. In July, when the U.S. Attorney's Office announced that it would be retry the case, it dropped the conspiracy charge.

Any efforts to prohibit mention of Trump or his policies would violate Warren's First, Fifth, and Fourteenth Amendment rights under the U.S. Constitution, defense attorney Amy Knight wrote in a motion responding to the government's request last week. Knight argued that the motion amounted to a request for an "extraordinary ban" with zero "explanation whatsoever of the prejudice" that would result from "daring to mention the President, a man who maintains ultimate authority over this prosecution (notably, the same man who appointed both the United States Attorney General and the United States Attorney for the District of Arizona)." Not only that, she noted, "the government itself introduced the only mention of President Trump into the previous trial, when, while questioning Dr. Warren, it brought up an article he had written expressing some of his views."

Paige Corich-Kleim, a longtime volunteer with No More Deaths, said in a statement to *The Intercept* that the organization worked "to expose government misconduct and intervene in the border crisis."

"The government's attempts to erase the political nature of this retrial is part of their continued efforts to hide what is truly happening along the border and evade responsibility for the violence they have caused," she added. "Deaths on the border are the predictable outcome of not just border militarization, but also U.S. intervention in Latin America. Their attempts to limit the scope of evidence are self serving."

Whether or not the government's "he who shall not be named" efforts are successful, there are realities in Warren's case that the prosecutors cannot escape.

Since 2001, in Pima County alone, more than 3,000 people have lost their lives trying to cross the Sonoran Desert, a grim result of government policies that began two decades before Trump's election. These deaths, predominantly resulting from dehydration and exposure to the desert sun, are horrifically agonizing and, as Zepeda-Millán and Wallace's survey shows, most people oppose criminalizing efforts to stop them from happening. It's a fact that Zepeda-Millán finds both heartening and deeply sad.

"The good news is that despite Republican support for very punitive, draconian immigration policies, we seem to have found a limit or a threshold to their nativism," he said. Though they consistently support a wall to keep undocumented immigrants out, and aggressive deportation measures to remove them once they are here, Zepeda-Millán added, "At the moment of life and death that migrants in the desert often find themselves in, Republicans seem to be willing to throw undocumented migrants at least a momentary lifesaver. That's the good news."

"The bad news," he said, "is that's a pretty low bar."

15 Nov - Metropolitan Anarchist Coordinating Council (MACC) General Assembly

WHAT: General Assembly

WHEN: 6:30-9:00pm, Friday, November 15th

WHERE: Verso Books—20 Jay Street, Brooklyn

COST: FREE

MORE:

The Metropolitan Anarchist Coordinating Council (MACC) is hosting one of our monthly general assemblies. GAs are a great opportunity to get plugged in with MACC's projects and working groups. MACC assemblies are open to all anarchists, antifascists, anti-authoritarians and those interested in anarchist ideas and organizing so please invite your friends and share widely! We encourage everyone to come with ideas about what they would like to see for future campaigns or actions and what direction they'd like MACC to take to build a more powerful, militant anarchist movement. Bring snacks (pre-packaged, vegan, and gluten-free options encouraged)!

Agenda will be announced after the organizing assembly.

An orientation will precede the assembly starting at 6:30 PM for those interested in familiarizing themselves with MACC, general assemblies, and anarchist ideas. General Assembly will begin at 7:00 PM. For more information visit macc.nyc/ or contact us at info@macc.nyc

16 Nov - State Violence and Crowd Control in France

WHAT: Presentation

WHEN: 7:00pm, Saturday, November 16th

WHERE: The Base – 1302 Myrtle Avenue Brooklyn, New York 11221

NOTE: The Base is on the ground floor, is wheelchair accessible, and has a gender neutral toilet.

COST: FREE

MORE:

The collective "Let's disarm them!" was founded in 2012 by anarchist activists who for several years faced state violence and were directly affected by the use of grenades and rubber bullets.

Invested in major radical anti-capitalist and ecological struggles between 2011 and 2015 (anti-nuclear and against “useless big construction projects”), the collective met other groups opposed to police violence, street medics, but also many victims, mutilated or close to people killed by the police.

At the end of 2014, “Let’s disarm them!” participated in the building of a national network of mutilated people, the “Assembly of the Wounded”.

The state of emergency decreed at the end of 2015 after the attacks of Charlie Hebdo and Bataclan fundamentally transformed the French society and the militarization of the public space accelerated between 2015 and 2018, together with a sharp rise of the far right.

Members of the collectives were under house arrest and on numerous occasions prohibited from demonstrating, arrested and brought to justice.

The revolts against the labor reform and those of the Yellow Vests between 2016 and 2019 were harshly repressed. Many people have been injured, mutilated and imprisoned.

A member of the collective is organizing an infotour on the East Coast of the United States in November 2019. He proposes to describe the workings of state violence and the evolution of policing in France, from a historical and radical perspective.

16 Nov - Mike Africa Jr. presents "Born on the Move"

WHAT: Presentation

WHEN: 7:00pm, Saturday, November 16th

WHERE: Solidarity Center—147 West 24th Street, 2nd Floor, Manhattan

COST: \$25

MORE:

Using storytelling and hip-hop, Mike Africa Jr. will take you on a journey of his life from the day that he was secretly born in prison to the bombing of his family on May 13, 1985, up to his parents' release from prison after serving forty years.

Debbie Africa and Michael Africa Sr., both members of the MOVE 9 recently released from prison, will also be in attendance.

Tickets are available at [eventbrite.com/e/born-on-the-move-my-quest-for-peace-freedom-w-mike-africa-jr-tickets-74859670289](https://www.eventbrite.com/e/born-on-the-move-my-quest-for-peace-freedom-w-mike-africa-jr-tickets-74859670289)

17 Nov - Anarchists Care About Books (ACAB): The Undying

WHAT: Book club

WHEN: 4:00pm, Sunday, November 17th

WHERE: Bluestockings—172 Allen Street, New York 10002

COST: FREE

MORE:

Join us to discuss The Undying: Pain, Vulnerability, Mortality, Medicine, Art, Time, Dreams, Data, Exhaustion, Cancer, and Care by Anne Boyer.

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

Bluestockings is wheelchair accessible, with no steps or platforms, and wide aisles between shelves. The bathroom is not wheelchair accessible. There is a Starbucks two short blocks down the street with an

accessible bathroom (at Allen and Delancey). Metered street parking is available in the blocks surrounding Bluestockings. Bluestockings is not a scent-free space, but we encourage visitors to please refrain from wearing perfumes, colognes or other scented products (including essential oils) and smoke far away from the entrance to the space.

21 Nov - Burning Frame: Uncivil Rest: Cinematic Reflections on the Anniversary of Occupy

WHAT: Movie night

WHEN: 7:30pm, Thursday, November 21st

WHERE: Spectacle Theater - 124 South 3rd Street, Brooklyn, New York

MORE:

The razing of Zucotti Park – enacted by the state to quite literally squash Occupy Wall Street – succeeded in so far that the movement, whose nom de guerre was also its central organizing tactic, could be constituted within and thus wholly constrained by physical space. From its outset, however, Occupy had become something grander and more abstract than an assemblage of squatters in a park. It actualized as a vital experiment in new forms of organizing and orienting oneself in collective struggle. The state may have bulldozed the people's bookstore, but the wisdom gained, and strategies tested, would inform the approach of activists throughout the decade – Occupy Sandy, Standing Rock, and Occupy ICE being but a few notable examples.

Crucial to its global impact were the people who recorded every step of the occupation: live streamers, documentarians, fine artists, and ordinary smartphone-owners. Burning Frame proudly presents a supercut of vivid imagery captured during Occupy Wall Street and its aftermath. After the screening, we will be joined by a panel of former Occupy organizers for a not-to-be-missed, candid discussion on the successes, failures, and legacy of Occupy – with the expressed aim of answering the perennial question: "Where do we go from here?"

22 Nov - Benefit Chelsea Manning and Jeremy Hammond

WHAT: Benefit Concert

WHEN: 7:00pm, Friday, November 22nd

WHERE: Starr Bar, 214 Starr Street, Brooklyn

COST: BRING YOUR WALLET

MORE:

This will be the second in a series of "Mutual Aid Festivals," the first focused on our elder political prisoners, those still inside and those recently released, this one on political prisoners resisting a federal grand jury—Chelsea Manning and Jeremy Hammond. Check pageone.noblogs.org for details!

23 Nov - What Would Mumia Do? A Teach In

WHAT: Teach In

WHEN: 6:30-9:00pm, Saturday, November 23rd

WHERE: The People's Forum—320 West 37th Street Manhattan

COST: FREE!

MORE:

The Campaign to Bring Mumia Home presents Mumia, via call-in, speaking on (among other things): The Environment, Fraternal Order of Police, Jails in New York, and Imperialism.

Mumia will speak with a panel to be moderated by Kazembe Balagun that will include Pam Africa, Linn Washington, Ash, and Kevin Steele.