



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for July 14th

25 Jun - Louisiana Environmental Activists Charged With “Terrorizing” for Nonviolent Stunt Targeting Plastics Giant

Two leaders of the long-running fight for environmental justice in Louisiana turned themselves in to police in Baton Rouge on June 25th.

MORE:

by Alleen Brown (*The Intercept*)

The activists, who work in a part of the state known as “Cancer Alley,” faced charges of “terrorizing” related to a nonviolent protest action. Civil liberties attorneys are calling the charges a dramatic escalation of a yearslong effort by the fossil fuel and petrochemical industries to criminalize efforts to halt the expansion of polluting facilities in the state — part of a nationwide trend of cracking down on dissent around climate change issues.

The accusations against the activists, Anne Rolfes and Kate McIntosh, stem from a seemingly innocuous activist stunt carried out in December, the day after a festival designed to draw attention to the environmental misdeeds of Formosa Plastics. The Taiwanese petrochemical company plans to build a massive plastics manufacturing complex in a largely Black Louisiana community that has already suffered health problems linked to local industry. In October, Formosa agreed to a \$50 million settlement for dumping pollutants, including the small pellets that form the building blocks for plastic products known as nurdles, into Texas’s Lavaca Bay — the largest settlement of a Clean Water Act lawsuit filed by private citizens.

With a key environmental permit still pending for Formosa in Louisiana, the action — dubbed “Nurdlefest” — was meant to pressure the state’s Department of Environmental Quality to scrutinize the company’s record. Boxes of the plastic pellets, used as evidence in the Texas case, were carted to the front of the agency, where around 75 people gathered in the rain.

What apparently terrorized community members, however, was a container of the pellets that appeared on the porch of an oil and gas lobbyist, with a detailed note attached, explaining what they were and their Texas origin. “We have delivered this package of nurdles as a reminder – Louisiana does not need anymore pollution, plastics or otherwise,” the letter said. “We demand that LDEQ DENY Formosa’s air emissions permit application.”

The letter was signed by Concerned Citizens of Louisiana and included the phone number of Bill Quigley, the activists’ pro bono attorney.

The Baton Rouge Police Department apparently agreed that the plastic particles were threatening. “A note was observed on the top of the package indicating not to open the container as the contents could be hazardous. Police requested Hazmat to be contacted,” spokesperson Don Coppola told *The Intercept*. Although the note discouraged against removing the nurdles or leaving them around children or pets, it did not describe them as “hazardous.” It included a Formosa phone number for safely recycling the material.

Rolfes and McIntosh, who are respectively the director of and a program assistant at the Louisiana Bucket Brigade, which provides support to groups of community members living near polluting facilities, face a maximum of 15 years in prison and \$15,000 in fines for so-called terrorizing — defined as “the intentional communication of information that the commission of a crime of violence is imminent or in progress or that

a circumstance dangerous to human life exists or is about to exist” — with the intention of causing members of the public to fear for their safety.

“This is an unwarranted escalation because they are using the term ‘terrorizing,’” said Pam Spees, senior attorney with the Center for Constitutional Rights, who is representing McIntosh and Rolfes. “It is imposing unfairly and inappropriately a label on people that have been peacefully working for years to raise awareness of the impact of industry on frontline communities. To use that word in a context like this is potentially damaging and chilling to others.”

The charges against Rolfes and McIntosh come on the heels of a series of incidents where environmental activists have been dealt hefty charges for actions challenging the petrochemical, oil, and gas industries in Louisiana.

In August 2018, Louisiana legislators passed a law establishing a new felony charge for anyone who trespasses on critical infrastructure facilities, including chemical manufacturing facilities and oil and gas pipeline construction sites. Over the following couple months, police used the new law to charge 14 people protesting the oil company Energy Transfer’s Bayou Bridge pipeline, as well as a journalist. Local prosecutors have not yet acted on the charges.

Last October, police charged Gregory Manning, the legally blind pastor of Broadmoor Community Church and a member of the Coalition Against Death Alley, with a felony for allegedly inciting a riot. Authorities said Manning failed to immediately leave a hallway outside the office of the Louisiana Association of Business and Industry during a protest against the association’s influence over state politics. A prosecutor later dropped all charges.

This spring, legislators passed an enhanced version of the critical infrastructure law, which would have ramped up charges for trespass during a state of emergency. Louisiana Gov. John Bel Edwards vetoed the bill.

To Rolfes and McIntosh’s attorneys, the timing of the latest charges is particularly suspect. At 9:30 a.m. on Juneteenth, the June 19 holiday celebrating the emancipation of slaves in the U.S., Quigley — Rolfes and McIntosh’s pro bono lawyer, who is also a professor at Loyola University New Orleans — received a phone call from a Baton Rouge Police Department detective, notifying him that a warrant was out for the pair’s arrest. (Formosa and the Baton Rouge Police Department did not immediately respond to requests for comment.)

Both the activists were en route to a ceremony at a burial site for enslaved people, located in a field where Formosa plans to build one of its facilities. The right to carry out the ceremony had been hard-won: Formosa had fought in court for the past week to prevent community members from holding the gathering. A judge denied the company’s final appeal only the night before.

The detective told Quigley that the charges had been filed in April, but they’d held off on issuing the warrant because of risks associated with the coronavirus pandemic. “It seems more than a little suspicious that this long dormant warrant was activated 12 hours after Formosa lost in court,” said Quigley. “It seems like it’s clearly retaliation.”

Spees, the Center for Constitutional Rights attorney, said, “If there’s such a danger, why wait seven months and pick the day of a community celebration of its liberation from slavery to send that message?”

In response to the latest charges, local organizers are launching the Alliance to Defend Democracy to push back on the increasing criminalization.

“Five years ago — maybe three years ago — this kind of charge against an activist would have had an isolating effect. The movements are stronger now,” said Spees. “It’s an overreach, and it’s going to backfire.”

28 Jun - Jalil Muntaqim's Cousin Shy'an G is a Hip Hop Artist

Jalil has a young cousin, Shy'an G, who is a hip hop artist performing in the Bay area in California.

MORE:

He requests that we watch her performances and send her some support.

Shy'an G's YouTube channel is youtube.com/channel/UCWJ-SJI08HCM2pgYKTQVQEA

29 Jun - Eric King Update

How would it make you feel to know that Eric had a previously active grievance filed against the officer who slammed Eric's head into the concrete while his hands were cuffed behind his back?

MORE:

Or that FCI Englewood currently does not have an officer assigned to the facility who investigates officers who violate prisoners?

Or that this officer has given Eric SIX bullshit disciplinary write-ups (aka a “shot”) in the last 6 months?

How about that when a prisoner complains about an assault or attempted assault it needs to be investigated and the officer needs to be removed from contact by policy?

And if they have ZERO concern for his safety, then we defer to the policy in which if a staff member claims they were assaulted by a prisoner and a protection order goes into place and the prisoner is not put in a situation where they interact with that guard from that point forward.

Eric received a shot the DAY AFTER the prosecutor was given evidence that staff at FCI Englewood were attempting to coerce another prisoner into attacking Eric (per this prisoner).

Putting aside the fact that this shot for assault was given THE DAY AFTER THIS DOCUMENT WAS GIVEN TO THE PROSECUTOR...

If this guard really felt that Eric assaulted him in the shower by allegedly flicking water at him, then why was he so determined to (against policy) continue to interact with him?

The fact is when this officer threw a book at Eric, that should have stopped the officer from being allowed to interact with him. But he has since been able to give him disciplinary write-up after disciplinary write-up; plenty of time to come and threaten Eric; and to tell him that we (“your folks on the outside”) should tell the world about what a strong union they have and how prison guards can do whatever they want.

We are going to honor his request and we are going to tell the world the prison, the union and North Central regional office shelter abusers.

July 1st - Call In Help Needed URGENT

We also desperately need Eric's legal defense fundraiser shared around...He needs to be able to fund his legal team to fight this and anything else thrown his way. Please share and encourage others to share! fundrazr.com/e1cKo1

It is important to note that the BOP has held Eric incommunicado since his last legal call. The 20 minutes a week he is allowed to prepare for his case was taken away with no explanation. The BOP is unresponsive as is the prosecutor who STILL has not responded to this brutal attack.

Some points that can be made on both calls.

North Central Regional Office (NCRO): **913.621.3939**

Let folks know you are calling in reference to Eric King (27090-045), currently housed at FCI Englewood.

The NCRO needs to open an investigation into the unnamed officer who assaulted Eric in the showers at FCI Englewood on June 18th, 2020 and turn said information over to the Inspector General.

The NCRO needs to review and open an investigation into the “after action report” when Eric was attacked at FCI Florence in 2018. They need to review the video footage that showed Eric, a compliant prisoner, held in four point restraints for several hours before being transferred to ambulatory restraints. It was the Regional Office’s duty to review this footage for abuse. The Regional Office failed to protect Eric while he was under their authority once already. Let’s not let it happen again.

This week, Eric was denied the 20 minute legal phone call to prepare for the case. FCI Englewood is holding him incommunicado since his attack. The regional office needs to make sure that the prison sets up a legal call THIS WEEK. We do not know his health status and are gravely concerned.

Some questions the Regional Office need to answer

Is there any open investigation into the officer who threw a book at Eric in 2019?

Is it prison policy to continue contact between an officer and prisoner after a “use of force complaint” is filed by a prisoner?

Is it policy that a “use of force” investigation be carried out after a prisoner alleges an attempted assault? (Eric has an ongoing grievance regarding the officer who assaulted him in 2019 by throwing a book at him.)

Is it policy to allow an officer, that a prisoner alleged attempted to assault them, to take that prisoner anywhere alone, off camera? (This officer has TWO documented incidents with Eric in the shower that occurred after Eric’s complaint of assault was made.)

Why would an officer who wrote a specific prisoner up for assault continue to be assigned to that specific prisoner’s unit? Is it policy to continue to house a prisoner at the same prison after such allegations are made?

Is there an open investigation into how FCI Englewood handled Eric’s PREA complaint that was filed in 2019?

US Marshals: J Sheehan, Director of Prisoner Operations: **703.740.8400**

We are asking folks to call into the Colorado Marshals to demand they immediately transfer Eric From FCI Englewood

Let folks know you are calling in reference to Eric King (27090-045), currently housed at FCI Englewood.

The Marshals need to know FCI Englewood is holding Eric incommunicado from his lawyers after an attack.

The Colorado Marshals have been made aware over and over that Eric King is not safe at FCI Englewood yet they refuse to transfer him. Because of this deliberate indifference Eric was attacked by guards while handcuffed in the shower on June 18th, 2020. It is time that the Marshals who are bound to protect pre-trial prisoners move Eric to another facility and open an investigation into both Eric's recent assault and the attempted assault in 2019 by the same unnamed officer.

There are 6 other non-BOP facilities at which Eric could be easily placed during pretrial.

The Marshals are the ONLY entity that can authorize a move pre-trial (at least without court intervention). With SO many warnings regarding Eric's safety, why are the Colorado Marshals digging their heels in and refusing to move him?

Communication over the past year is well-documented and shows the Marshals have been made aware of the danger of continuing to hold Eric at FCI Englewood. This documentation is available at supportericking.org

July 8th - A little Wednesday Morning tidbit for you

Did you know in the last month, despite sustaining a massive head injury and having a trial date in August, Eric has only been allowed 25 minutes of legal visitation, all by phone?

He has been denied three out of the four weekly 20 minute calls he gets with his legal team to prepare for trial.

One might wonder if the BOP has a vested interest in Eric not being able to prepare for trial. The same inquiring person might ask if the Marshals failure to ensure Eric has adequate access to counsel (as they are tasked to do) is an accident at all. Now add in the prosecutor's lack of concern about the situation in entirety. You have three different branches of the Trump Department of Justice with their hands all over these atrocities.

A little Wednesday morning math equation...

July 8th - Order For Competency Examination Granted

Judge Martinez ruled in favor of a competency evaluation to be held by the medical doctor the defense counsel proposed to the court. This competency evaluation will take place within 90 days, presumably in Colorado, and will be presented to the court. Trial dates and all other pre-trial deadlines are cancelled for now, pending the outcome of this evaluation.

Eric Is still on restricted general correspondence and cannot receive letters from anyone (with the exception of his wife and partner). This is a challenging situation for people that want to lend Eric solidarity. For now, please spread the fundraiser as there is a need to raise funds for his criminal defense and potential civil cases: fundrazr.com/e1cKo1

29 Jun - Protesters in West Philly call for release of radical Black activists who 'fought' Rizzo

Roughly 200 protesters at West Philadelphia's Malcolm X Park kicked off the first of 13 public actions Sunday afternoon, each demonstration representing a demand made by the Black Philly Radical Collective.

MORE:

by Ximena Conde (*Philadelphia Tribune*)

The demands from the coalition of Black liberation groups include calls to decrease the Philadelphia Police Department's budget over the next five years, as well as ending cash bail and probation and parole systems that "target" community members.

Organizers Sunday focused on freeing Mumia Abu-Jamal, Russell "Maroon" Shoatz, Joseph Bowen and Fred "Muhammad" Burton, whom they call "political prisoners," all serving time for the killing of white police officers.

The convictions of Shoatz, Burton and Bowen all occurred while Frank Rizzo was Philadelphia's police commissioner, infamous for his record on police brutality, especially against communities of color. Organizers said releasing these men would take recent efforts to remove a statue and mural of Rizzo a step farther in undoing that legacy.

"These men fought him when he was alive, when he was the police commissioner and when he was the mayor of Philadelphia ... ," said Robert Saleem Holbrook, with the Black Philly Radical Collective and Abolitionist Law Center, "when he boasted that same police force could invade Cuba and win. That same police force was unleashed on our neighborhoods."

Abu-Jamal has been in prison since 1982 for killing Philadelphia Police Officer Daniel Faulkner during a traffic stop. Abu-Jamal was sentenced to death, but prosecutors dropped the penalty for a life sentence in 2011. The former Black Panther has long maintained his innocence and a judge in 2018 granted him permission to once again appeal his case. Maureen Faulker, the wife of the slain officer, has consistently advocated for Abu-Jamal to serve his full sentence with the backing of the city's police union.

Another former Black Panther, Russell "Maroon" Shoatz, is also serving life without parole. Shoatz was one of six people convicted for the murder of Police Sgt. Frank Von Colln during an attack on a Cobbs Creek police station in 1970, and was held in solitary confinement for 22 years. Fred Muhammad Burton is also incarcerated for the killing of Van Colln.

Joseph Bowen was convicted of the 1971 killing of Police Officer Joseph Kelly. In 1973, Bowen and Burton fatally stabbed a warden and deputy in the now-shuttered Holmesburg Prison, after they were denied a room to meet with their Muslim group.

"We're not really here to go over whether they are innocent or guilty," said Saleem "Our position is clear: They have done enough time. They're seniors."

The collective's calls extend to all those behind bars who are vulnerable to COVID-19, particularly incarcerated people who are 65 and older.

Yvonne Platts, with the Free People Strike, pointed to the fact that Gov. Tom Wolf's administration identified more than 1,200 people eligible for release to prevent the spread of the virus, but only 159 of them have been released as of mid-June. Advocates have complained the release process moves too slowly, especially for a virus that can spread quickly in confined spaces — something the governor has acknowledged.

"What's dragging their feet? We don't know," said Platte. "We've been fasting, hoping to get attention, compassion from Gov. Wolf, but nothing has happened."

Speakers at the rally, which drew a mostly young and white crowd of about 200 people, discussed how Black activists have been calling attention to flaws in the criminal justice system for decades and welcomed newcomers who have been moved to action after seeing the police killing of George Floyd on video.

Gabriel Bryant, a member of the collective, said rallies like these are just the beginning.

"The goal is to plug people into a variety of organizations, the groups that do the work," said Bryant. "The participant drives, the calls, going to offices of elected officials — that's the real work that happens. This is the rally point that allows us to engage the community in a real way."

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30 Jun - David Campbell Update

Here's a short note from anti-racist political prisoner David Campbell.

MORE:

More than 2/3 done now and less than 4 months to go. Things are OK for the time being, it seems, tho we still can't social distance and those of us whose sentences stretch into the fall and beyond, like myself, are worried about a second wave. Taking it day by day, not unlike many of you I'm sure. Stay safe out there!

1 Jul - Prison Break: If They Come For You in the Morning...

The rebellion that began in Minneapolis following the brutal police murder of George Floyd quickly spread across the country, and the world.

MORE:

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

Police stations burning, commercial zones being liberated, police budgets being defunded in multiple cities — it has been a busy month. An impressive list of solidarity actions can be found at

rampantmag.com/2020/06/08/rebellions-get-results-a-list-so-far. Police violence and arrests are increasing daily, as well. Four people have been arrested in New York City on federal charges, accused of throwing Molotov cocktails at police cars; two of them are lawyers. A person has been arrested for allegedly setting five police cars ablaze in Seattle, another person was tracked down in Philadelphia, and two have been arrested for similar actions in Salt Lake City. The need for immediate jail support and long-term political prisoner support is growing.

COVID-19 related infections and deaths continue to rise in prisons, jails, and detention centers across the globe. Renowned jailhouse lawyer Benjamin Smalls recently died of the virus, and current political prisoners Sundiata Acoli, Jalil Muntaqim, Jeremy Hammond, and Marius Mason (who was recently denied compassionate release) are all recovering from the virus behind the walls.

Former long-time MOVE 9 political prisoner Delbert Africa, who was just released from prison in January after 42 years, died on June 15 at age 74. He died exactly two years to the day after Debbie Africa was released from prison, the first of the MOVE 9 to be freed. You can read the MOVE statement at onamove.com/delbert-africa-passes-mon-june-15-2020. Delbert Africa Presente!

As you flip your Certain Days: Freedom for Political Prisoners calendar to July we hope you appreciate the moving illustration by Molly Fair, created for the 2019 Black Mama's Bail Out. The essay for the month, by Stevie Wilson, is entitled 'How People on the Outside Can Support the Political Work of People on the Inside.' If you haven't picked up a calendar yet they are only \$5 at Burning Books!

Releases

Ramsey Orta, CopWatch activist who filmed the police murder of Eric Garner in Long Island in 2014, was released at the end of May, after serving four years at various New York State prisons.

Renowned California prisoner and hunger strike leader Sitawa Nantambu Jamaa has been granted medical parole after 40 years of incarceration. It is unclear when or where Jamaa will be released.

Medical

Political prisoner Kamau Sadiki has been transferred to Augusta University Medical Center in Augusta, GA, due to an ongoing infection in his left foot and leg. More information is expected soon.

Fundraising

As mentioned above, several people have been arrested for alleged actions done during protests that erupted after George Floyd's murder. Urooj Rahman <supporturooj.com> and Colinford Mattis <supportcolin.com> were released to home confinement yesterday, vacating an earlier stay. Samantha Shader is currently being held at the Metropolitan Detention Center in Brooklyn. Margaret Channon <gofundme.com/f/bail-lawyer-commissary> has been arrested in Seattle and is being held in federal custody at FDC SeaTac. Lore-Elisabeth Blumenthal <welovelore.com> is being held in federal custody at FDC Philadelphia. Two Louisiana Bucket Brigade <labucketbrigade.org/content/about-us> activists have turned themselves in, both facing felony charges for harassing a fossil fuel lobbyist. In DC, four people are being charged with destruction of federal property after toppling a statue of Andrew Jackson. This is by no means a definitive list. Follow us on social media for up-to-date bail funds and support networks as they arise.

While we are currently seeing an influx of political prisoners, we cannot forget those who already imprisoned and fighting charges, longtime prisoners fighting for freedom, and those recently released:

- Sundiata Acoli (fighting an appeal on a recent parole denial): sfbayview.com/2020/05/fundraiser-to-free-political-prisoner-sundiata-acoli-83-from-47-years-in-prison
- Eric King (fighting additional charges): fundrazr.com/e1cKo1
- Chuck Africa (recently released): gofundme.com/f/help-chuck-africa-rebuild
- Janet and Janine Africa (recently released): fundrazr.com/janet-janine
- Eddie Africa (recently released): fundrazr.com/eddie-africa
- Nina Droz Franco (recently released): gofundme.com/f/nina-quiere-retomar-su-vida

2 Jul - All Charges must be Dropped for People Arrested During the George Floyd Uprising!

Call from the Revolutionary Abolitionist Movement (RAM) to drop all charges stemming from the rebellion.

MORE:

by Revolutionary Abolitionist Movement (*It's Going Down*)

In the last few weeks, people have been denied phone calls, water, and food in custody. Jamel Floyd has died as a result of being attacked by corrections officers. People have been brutalized in the streets and in custody. The state seeks guilty verdicts for our comrades in order to distract people from its own guilt for the violence of its arrests, and for the overall violent systemic conditions that led to this rebellion. All held in custody without bail from the beginning of the uprising be released immediately.

Regardless of the charge, all alleged actions taken by our comrades are a direct response to white supremacist violence that law enforcement and government at large are responsible for perpetuating and allowing to happen with gross impunity. Guilty or innocent, all have our unconditional solidarity.

As politicians in both local and national standing scramble to “make things right” via defunding a fraction of policing budgets, or by promising investigations, we must ensure material change that makes a difference to the future of Black and brown communities in the US. As such, we stand in solidarity with calls to abolish police, abolish prisons, and to topple monuments that celebrate colonization, xenophobia, and anti-Blackness.

We call on organizers, individuals, and groups invested in the dismantling of white supremacy in the United States to include dropping the charges into your demands. We ask that you consider the consequences of calls for “PEACEFUL” protest. As Fanon has stated in *Wretched of the Earth*, the relationship between the colonizer and the oppressed is a violent one from the beginning. There is no such thing as a peaceful protest, when one group is able to murder and jail the other with impunity. Calls for ‘peaceful protest’ contribute to criminalizing demonstrations by setting up a good protestor/bad protestor dichotomy that invites law enforcement presence, repression, and carceral consequences for those involved. This can be seen by the numerous assaults by police and curfews during the uprising. Regardless of tactics, people must not be assaulted in the streets and despite moral high grounds, the struggle got to this point – where the State is scrambling for concessions to preserve itself – by burning the 3rd precinct to the ground.

A new start is not possible without the release of the people who have led us to this point – actions carried by people in this uprising, and the ones taken by elder political prisoners in the US. There cannot be a society free of racism without freedom for those who are caged for fighting against it. Moving forward means an acknowledgement that the United States is built on violence and must be dealt with as such. Getting rid of oppressive violence of the State means amnesty for all involved in this collective struggle.

Lastly, the rebellions will continue until all free.

8 Jul - US Government Plays Games With Reality Winner’s Life As Coronavirus Outbreak Is Confirmed At Carswell

As a coronavirus outbreak at Federal Medical Center Carswell spreads, the United States government maintains National Security Agency whistleblower Reality Winner did not show her confinement placed her “at a risk substantial to justify early release.”

MORE:

by Kevin Gosztola (*Shadowproof*)

Prosecutors additionally insist Winner confused a request for a reduction in her prison sentence with a request for home confinement and never started the “administrative procedure” that must be completed before going to a district court for relief.

But Winner’s attorney Joe Whitley calls this a “nonsensical theory” that her “request was not a request under the compassionate release statute.” The district court did not “embrace” this position, although it denied her appeal.

“The entire colloquy is emblematic of the government position regarding Reality’s compassionate release request and its scattershot approach to the COVID-19 pandemic at large,” Whitley declares. “In short, because [the Bureau of Prisons] was not prepared for this type of pandemic, a prisoner’s last and only resort is the district court.”

Billie Winner-Davis, her mother, told *Shadowproof* that her daughter feels she is “suffering through this hell in a black hole where nobody seems to know or care what’s happening to them.”

She believes denying her release was wrong and “could have saved her” from the suffering she currently must endure.

Winner pled guilty in 2018 to one count of violating the Espionage Act when she disclosed an NSA report to *The Intercept*. She believed the report contained evidence that Russian hackers targeted United States voter registration systems during the 2016 election.

She has served more than half of her 63-month sentence, and her attorneys urged a federal court to release her to home confinement to serve the remainder of her sentence.

But Judge Randal Hall sided with the Justice Department on April 24 and contended the “medical prison,” where Winner is incarcerated, is “presumably better equipped than most to deal with any onset of COVID-19 in its inmates.”

Hall refused to grant Winner a hearing to present specific evidence on the risks posed to her health by the pandemic.

According to Tarrant County Public Health Director Vinny Taneja, Carswell is currently the site of a facility outbreak. “Last week 51 inmates and two staff members tested positive.”

“In the last few days the BOP has released new information confirming increases in active, positive COVID-19 cases at FMC Carswell, first from zero to 28 cases, and then from 28 to 45, literally overnight,” Whitley notes in a response to the government that was filed on July 6.

Whitley adds, “The information just released confirms the exigent circumstances Reality faces at FMC Carswell right now and why this court should swiftly grant her relief.”

The government, led by U.S. Attorney Bobby Christine, argues the medical records that Winner provided to the district court did not contain information that “detailed how COVID-19 would impact these conditions or how those conditions placed Winner at greater risk of COVID-19. And none were particularly recent, having been prepared before her original sentencing.”

Winner shared a psychological evaluation from July 1, 2018, and therapy session records from between March 5, 2014, and January 12, 2015.

Prosecutors note the psychological evaluation “reflected diagnostic impressions of ‘bulimia nervosa,’ ‘obsessive compulsive personality disorder,’ and ‘dysthymic disorder.’” Her therapy session records related to Winner’s bulimia.

Yet, in a previous submission to the appeals court, Winner’s legal team suggested they could not introduce more recent medical records because they were in the “possession, custody, and control of the government.”

If the district court had agreed to hold an evidentiary hearing, the court “could have heard from stakeholders at BOP and FMC Carswell about the BOP response generally and specifically at FMC Carswell.” The court also would have been able to review “critical evidence” related to Winner’s present medical condition.

As Winner’s defense recalls, the government initially claimed that neither the BOP nor Warden Michael Carr received her request for compassionate release (something Winner predicted).

“In reply in the district court, Reality included a declaration under penalty of perjury from her Texas-based counsel, confirming the substance and form of the request and all relevant details,” Whitley outlines.

“Later, only after this appeal was filed, the government amended its position to state that her request was received but the government chose to treat it under a different statute, despite the fact that Reality cited the

specific compassionate release statute in both requests she submitted and in every filing submitted to the district court.”

The government played this game even as representatives were in discussions with the warden and BOP officials, as her motion proceeded in court.

That leads Winner’s legal team to believe the “government’s absurd position” bolsters her arguments made to the district court.

Prosecutors are upset that Winner supposedly circumvented an administrative procedure during a pandemic in order to expedite her request for release. Their conduct proves “exhaustion is futile.”

“The administrative process was incapable of granting adequate relief and agency review would subject Reality to undue prejudice and harm in the midst of a global pandemic,” Winner’s legal team concluded.

“What people need to understand is even if she is saved from the virus, she is still being tortured in this double lockdown situation that they have them in,” Winner-Davis stated.

“They have been deprived of all programs—recreation, fresh air and sunlight, and nutritional food. How long can the government keep them in this environment and under these situations and call it protecting them?”

With the outbreak, we now know “they were unable to protect them,” she added.

“In April,” according to the Fort Worth Star-Telegram, “Carswell inmates talked to the Star-Telegram about their fears of the virus spreading in the prison.” (Winner’s mother Billie Winner-Davis spoke with the newspaper.)

Several inmates requested in a letter to Carr that all elderly and sick nonviolent offenders be released to home confinement. They said a “single coronavirus could have the effect of lighting a match on a book of matches.”

8 Jul - Cuomo Created a Prison Nursing Home Way Upstate

The Adirondack Correctional Facility is tucked away in the mountainous North Country of New York State, less than a two-hour drive from the Canadian border, and already has at least one confirmed case of COVID-19.

MORE:

by Natasha Lennard (*The Intercept*)

Three years ago, it was converted to incarcerate teens aged 16 to 17, automatically prosecuted as adults under pernicious state law. As of this May, in response to the coronavirus pandemic, all of the young people were transferred out of the facility: It will now serve as a nursing home prison.

In the last month, 96 elderly male prisoners have been transferred to the isolated Adirondack prison. New York Gov. Andrew Cuomo announced the plan as a way to ensure safety for aging incarcerated people, who are particularly vulnerable to Covid-19 complications. The northerly New York region has seen some of the lowest coronavirus rates in the state. But, as of Wednesday morning, at least one person incarcerated at the prison had already tested positive for the coronavirus, local news reported.

For family members and justice advocates, the prison nursing home presents no less than a potential massacre. And what’s more, many of these elderly incarcerated people are now further removed from relatives and loved ones than they had been in previous facilities.

In response to the pandemic, only one reasonable option was available to the governor and the prison system when it came to elderly people serving state sentences: Release them all. This would not have been benign; it would have been sensible. The recidivism rates are almost negligible for elderly individuals who have served long-term sentences. Instead, the state implemented an elaborate, cruel, and potentially dangerous plan to keep older people behind bars, in the distant facility. Given the racism undergirding our prison system, the implications for already oppressed Black elders must not be overlooked. The majority of men who have been transferred to Adirondack are people of color and over half are Black.

“This plan runs directly counter to public health, racial justice, and criminal justice evidence, and instead promotes mass incarceration, family separation, racism, and the needless punishment of incarcerated older people,” said a June letter signed by over 80 social and racial justice organizations that was sent to Cuomo, New York Senate Majority Leader Andrea Stewart-Cousins, and Assembly Speaker Carl Heastie. “It also threatens to replicate the public health crisis experienced in nursing homes across the state.”

Approximately 6,000 nursing home patients in New York have died from Covid-19 complications — a sign of intolerable elder neglect on behalf of the state. Meanwhile, when the virus has entered prisons and jails, it has ravaged incarcerated populations. While New York has seen a dramatic drop in case numbers thanks to statewide lockdowns, and while it is true that the North Country has thus far avoided the worst of the pandemic, the risks posed by prison conditions remain unacceptable. Yet again and again, the state has chosen punitive and carceral solutions in the face of an urgent need for mass decarceration.

The moral and political imperative to mass decarcerate — for everyone, but especially for elderly incarcerated people — predated the pandemic, but has become all the more pronounced in its wake.

“If one man is Covid-positive, this could transfer their plan from a prison nursing home to a death camp,” said Jose Saldana, director of the Release Aging People in Prison Campaign, who served 38 years in prison himself. Saldana spoke on Monday evening alongside local activists at a small social-distanced press conference in front of the entrance to Adirondack Correctional Facility, which is hidden behind thick bushes. “Our communities need these elders. I’m one of them.”

Within 48 hours of the press conference, the grim scenario Saldana named threatened to become a reality. On Wednesday morning, the Department of Corrections and Community Supervision announced an asymptomatic case of Covid-19 among the incarcerated people at the facility. “Our worst nightmare is beginning to come true,” said the Release Aging People in Prison Campaign in a statement.

Local activists from the surrounding region had joined the Monday event and stressed the need to end rural communities’ grim economic reliance on mass incarceration. “The North Country made a deal with the devil decades ago by agreeing to incarcerate mostly Black fathers, sons, and cousins,” said Martha Swan, the executive director of John Brown Lives!, a racial justice advocacy group in the North Country. “I appeal to my North Country neighbors not to turn your gaze away and get involved in this critical effort.”

Dozens of organizations like Swan’s and Saldana’s are calling on Cuomo to grant clemency to everyone incarcerated at the Adirondack facility, and to minimally commute everyone’s sentences to allow them to appear in front of the Parole Board for a chance at release. Cognizant, however, of Cuomo’s negligent record on clemencies, advocates are also calling on state lawmakers to pass legislation enabling parole evaluations for prisoners over 55, as well as timely reviews and fairer decision processes for all those eligible for parole.

Since the pandemic spiked in New York, the Department of Corrections and Community Supervision has stressed that it has gone to great lengths to contain the virus in state prisons. There have been 1,249 releases to date in response to the health crisis, while long overdue testing ramped up last month. As of mid-June, only 3 percent of New York’s 38,000 state prisoners had been tested (over 40 percent of those tested were positive for Covid-19). More releases are expected, but remain vastly insufficient in scope, especially while initiatives like the prison nursing home are deemed acceptable policy. If this is what care for vulnerable

individuals looks like under the carceral system, the need for its abolition should be lost on no one with a moral compass.

For the loved ones of the elderly, health-compromised men transferred to Adirondack, the move — of which they were given no warning — has been nothing but a source of deep concern. “I found out on the day he was moved,” said Darlene Vourtis-Mackenzie, whose 64-year-old brother, Edward Mackenzie, was transferred to the Adirondack facility. “My nerves have been shot.”

Vourtis-Mackenzie told me that it would now take over 11 hours to drive to visit her brother, whose previous prison, Fishkill Correctional Facility, had been a four-hour drive from her Maryland home. She said that her brother has emphysema, alongside a number of other serious health conditions. He has been in prison since 1994, when he was convicted of drug possession, robbery, and kidnapping. He is serving 25 years to life under the punishing Rockefeller Drug Laws.

During recent calls from his new facility, Mackenzie told his sister that the prison is poorly suited to its new, older demographic. “The commissary is like a candy store. When he arrived, the law library was not even open,” Vourtis-Mackenzie told me. “I’m writing a personal letter to Cuomo,” she added, noting that her brother would be an asset to the community, with job offers and a safe place to live.

Instead, thanks to the twisted vagaries of carceral logic, her aging and sick brother is caged and isolated.

July 8th - One inmate at Adirondack Correctional has COVID-19

by Aaron Cerbone (*Adirondack Daily Enterprise*)

The state Department of Corrections and Community Supervision has confirmed that one inmate at Adirondack Correctional Facility has tested positive for COVID-19.

According to DOCCS spokesman Thomas Mailey, this man is asymptomatic and has been isolated, and anyone who has been in contact with him has been placed in quarantine.

Mailey said all inmates at Adirondack Correctional have been tested and that as of Monday afternoon there are no other positive cases there.

Mailey said the positive test result was delivered the day after the positive inmate’s arrival at Adirondack Correctional. He said DOCCS medical staff are identifying potentially exposed individuals, swab-testing them and isolating them while the results are pending.

“If an individual’s test result is positive that person is maintained in isolation for a minimum of 14 days until their symptoms are gone and the individual has had no fever for 72 hours without the aid of medicine,” Mailey wrote in an email.

The DOCCS data sheet on COVID-19, last updated Sunday, shows zero cases at the facility, 65 inmates who tested negative prior to this diagnosis, and nine pending results.

“The test was performed prior to his transfer, and therefore, attributed to the facility in which the test was conducted,” Mailey wrote in an email.

Mailey said the data included in the daily report represents the number of individuals tested, not the number of tests performed. Therefore, since this man was tested at a different prison and then transferred here, his positive case counts toward that other prison’s total.

Mailey said the inmate was transferred in a DOCCS transportation vehicle where riders are socially distanced “to the extent practical.” Both staff and inmates are required to wear masks on these trips, which Mailey said are provided.

He also said DOCCS has a guideline for cleaning these vehicles with a bleach and water solution.

Adirondack Correctional was recently switched to a medium-security prison specifically for inmates age 55 and up. Before that, for less than two years it was an adolescent offender facility in light of Raise the Age laws, which raised the age of criminal responsibility to 18 in New York for nonviolent offenders. Before that it was a medium-security adult prison.

9 Jul - Madison, Wisconsin Grand Jury Resistance

Folks supporting grand jury resistance in Wisconsin have released a public statement.

MORE:

Today, Thursday, July 9, only two days after receiving subpoenas, two community members appeared before a federal grand jury called by US Attorney Scott Blader at the US District Court, Western District of WI, 120 N. Henry Street. Subpoenant Jacob Capps and the other subpoenaed attended before the grand jury, pleaded their Fifth Amendment right to refuse to incriminate themselves, and left the court building. Both are represented by Ben Elson of People's Law Office and intend to be forthcoming with their communities about their experiences during this grand jury.

Refusing to testify in a grand jury is part of a history of grand jury resistance by which subpoenaed protest this unjust tool of the criminal justice system. Refusing to testify in a grand jury can result in a charge of civil contempt of court and federal imprisonment until either the subpoenaed does testify, the subpoenaed can prove to a judge that they will never testify, or for the duration of the grand jury, which can be up to 18 months.

Freedom Fighters Legal Support is not aware of any individuals besides these two who have received grand jury subpoenas. Grand jury proceedings are kept intentionally secret from the communities they impact. The number and names of witnesses, names of jury members, and hearing proceedings are not public. Future proceedings of this grand jury and whether the government will continue to seek testimony from Capps and the other subpoenaed is yet unclear.

Freedom Fighters Legal Support is committed to garnering community support for all activists targeted by grand jury proceedings, including those called as witnesses. Opportunities to show up financially, logistically, and otherwise for subpoenaed and their families are forthcoming.

If you are subpoenaed, or otherwise targeted by law enforcement, there are options available to you. There is a free hotline to support people who have received visits, phone calls, or grand jury subpoenas from federal officers and other law enforcement: if you are in Wisconsin, please contact the Freedom Fighters Grand Jury Support Line at 608.535.9907. If you are elsewhere, please call the National Lawyers Guild Anti-Repression Hotline at 212.679.2811 to speak with an attorney at no cost. Remember that anything you say can and will be used against you, so it is advisable not to talk about anything you did, witnessed, or heard about with anyone but your attorney.

15 Jul - Albert Woodfox: Author Talk

WHAT: Author talk

WHEN: 6:00pm, Wednesday, July 15th

WHERE: YOUR HOME/ crowdcast.io/e/author-talk-with-albert

COST: FREE, but this is a fundraiser, so loosen those pursestrings and buy some books.

MORE:

Albert Woodfox discusses "Solitary," his Pulitzer-nominated memoir about his 40 years of solitary confinement in Louisiana's Angola Prison. Woodfox will be in conversation with his editor at Grove Press, George Gibson. The event is to help raise awareness for NYC Books Through Bars, a non-profit program that helps deliver books to the incarcerated.

If you would like to read “Solitary,” or any of the books personally relevant to Woodfox while he was in prison, you can purchase copies at bookshop.org/lists/albert-woodfox-s-book-recommendations

If you would like to sign a petition to help end solitary confinement in Louisiana, go to lastopsolitary.org

For making a donation of “Solitary” to Books Through Bars, you can purchase a copy at freebirdbooks.com/shop.html

19 Jul - Anarchists Care About Books: “Democracy at Work” by Richard D. Wolff

WHAT: Book club

WHEN: 4:00pm Sunday, July 19th

WHERE: YOUR HOME/Zoom

COST: FREE

MORE:

Join Metropolitan Anarchist Coordinating Council (MACC) to discuss “Democracy at Work” by Richard D. Wolff

Zoom info TBA. Join our listserv to stay in the loop gaggle.email/join/acabooks@gaggle.email

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

24 Jul - Metropolitan Anarchist Coordinating Council (MACC) General Assembly

WHAT: General Assembly

WHEN: 6:30pm, Friday, July 24th

WHERE: YOUR HOME

COST: FREE

MORE:

We will be hosting another "Virtual" General Assembly for July - lookout in your various Working Group platforms, e-mail listservs, Loomio, et cetera for details on how to join the assembly. General Assemblies are the most ideal place for new folks to plug-in to MACC, learn about our projects and ongoing efforts, and connect to organizers. There will be a 6:30-7PM orientation for new folks that would like to get connected and learn more about MACC's structure and history.

Our topic for this month will be gendered violence in movement spaces. Often these type of conversations happen in private, out of the realm of a public political space, so we're giving them a forum. Let's build a culture of care.

Please review these documents before coming:

macc.nyc/organizing

macc.nyc/safer-spaces