NYC ABC
POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for January 16th

1 Jan - Call for an International Day of Solidarity with Inauguration Day Defendants on January 20, 2018

This following call for worldwide solidarity on January 20th, 2018 takes place during a week of solidarity and outreach.

MORE:
On January 20, 2017, tens of thousands of people greeted President Donald Trump's inauguration with large protests ranging from creative blockades to militant street actions. Among the demonstrations that day was an "anti-capitalist and anti-fascist bloc" led with banners reading "No Peaceful Transition" and "Make Racists Afraid Again". In response to the protest, police violently attacked and encircled nearly 230 people, arresting them for allegedly committing or being in the proximity of property damage.

After a series of indictments and legal maneuvering, around 200 people were ultimately charged with six felonies (5 counts of property destruction and inciting a riot) and two misdemeanors (engaging in a riot and conspiracy to riot) each. This means that each of these people are facing 61 years in prison.

This unprecedented case is important because it is an attempt by the United States government to clamp down on the disruptive protests that spontaneously occurred in response to Trump's election. The charges are intended to stifle active resistance and to send the message that resistance will not be tolerated at a time when it is needed more than ever. In many ways, the case is an experiment in expanding the repressive powers of the state, with prosecutors seeking to charge everyone as a group for the same handful of broken windows based merely on presence. Moreover, the police and other state actors are trying to redefine basic political organizing — holding meetings, planning protests, and marching as a group — as an act of conspiracy. This is part of an ongoing trend on both the national and international level of escalating repression directed at social movements in so-called "democratic" states. If the United States is successful in prosecuting social movements in this way, it will likely encourage other governments to do the same.

As the Trump administration brings the world to the brink of disaster on an almost daily basis, it is important to stand with those in the United States who risked their freedom to oppose him from his first day in office. The Inauguration Day protests set the tone for much of resistance that would come and affirmed that the Trump administration and its far right allies would not be unopposed. Subsequently, people around the country used direct action to shut down nearly every international airport in the country in a historic protest that temporarily halted the new government's anti-immigrant and Islamophobic policies. Continuing this struggle into the courtroom, the majority of the defendants are working together to respond politically to these charges and are using this case as a way to build connections between different places and different struggles.

In response, this is a call for an international day of solidarity on January 20, 2018. Solidarity actions from around the world have warmed the hearts of defendants at a time when they are facing intense repression. Moreover, they are part of a political praxis that recognizes we are engaged in a shared struggle that transcends borders. We ask for solidarity not as an act of charity, but as a gesture towards shared complicity in the effort to resist the Trump administration and the future it seeks to impose.

2 Jan - Update on Jaan Laaman

After a long period in segregation, aka solitary, Jaan Laaman has avoided a transfer to a Communications Management Unit (CMU) and has been moved to USP McCreary, a federal prison in Kentucky.

MORE:
As of January 01, 2018, Jaan K. Laaman, long-time anti-imperialist political prisoner, has been transferred— after being held in segregation at USP Tucson for over eight months. Please write Jaan at his new address right away so he feels the love. We want the prison to be aware that he is supported by folks and we have his back.

We're happy to report that Jaan is back in general population! While at Tucson, Jaan was held in segregation (minimum 23 hours a day, locked down in a 6×9' cell) since his birthday on March 21, 2017. Jaan was placed into segregation because of two short messages which were shared with his close family and friends: a statement in support of the "Day Without a Woman Strike" (International Women's Day, March 8, 2017) which was printed in the NYC Anarchist Black Cross (ABC) *update*, and "Farewell Thoughts to My Friend, Lynne Stewart" which was broadcast on Prison Radio on March 9, 2017. Prison officials made the absurd claim that these statements "threaten the security of the prison."

Transfer to CMU Prevented!

Jaan was threatened with transfer to a Communications Management Unit (CMU) because of these statements. Jaan's pro-bono attorney, Paul Gattone filed a lawsuit challenging the attempt to transfer Jaan to a CMU. Paul is a people's lawyer who practices in the areas of civil rights and criminal defense, and an owner of Revolutionary Grounds infoshop in Tucson, Arizona.

Jaan is a Freedom Fighter & Must Come Home!

Preventing Jaan from being transferred to a CMU was the first goal. Jaan is an Elder (69 years old) and needs to be brought home. Jaan should be home with his siblings, family and loved ones. Jaan is a freedom fighter who was convicted of actively fighting some of the worst crimes against humanity in recent history--US backed atrocities like apartheid in South Africa and genocidal wars in Central America. Jaan is a lifelong anti-racist and anti-imperialist. We need his vision and voice at home now more than ever. This work to bring Jaan home will be led by Jaan and folks on the outside that Jaan identifies to lead up this effort. Please let us know if you would like to help in this effort. Jaan and all political prisoners must be brought home and we can make it happen!

4 Jan - Appeals Court Rules Against Idaho's Unconstitutional Ag-Gag Law Aimed At Suppressing Journalists

In a decision upholding the First Amendment and tradition of investigative journalism, the Ninth Circuit Court of Appeals ruled key parts of an Idaho "ag-gag" law, which permits state authorities to jail anyone who conducts undercover investigations and secretly records animal abuse, are unconstitutional.

MORE:
by Kevin Gosztola (*Shadowproof*)
Idaho passed an "ag-gag" law or a farm secrecy statute aimed at political speech about industrial agricultural production in 2014. It became the seventh state to adopt such a law.

The law was an industry response to an undercover operation at Bettencourt Dairy that led to the recording of abused and sexually molested animals. Dairy employees were charged and convicted of animal abuse.

The Animal Legal Defense Fund (ALDF), People for the Ethical Treatment of Animals (PETA), American Civil Liberties Union of Idaho and the Center for Food Safety, along with CounterPunch and journalist Will Potter of GreenistheNewRed.com, filed a lawsuit against the state that same year.

In 2015, a federal district court found the law violated the First Amendment and rights to equal protection under the Constitution. The state appealed.

"We conclude that Idaho's criminalization of misrepresentations to enter a production facility and ban on audio and video recordings of a production facility's operations cover protected speech under the First Amendment and cannot survive constitutional scrutiny," the appeals court declared [PDF].

The court added, "Idaho is singling out for suppression one mode of speech—audio and video recordings of agricultural operations—to keep controversy and suspect practices out of the public eye."

"The district court aptly noted that '[t]he recording prohibition gives agricultural facility owners veto power, allowing owners to decide what can and cannot be recorded, effectively turning them into state-backed censors able to silence unfavorable speech about their facilities.'" Therefore, a clause against recordings cannot "survive First Amendment scrutiny and is therefore unconstitutional."

"The Ninth Circuit's decision sends a strong message to Idaho and other states with ag-gag laws that they cannot trample civil liberties for the benefit of an industry," Animal Legal Defense Fund executive director Stephen Wells stated.

The appeals court acknowledged the genesis of a law targeting protected speech stemmed from an undercover investigation by Mercy For Animals that uncovered gruesome abuse and cruelty against animals.

"Investigative journalism has long been a fixture in the American press, particularly with regard to food safety. In the early 1900s, Upton Sinclair highlighted conditions in the meat-packing industry in 'The Jungle,' a novel based on his time working incognito in a packing plant. This case also originates in the agricultural sector—a secretly-filmed exposé of the operation of an Idaho dairy farm," the court recounted.

"By all accounts, the video was disturbing: dairy workers were shown dragging a cow across the ground by a chain attached to her neck; twisting cows' tails to inflict excruciating pain; and repeatedly beating, kicking, and jumping on cows to force them to move."

"After the film went live on the internet, both the court of public opinion and the Idaho legislature responded, with the latter eventually enacting the Interference with Agricultural Production law. That legislation—targeted at undercover investigation of agricultural operations—broadly criminalizes making misrepresentations to access an agricultural production facility as well as making audio and video recordings of the facility without the owner's consent. Statutes of this genre—dubbed by some as ag-gag laws—have been passed in several western states," the court additionally noted.

The appeals court eviscerated Idaho's arguments in defense of a provision that allows authorities to criminalize false statements made to access agricultural production facilities. "Unlike lying to obtain records or gain employment—which are associated with a material benefit to the speaker—lying to gain entry merely allows the speaker to cross the threshold of another's property, including property that is generally open to the public," the appeals court argued.

"The hazard of this subsection is that it criminalizes innocent behavior, that the overbreadth of this subsection's coverage is staggering, and that the purpose of the statute was, in large part, targeted at speech and investigative journalists." The court detailed how lawmakers discussed the impact of investigative journalism when advocating for the unconstitutional law:

> *…"One of the things that bothers me a lot about the undercover investigation [at the dairy], and the fact that there's videos, well, we're being tried and persecuted and prosecuted in the press." Other legislators used similar language demonstrating hostility toward the release of these videos, and one supporter of the legislation dubbed animal rights groups as "terrorists" who "use media and sensationalism to attempt to steal the integrity of the producer and their reputation." One legislator stated that the dairy industry's reason behind the legislation was "[t]hey could not allow fellow members of the industry to be persecuted in the court of public opinion." Another described these videos as used to "publicly crucify a company" and "as a blackmail tool." Finally, one legislator indicated that if the video had not been published, she did not "think this bill would ever have surfaced.*

As the appeals court asserted, “The focus of the statute to avoid the ‘court of public opinion’ and treatment of investigative videos as ‘blackmail’ cannot be squared with a content-neutral trespass law.”

If the state were permitted to target journalists and investigative reporters with the statute, they would face enhanced penalties. Violating Idaho’s criminal trespass statutes carries a possible six months in prison and/or a fine of up to $1,000. But under this law, authorities sought to punish journalists and investigative reporters with one year in prison and/or a fine of up to $5,000.

Remarkably, the law went so far as to eliminate “subject matter of any audio and visual recordings of agricultural operations made without consent,” which therefore “prohibit[ed] public discussion of an entire topic.” This is a law that prohibited the filming of agricultural “operations” but nothing else, the court noted. It depended on the content of the recording, and Idaho authorities could only determine if someone was criminally liable by viewing the recordings. Which means the state attempted to amass a substantial authority to disrupt the work of the press all to protect agribusinesses.

Like the district court, the Ninth Circuit appeals court ultimately agreed the law was intended to silence animal rights activists, who engage in journalism under the First Amendment, which is another huge victory for the struggle against “ag-gag” laws throughout the country.

4 Jan - First Trial from Red Dress Action Results in Conviction

The first of the trials from the November 15, 2016 action in commemoration of missing and murdered indigenous women concluded today. Water Protector Rodrick Joe was convicted of Tampering with a Public Service, a Class C felony.

MORE:
“I was there to support my indigenous sisters,” said Joe upon sentencing. “There are still people out there killing and raping our women. It happens to all indigenous women everywhere. I want to bring awareness to it. People need to realize that this is happening in our country.”

On why he came to Standing Rock, Joe said: “Back on the Navajo reservation our water is already contaminated. I have relatives who got cancer from drinking that water. So I wanted to take this chance to stand with my people.”

Joe was sentenced to a 360 days deferred sentence with mandatory fees not to exceed the bond amount, and with credit for two days of time already served. He was released immediately after trial and sentencing.

Joe was the first of over 20 Water Protectors going to trial during the coming weeks from that arrest date. Most are facing felony charges. The next group of three will be tried tomorrow, January 5, 2018 in Morton County.

Over 300 Water Protectors are still awaiting trial on state charges in North Dakota, and six Water Protectors are preparing for federal criminal trials.

January 5th - Second Felony Conviction From Man Camp Action

The second group of trials from the Standing Rock action in commemoration of missing and murdered indigenous women concluded today. These were among the first of over 20 Water Protectors going to trial during the coming weeks from the November 15, 2016 action at a so-called “man camp” – temporary housing for oilfield workers that become havens for gendered violence and human trafficking of indigenous women and girls.

Water Protector Rebecca Jessee was convicted of Tampering with a Public Service, a Class C felony. Water Protector Erica Gonzalez was acquitted on all charges.

“We wanted to have our ceremony there to raise awareness that wherever these pipelines come in they bring these man camps, and then our women around the reservations go missing and are getting murdered or raped. The state doesn’t do anything about it,” said Ms. Gonzalez. “I don’t want to sugar-coat it: when they’re raping our mother earth, they are also raping our women.”

“The brutality needs to stop. We need to stop looking away and pretending that it’s not happening as if it’s OK or permissible. It’s not,” said Rebecca Jessee as she awaited her verdict.

Rebecca Jessee received the same sentence that Water Protector Rodrick Joe received yesterday when he was convicted on the same charge. Both received a 360 days deferred sentence with court fees and fines not to exceed the bond amount of $1,500, and with credit for two days of time already served.

A “deferred” sentence is suspended until after a specified period of time, in this case 360 days. If they are not re-arrested during that time, the charge can be dismissed and the conviction removed from their records. Both Jessee and Joe were released immediately after trial and sentencing.

4 Jan - Robert Seth Hayes Update

In the last two weeks, Seth has again been in and out of the hospital and his daughter and granddaughter have started a new campaign to gain him parole.

MORE:

January 4th - Robert Seth Hayes Still at Albany Medical Center

When I talked with Sullivan this morning, guidance said that Seth is "still in outside hospital." As soon as we hear anything more, we will let people know.

…*LATER THAT DAY…*

Just got a call from Seth at 9:30 p.m. on Thursday night. He is back at Sullivan and feeling much better. He is currently in the so-called infirmary due to his late arrival, but should be back in general population tomorrow.

Unless anyone else is planning to go, some of us are going up on Saturday to visit and get the 411 on what happened.

Basically, Seth's sugars were sky high, so they took him off the pump temporarily at Albany Medical Center and then reintroduced the pump after making various adjustments.

Seth says that even the ulcers have cleared up.

Seth insists that when they took a finger stick in the ambulance last Friday night, his sugars were 1130.

January 6th - Visit with Seth

Folks from NYC Jericho other supporters went to Sullivan today to visit Seth and Jalil [Muntaqim]. [NYC ABC is removing the names of individual visitors] visited Jalil, whom he had not seen for a long time, and others visited Seth, who is currently still in the so-called infirmary.

As you know, Seth was taken to Albany Medical Center (AMC) on an emergency basis on Friday, December 29, 2017 with a blood sugar level of 1,130. This level was recorded both in the ambulance and at Albany Medical Center.

The following is Seth's detailed report of what occurred prior to and following his trip to the hospital.

Although Seth's MiniMed 630g pump is functioning, HE STILL DOES NOT HAVE THE SENSOR THAT MAKES THE PUMP A CONTINUOUS GLUCOSE MONITORING (CGM) DEVICE, so Seth is relying on the fingersticks only. The recordings he read to me from the pump are all from fingersticks.

These are the readings from the pump:
Tues. 12/26 @ 8:54 p.m.: 572
Wed. 12/27 @ 8 a.m.: 518
Wed. 12/27 @ 11:25 a.m.: 352
Wed. 12/27 @ 4:25 p.m.: 160
Wed. 12/27 @ 8 p.m.: 389
Thurs. 12/28 @ 7:37 a.m.: 348
Thurs. 12/28 @ 11:19 a.m.: 367
Thurs. 12/28 @ 4:17 p.m.: 115
Thurs. 12/28 @ 8:26 p.m.: 434
Fri: 12/29 @ 7:39 a.m.: 525
Fri: 12/29 @ 11:34 a.m.: 525
Fri: 12/29 @ 4 p.m.: 525

When the ambulance arrived, their reading of the fingerstick on their equipment was 1,130. The reading was the same at Albany Medical Center. This means that whatever equipment they are using at Sullivan is giving inaccurately low blood sugar readings. Seth says the equipment at Sullivan is antiquated in comparison with the ambulance and Albany Medical Center.

The doctors at AMC were very concerned when Seth reported to them that he has still not been provided the sensor that makes the pump work as a CGM.

Also, the doctors told Seth that, when the blood sugar is consistently high for more than two days, the insertion site should be moved. Seth should have already known this, because [another comrade] told him this quite a while ago when he got the first pump, but he probably forgot due to all the sugar fluctuations.

Since AMC did not have all the parts for the pump and had to wait to get them from Sullivan, they removed the pump and gave Seth insulin shots to stabilize his sugars. So from December 30, 2017 until January 2, 2018, Seth was receiving insulin shots, & his sugars were steady in a range from 110-170.

Then, on January 3, 2018, AMC once again began using the pump. These are the readings from the pump:
Wed. 1/3/18 @ 11:54 a.m.: 168
Wed. 1/3/18 @ 5:38 p.m.: 178

Then the pump was refilled with insulin, which should happen every 3 days.

Thurs. 1/4/18 @ 8:12 a.m.: 48 (since this reading was very low, Seth was given some apple juice and then retested)
Thurs. 1/4/18 @ 8:31 a.m.: 85
Thurs. 1/4/18 @ 12:08 p.m.: 151
Thurs. 1/4/18 @ 5:18 p.m.: 296

At this point, Seth was returned to Sullivan. He called me at around 9:15 p.m. and sounded really good. Next readings are from the "infirmary" at Sullivan:
Thurs. 1/4/18 @ 10:23 p.m.: 301
Fri. 1/5/18 @ 4:11 a.m.: 100
Fri. 1/5/18 @ 8:05 a.m.: 60
Fri. 1/5/18 @ 12:00 p.m.: 122
Fri. 1/5/18 @ 4:56 p.m.: 144

Then the pump needed to be refilled.

Fri. 1/5/18 @ 9:37 p.m.: 230
Sat. 1/6/18 @ 8:16 a.m.: 270

Seth did not get his 11 a.m. fingerstick today because of the visit. We were able to visit in the regular visiting room, so that was good. However, at 4 pm, Seth's sugars were at 456, so they are keeping him in the "infirmary" again tonight. Seth was trying to get the 11 am fingerstick before coming to the visiting room, but the CO refused. (Once again, the CO is making medical decisions, which he is not qualified to do, and which is not his job.)

While Seth was at AMC, the doctors told him that the bolus should be changed after the first week from 60 grams of carbohydrates to 75 to 90 grams, depending on the food he is eating. Once Sullivan set the bolus for 60 grams on both the old and the new pump, that was never changed.

The medical personnel at AMC also recalibrated the pump and made several adjustments.

Since Seth has been back in the "infirmary," there have been two alarming incidents. On Thursday night, a man named Marvin, who Seth says should have retired several years ago, was in charge of distributing meds. He told Seth to take his high blood pressure medication, and Seth swallowed the pill. This was in the evening. So Seth ate his night time snack of two slices of wheat bread and an apple and went to bed.

Then he woke up at 2:30 a.m. and went to the bathroom. Seth passed out and fell flat on his face on the floor, chipping a tooth and splitting his lip. When he came to, he crawled over to the help bell and pushed it. The nurse came and helped him up. Of course, they thought Seth's sugars were low. That's why there is a reading at 4:11 a.m., which showed that his sugars were perfect at 100. Then they took Seth's blood pressure, and it was 70/50, extremely low.

Obviously, the medication that Marvin gave to Seth was either the wrong medication or the wrong dose, as his blood pressure is never this low.

Seth says that while he was at AMC, they monitored his blood pressure 4 times during the day and twice at night, and it was always stable.

Then, on Friday, the pump needed to be refilled, which Seth knows how to do perfectly. So he asked Marvin to get him what he needed from the clinic upstairs. Marvin then proceeded to engage Seth in an hour-long discussion about this issue. (This while he is recuperating from an extremely high sugar incident!). In other words, Seth is getting no insulin at all since the pump needs to be refilled, and the nurse is telling him that he doesn't know what exactly it is Seth needs from the clinic.

Finally, another nurse arrived and listened briefly. She then went and got Seth what he needed from the clinic and Seth proceeded to refill the pump. So now that Seth is getting insulin from the pump, Marvin decides that Seth needs a shot of insulin. Seth explained that he would then be getting too much insulin all at once and his sugars would drop too low. So Marvin wrote Seth up as refusing medication, but Seth refused to sign it. Seth is not refusing medication, just unnecessary and probably dangerous medication.

On another note, Seth reports that his skin was not itchy at all and his ulcers were much better at AMC.

There is another history of medical indifference regarding the ulcers and the constant itching of Seth's skin. Seth requested to see a dermatologist in April or May, and the nurse practitioner was to make an appointment, which never happened.

When Seth was returning from an emergency visit to Catskill Regional Medical Center, Dr. Wolf saw Seth itching and scratching and examined his ulcers. She prescribed antibiotics and cream, which Seth did receive.

Then, when Seth finally saw the dermatologist at Coxsackie in October or November, he prescribed 3 things: an anti-itch lotion with 11 refills, a corticosteroid cream with 8 refills, and antibiotics. Seth was given the anti-itch lotion and the corticosteroid cream once, and has never received any refills. HE WAS ALSO NEVER GIVEN THE ANTIBIOTICS!

I took a water sample from the bathroom, but I am informed that it must be tested within 48 hours. So I will talk with a lab ahead of time that does water testing, and then take another sample, which was easy to do.

We must think seriously about the situation with Seth, as he definitely has all the information to proceed with a federal lawsuit. However, he needs a lawyer to take this on, as Eve does not feel she can do a federal case.

Of course, the latest medical records make the case for medical parole even stronger, but we have to realize the urgency of Seth's situation. He could easily have died from the 1130 blood sugar level, and his high blood sugars (in the high 500s and 600s) were and are being consistently ignored by so-called medical personnel at Sullivan. THIS IS MEDICAL MURDER!

At the very least, we should investigate the situation with the sensor and why it has never been provided. It is highly likely that the sensors are at Sullivan and nobody is bothering to make sure that Seth gets them so the pump will work properly as a CGM device. I will be calling Medtronic first thing Monday morning to see what I can find out about the status of the order from Sullivan for the sensors (assuming they ever ordered them at all.)

January 10th - Update from PP Robert Seth Hayes

We received a phone call from Seth this evening, and are happy to report that his blood sugar levels are currently stable.

On Monday, Jan. 8, 2018, Seth went to Albany Med Ctr to see Dr. Lyonn, the same endocrinologist he has always seen at Coxsackie. Of course, they talked about the insulin pump/monitor and the lack of the essential sensor.

On Tuesday, Seth went to Coxsackie to see a doctor he assumes is a nutritionist. This had been requested by Seth several months ago.

Seth is back in gen pop, where he feels much better in the so-called "infirmary."

Seth sends warm regards to his family, friends and supporters.

January 10th - Support and Donate to a Release Campaign for PP Seth Hayes!

Please help us save our beloved father and grandfather, Robert "Seth" Hayes from the New York State Correctional System where he has been incarcerated for the past 45 years.

Seth was only a young man, father, and husband, as well as a decorated Vietnam War veteran when he was arrested in August 1972 for his involvement with the Black Panther Party and Black Liberation Army. It was a tumultuous time in American history and the struggle for Black freedom. Yet, despite decades of painful incarceration away from his family, Seth has maintained a remarkably clean prison record with no violations in his 45 years of imprisonment. While incarcerated he enrolled in college courses, supported the elderly population, and became a mentor to the younger generation of incarcerated men to steer them away from gang violence.

Seth has paid his debt to society, and we believe he's earned his freedom after 45 years of imprisonment.

Unfortunately, the state of New York continues to hold Seth prisoner. He has unsuccessfully been before the the parole board 10 times! Every time Seth appears before the board, they use his original conviction as the reason to deny his parole application, completely in violation of the law and despite his compellingly impressive clean prison record.

We plead to you today, because his next parole board hearing is coming up June 2018 and Seth will be 69 years old. With your help we hope this will be his last and final parole hearing. We pray that with your help we can secure the legal resources necessary to fight on his behalf as his health continues to deteriorate and we don't believe he can get better while in prison.

As some of you all may know, he has tremendous medical problems including a heart condition and chronic diabetes which have caused severe distress for him and cannot be treated effectively in the NY State prison system. Seth experiences regular and routine 'code blues' health crises where his blood sugars and insulin levels are not manageable and have resulted in him passing out and falling. He's now experiencing nerve damage as well. Although some efforts have been made by the NYS DOCCS, the level of care Seth needs is only available on the outside. Seth has just received a new insulin pump after the old one was not working properly for months. The blood sugar monitor was to be installed about one month after the pump worked reliably, and that has never happened.

We hope you agree, that it's more than time for Seth to come home. Seth is one of 10,000 people in the NY State prison system over the age of 50 that that pose little to no risk at all for recidivism. His continued incarceration is very much a risk to his life, as his diabetes cannot be effectively treated inside and he needs to be with his family and the community that loves him.
HOW YOU CAN HELP

We are also asking for donations to help cover the cost of the resources we'll need to build a strong defense for Medical Parole and a Federal Lawsuit.

Medical Parole

NY State law allows individuals to seek medical parole, for those individuals who are either terminally ill or have conditions that debilitate them and cannot be treated effectively in the context of prison. Seth has applied for Medical Parole and funds raised will go towards the resources needed to build a strong defense.

Federal Lawsuit

There is currently research being done to find a lawyer to file a federal lawsuit against the NYS DOCCS regarding Seth's medical treatment. Lawyers and funds will be needed for this effort.

Please Donate at generosity.com/fundraising/bring-seth-home--2

4 Jan - The Espionage Act And NSA Whistleblower Reality Winner’s Uphill Struggle To Defend Herself

The defense for Reality Winner, a National Security Agency contractor accused of mailing a classified document on Russian hacking to The Intercept, contends the government misstates the law under the Espionage Act.

MORE:
by Kevin Gosztola (*Shadowproof*)
They believe the government ignores “serious constitutional problems” raised by their interpretation of the statute.

But Winner's defense faces a tremendous uphill struggle. Under President Barack Obama's administration, leak prosecutions intensified the government's ability to wield the Espionage Act as a strict liability offense, which means there is very little the government has to prove beyond the fact that an unauthorized disclosure took place.

Winner is scheduled to go on trial on March 19, in Augusta, Georgia. Since her arrest in June, she has been held in pretrial detention, with Judge Brian Epps refusing to grant her bail.

Epps suggested Winner's "hate" for America and supposed admiration for NSA whistleblower Edward Snowden and WikiLeaks editor-in-chief Julian Assange makes her an ongoing threat to "national security."

Like previous defense efforts to challenge leak prosecutions, Winner's defense has challenged the manner in which the government is attempting to use the Espionage Act. They contend the government would like a federal court to "ignore forty years of precedent" and prior cases, where the government agreed "potential damage to the United States is an element of the offense."

Winner is accused of violating the 793(e) provision of the Espionage Act, which is as follows:

…Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it…

The defense contends that under the government's "expansive" reading of this provision it would "encompass any disclosure of any closely held document 'related to the national defense,' whatever that may mean." Such an interpretation would make the statute "unconstitutionally overbroad, vague, and in violation of the First Amendment."

In response, the government maintains it does not have to prove "other elements of the crime exist," such as whether Winner intended to injure the United States.

Prosecutors insist all they must show is that Winner had "unauthorized possession" of a document, that the document "related to national defense," and that she "willfully communicated, delivered, or transmitted the document to a person not entitled to receive it." They do not have to show the "disclosure of the classified intelligence reporting could threaten," or did threaten, "national security."

Burden Of Proof In Espionage Act Prosecutions

Stephen Kim, a former State Department employee, was sentenced to 13 months in prison for disclosing information to a Fox News reporter on what the U.S. knew about North Korea's nuclear program. Kim pled guilty to violating the Espionage Act.

The case is remarkable because the burden of proof for proving a violation of the Espionage Act was lowered by Judge Colleen Kollar-Kotelly, who ruled the government did not have to prove the information disclosed could damage U.S. national security or provide advantage to a foreign power.

Kollar-Kotelly argued in an opinion that prosecutors would be justified in abandoning the approach incorporated in the trial of Samuel Morison, a Navy civilian analyst who leaked photographs of Soviet ships to Jane's Defence Weekly to alert Americans to what he perceived as a new threat.

"In cases like this which involve the alleged unauthorized disclosure of classified information, the Morison approach invites (if not requires) the jury to second guess the classification of the information," Kollar-

Kotelly wrote. She suggested it would produce an "absurdity," where a person on trial for an unauthorized disclosure could convert their trial into one of the "classifying party."

According to Secrecy News, Kim's defense argued the Espionage Act would transform into an Official Secrets Act, "enabling the government to punish disclosure of anything that was designated classified, even if it was improperly classified," if this interpretation were allowed. "They cited a concurring opinion in the Morison case stating that its interpretation of the law was necessary 'to avoid converting the Espionage Act into the simple Government Secrets Act, which Congress has refused to enact.'"

Kim tried to persuade the judge that, as argued, the Espionage Act provision was unconstitutionally vague "as applied" to his conduct and violated the Fifth Amendment right to due process. However, the court noted the Supreme Court had concluded there is no "uncertainty" in the statute, and the government does not have to demonstrate "subversive intent" to uphold due process.

The government seized upon the Kim case to aid its prosecution of Winner. They argue the "plain language" of the Espionage Act does not require that the government demonstrate "alleged classified intelligence reporting could threaten the national security of the United States if disclosed." They note Kollar-Kotelly explicitly said the "government need not provide such proof."

Although Kim was charged under a different provision of the Espionage Act, the language—"related to national defense information"—is identical to the language in the provision that Winner is charged with violating.

Following the ruling in Kim's case, military prosecutors asked Army Col. Denise Lind, who oversaw the court martial against Chelsea Manning, to consider the D.C. circuit court's interpretation in her ruling. Manning was charged with several Espionage Act-related offenses.

Lind did not adopt the lesser standard in her rationale, which outlined how she found Manning guilty of violating the Espionage Act. She found the information produced was "closely held" by the U.S. government, and Pfc. Manning had "reason to believe the information could be used to the injury of the United States or to the advantage of any foreign nation."

"Something Very Much Like A British Official Secrets Act"

The Morison case is a highly influential case when it comes to Espionage Act prosecutions. It was one of the first cases where the Justice Department attempted to use the law to criminalize leaks, even though it was never specifically intended to be used against leakers.

New York Times columnist Anthony Lewis wrote in 1985 that Ronald Reagan's presidential administration used the Morison case "to try to turn the Espionage Act into something the United States has never had: a criminal statute against leaks. And by persuading the trial judge and then the jury, it did create something very much like the British Official Secrets Act."

Morison, according to Lewis, leaked "three photographs taken from a US satellite, of a Soviet aircraft carrier under construction. He sent them to Jane's Defense Weekly, a British military magazine. He was not paid. He did it, he said, because the carrier was a significant new element in the Soviet fleet—and publication would alert Americans to the threats." And, for that, he was convicted on October 17, 1985, of two violations of the Espionage Act (as well as two counts of theft of government property).

In the U.S. District Court of Maryland, Morison's defense attempted to challenge the government's novel use of the Espionage Act by arguing the provisions he was charged with violating were "unconstitutionally vague and overbroad" and that the law was "intended to punish only 'espionage' in the classic sense of divulging information to agents of a hostile foreign government and not to punish the 'leaking' of classified information to the press."

But the government countered: If a defendant, like Morison, "willfully transmits photographs relating to the national defense to someone who is known by the defendant not to be entitled to receive it," then the defendant has violated the Espionage Act "no matter how laudable his motives."

Judge Joseph Young found this to be legitimate.

Remarkably, Young articulated an "aiding the enemy" argument similar to the one that military prosecutors employed against Manning.

"The danger to the United States is just as great when this information is released to the press as when it is released to an agent of a foreign government," Young declared. "The fear in releasing this type of information is that it gives other nations information concerning the intelligence gathering capabilities of the United States. That fear is realized whether the information is released to the world at large or whether it is released only to specific spies."

Nevertheless, the court in Morison's case adopted a requirement that prosecutors prove materials constituted "national defense information" by demonstrating disclosure of the material would potentially damage the United States or might be useful to an enemy of the United States.

If the government has its way, it will prosecute Winner without proving anything about the report that Winner allegedly disclosed.

Barring Whistleblower Arguments

The government's interpretation of the Espionage Act is but one aspect of its effort to ensure individuals accused of unauthorized disclosures are not allowed to present whistleblower motives in court.

CIA officer Jeffrey Sterling, who is African American, was convicted of violating the Espionage Act and sentenced to 42 months in prison. He stood up to the CIA and pursued a racial discrimination lawsuit against the agency in 2002. It was dismissed after the government invoked the "state secrets privilege" when it was before the Supreme Court in 2005. He later informed the Senate Intelligence Committee that he had knowledge of waste, fraud, abuse, and illegality related to "Operation Merlin"–a botched operation which involved passing flawed nuclear blueprints to the Iranians

In 2011, before trial, the government moved to bar any arguments that "leaks are good or necessary or that he was a whistleblower, thereby justifying his conduct or negating his criminal intent."

The government engaged in a similar effort against NSA employee Thomas Drake, who blew the whistle on fraud, waste, abuse, and illegality at the NSA, including what the government should have known prior to the 9/11 attacks.

The government charged Drake with improperly retaining classified information in violation of the Espionage Act. Although the case against him eventually collapsed, prosecutors moved the court to bar the introduction of "evidence, examination of witnesses, or argument by counsel regarding the defendant's perceived need or justification to expose waste and abuse at the National Security Agency or regarding the merits or substance of any claims of waste and abuse at NSA."

"The defendant's motive for his conduct is irrelevant," the government insisted.

If the court ultimately declines to suppress statements Winner made, the government will anticipate a potential whistleblower defense by Winner. It will swiftly move to foreclose any ability for Winner to talk about motives before a jury because the government believes it should be able to guard secrets by simply proving a person made an unauthorized disclosure. And so far, courts favor the government's arguments

against allowing whether information was properly or in the public interest to be argued in open court, which makes mounting a defense extremely difficult.

5 Jan - Kettling Free Speech (or Why *Unicorn Riot* Has It All Over the *NYT*)

Please read the latest by Susie Day.

MORE:
by Susie Day (*Counterpunch*)
Does anybody have enough strength left to pop a cork in celebration that we've made it through Trump's first year in office? I don't. There is stuff to celebrate, such as the December 21 jury-trial acquittal of six of the 194 defendants facing decades in prison for protesting at Trump's inauguration last January. But this remains a bellwether case, a sign that the judicial climate change begun by past administrations may well become unstoppable under Donald Trump. To the degree that the mainstream media have all but ignored it – which is large – this case bears watching.

J20, as it's come to be known, resulted from the efforts, begun July 2016, of DisruptJ20, a group organizing an "anti-capitalist, anti-fascist" inauguration-day "Festival of Resistance." There were other protests in Washington, D.C. on January 20 not organized by this group, but J20 was largely black bloc.

Black bloc is not a group; it's a largely anarchist tactic by which protesters dress in black and protest anonymously, often covering their faces. It was a black bloc protestor during the J20 protest who delivered the salutary – and meme-worthy – punch to white supremacist Richard Spencer, preempting Spencer's explanation to Australian media of the political significance of Pepe the Frog.

Thousands of protesters attended Trump's inauguration, some dressed in black. While most marched down 13th Street, a few broke away to hurl rocks and bottles at police officers, set vehicles on fire, and throw "Make America Great Again" baseball caps into burning garbage cans, while others smashed windows of capitalist bulwarks like Bank of America and McDonalds. Damage is estimated at over $100,000 – a pittance, compared to the damage that Trump's recent $1.3 trillion tax cut will likely wreak on the infrastructure.

Meanwhile, the response of the Metropolitan Police Department (MPD) to the "riot" was hardly peacekeeping. As observably nonviolent participants reached 13th and K, police suddenly – without warnings or dispersal orders – launched gallons of pepper spray, using hand-held canisters and newfangled MK-46 dispensers, called "Super Soakers." Cops also fired rubber bullets and "Sting Ball" grenades that eject hard rubber balls into a radius of protesters. Police body cams at trial showed several instances of cops pushing protesters to the ground from behind with riot batons.

Cops pepper-sprayed protesters even after large numbers had been "kettled" – herded into an enclosed space from which people could not move. Among other allegations, an ACLU lawsuit charges the MPD with unconstitutional arrests at J20, excessive force, denying kettled protesters food, water, and access to toilets for hours, and carrying out forced rectal searches.

Over 230 people were arrested; 194 charged with felony rioting, which can mean up to ten years in prison. Although about 20 defendants agreed to plea deals, 130 signed a "points of unity" agreement, pledging to refuse plea bargains that could hurt other defendants, to share information and resources, and generally to "stand together." This likely served them well when, in April, the DC Superior Court handed down superseding charges, adding eight more felonies including inciting to riot, conspiracy to riot, and property destruction. Remaining defendants now face sentences exceeding 70 years.

Why J20 compels attention: The prosecution in the recent trial acknowledged that none of the six defendants participated in property destruction. Also, the fact that few, if any, of the 188 defendants awaiting trial can be shown to have acted "violently" may not legally matter.

Certainly, there have been larger mass arrests and greater police brutality, but J20 charges present an open and egregious threat to First Amendment rights. If the prosecution succeeds in the next volley of trials, federal courts can sentence anyone to decades in prison, merely for attending a protest where a law is broken. Simple acts like yelling, "Stay together," or wearing clothes supporting a protest message could be "reasonable" proof of conspiracy charges.

At a time when Trump is already packing the courts with unqualified, conservative judges, J20 demonstrates increasingly reactionary interpretations of law. Although DC Superior Court Judge Lynn Liebovitz reduced two felony charges of the six defendants to misdemeanors – cutting their possible sentences from 60 to 50 years — she also declared that journalists filming and describing the protest, as defendant Alexie Wood did, were aiding and abetting "the riot." Judge Liebovitz also stated that street medics (one defendant was a nurse) could be aiders and abettors if they assisted an injured "rioter."

There's no room here to fully explore the use of cyber-surveillance in obtaining evidence, or the encroaching presence of the far right in J20 police and trial procedure. But you should at least know that video footage of a DisruptJ20 planning meeting, secretly shot by an informant from Project Veritas (the group recently exposed for trying to discredit the Washington Post with a fake sexual-assault story) was used by the prosecution as evidence – even after the government admitted to editing it. Then there was the discipline record, revealed by the defense, of MPD Commander Keith Deville. It was Deville – written up for joking about the Holocaust and making anti-trans and anti-queer remarks – who ordered and supervised the riot-police assault on protesters.

The six J20 defendants were acquitted because their trial luckily retained some meager remnants of reason. As court adjourned, a juror explained the verdict: "The prosecution admitted, day one, that they would present no evidence that any of the defendants committed any acts of violence or vandalism. From that point ... it was clear ... we would find everyone not guilty."

But even if every single defendant of the remaining 188 is acquitted over the next year, charges like those embedded in J20 can effectively intimidate anyone from going to an anti-government protest. They also point to the growing infatuation of the Trump administration with rulers like Erdoğan and Putin who deploy similar, usually worse, punishments for dissent.

In closing, three things:
1. Solidarity matters: between movements (keep up with Standing Rock, Black Lives Matter) and within cases (don't separate "good"/nonviolent from "bad"/violent defendants).
2. Never stop valuing independent media. Virtually no mainstream outlet reported J20 thoroughly. The *New York Times*, instead of covering the trial, ran a Style section article, "What to Wear to Smash the State." Whereas, a host of mostly independent outlets, including *Unicorn Riot*, *The Intercept*, *In These Times*, *The Nation*, *Democracy Now!*, the podcast *It's Going Down*, were timely and essential.
3. Happy New Year. Six down, 188 to go. Let's keep in touch.

7 Jan - Help for Jay Chase (NATO 3)

Jay is currently in segregation and is in need of some books.

MORE:
He recently moved from Pontiac to Dixon prison and has been in segregation for a bit. Please send him a few books if you can. Prisoners in Illinois can receive used books in the mail and Jay also has an amazon wish list at amazon.com/gp/registry/wishlist/1ZYU2MW7KDDON

Jay likes to read sci-fi, fantasy fiction and history. Segregation is very tough on anyone as you are confined to your cell at least 23 hours a day. Please show Jay some solidarity and support at this tough time.

8 Jan - ACLU Says New Jersey Prisons' Banning of "The New Jim Crow" Is Unconstitutional

At least two prisons in New Jersey have decided to ban Michelle Alexander's groundbreaking work on the rise of mass incarceration in America, "The New Jim Crow: Mass Incarceration in the Age of Colorblindness," according to a letter from the American Civil Liberties Union of New Jersey to the state's Department of Corrections.

MORE:
by Shaun King (*The Intercept*)
America's jails and prisons have long since banned and censored books that the institutions determined posed a material danger to the safety of inmates and employees. There is a logic, at least, to prohibiting how-to manuals on crafting homemade weapons or escaping confined spaces.

The ACLU of New Jersey initially received multiple complaints from incarcerated individuals and their family members concerning the book's ban. The civil liberties group then filed an Open Public Records Act request, the response to which, according to the letter, "indicated that New Jersey State Prison and Southern State Correctional Facility banned the book as a matter of policy."

The ACLU of New Jersey said the ban violated the Constitution.

"The ban on 'The New Jim Crow' violates the right to free speech enshrined in the First Amendment to the U.S. Constitution, and the correlative protection of Article 1, paragraph 6 of the New Jersey Constitution," ACLU attorneys Tess Borden and Alexander Shalom wrote to Gary Lanigan, commissioner of the New Jersey Department of Corrections.

The ban also points to some blood-boiling ironies.

"Michelle Alexander's book chronicles how people of color are not just locked in, but locked out of civic life, and New Jersey has exiled them even further by banning this text specifically for them," said ACLU-NJ Executive Director Amol Sinha in a statement. "The ratios and percentages of mass incarceration play out in terms of human lives. Keeping a book that examines a national tragedy out of the hands of the people mired within it adds insult to injury."

The ACLU shared a copy of the Department of Corrections' response to its public records request, which we are publishing exclusively here. The lists of banned publications go on and on — various books and magazines — and two prisons explicitly include "The New Jim Crow."

If you know even a little bit about the prison system in New Jersey, this ban is not even mildly surprising. In spite of reducing its overall prison population, New Jersey continues to lead the nation in the racial disparity between black and white inmates. While the disparity nationwide remains large, with African-Americans having a national average of a 5 to 1 incarceration rate to that of whites, in New Jersey the rate was more than double the national average, ballooning up to an outrageous 12 to 1 ratio. What that effectively means is that African-Americans make up less than 15 percent of New Jersey's overall population, but represent a staggering 60 percent of the state's prisoners.

These types of disparities don't happen by accident; it didn't happen as an afterthought. The disproportionality can't be simply chalked up to poverty. And that's exactly what Michelle Alexander sets out to explain in "The New Jim Crow." African-Americans dominate America's jails and prisons because a deliberate set of complex policies and practices. Often disguised as the war on drugs or even the war on poverty, these policies and practices are actually a war on black people. For instance, studies show that more white people, by both the overall rate and total numbers, sell drugs than African-Americans, but African-Americans are exponentially more likely to be arrested and sentenced for it.

The New Jersey Department of Corrections, New Jersey State Prison, and Southern State Correctional Facility did not return requests for comment by press time.

In their memo, the ACLU attorneys break down the unconstitutional nature of the ban very clearly:

In addressing prisoners' First Amendment rights, the U.S. Supreme Court has repeatedly clarified that "'[p]rison walls do not form a barrier separating prison inmates from the protections of the Constitution,' nor do they bar free citizens from exercising their own constitutional rights by reaching out to those on the 'inside.'" Because "The New Jim Crow" addresses corrections policy and other social and political issues of public concern, it "occupies the highest rung of the hierarchy of First Amendment values and is entitled to special protection."

"The banning of a particular book such as 'The New Jim Crow' — as compared, for example, to a ban on hardcovers — represents content-based censorship on publications," the ACLU attorneys wrote. "Such censorship is lawful only upon a showing that the prohibition is 'reasonably related to legitimate penological interests.' Moreover, 'a regulation cannot be sustained where the logical connection between the regulation and the asserted goal is so remote as to render the policy arbitrary or irrational,' or is an 'exaggerated response' to prison concerns in light of available alternatives. The DOC cannot show that the policy to ban 'The New Jim Crow' is reasonably related to a legitimate penological interest."

The lawyers pointed out that the ban may also violate state regulations enshrined in the New Jersey Administrative Code. They pointed out that books with information on drugs can be banned, according to the code, but only when that information "'is detrimental to the secure and orderly operation' of the prison. That cannot apply to a general discussion or critique of the War on Drugs." The ACLU attorneys went on:

Unless the DOC wishes to pretend it can only maintain security and order by depriving prisoners of educational, political, and historical information related to their very situation of incarceration, it cannot be said that this information harms the security or orderly operation of prisons. While "The New Jim Crow" is certainly disturbing and thought-provoking, it is so because of the shocking truth it reveals – the truth New Jersey's 12-to-1 racial disparity proves – not because it in any way incites violence, disorder, or similar behavior.

On January 16, New Jersey will inaugurate a Democratic governor, Phil Murphy, and its first African-American lieutenant governor, Sheila Oliver. Both campaigned on the promise that they would address and improve these very problems. The Department of Corrections could give them both a head-start by removing this outrageous ban on "The New Jim Crow."

9 Jan - The Spectacle of Terror: Entrapment and State Strategy

On the Friday before Christmas, "Breaking news alerts" came out on the 24-hour mainstream news cycle that a 26 year old Modesto, California man was arrested on a federal charge of providing material support to a foreign terrorist organization.

MORE:

by Anonymous (*It's Going Down*)

The alleged plan was a mass casualty attack on Pier 39, a ranking candidate for San Francisco's most well-known tourist trap. Pressed suits full of melodramatic reporters were on hand to remind everyone to stay safe and vigilant, more aptly to remind everyone of the set of vague and ill-defined external threats that are perpetually meant to keep a population, as any victim of abuse, in anxious compliance. Even the acting mayor of the city assured San Franciscans that "our way of life," would not be assuaged, and of course promised more police.

It's a story that ties up nicely and advances the ever growing paternal and nativist narrative about mysterious dangers that the new regime, in all its clumsiness, is alone equipped to protect us from. I was sitting in a laundromat just across the water from Pier 39 when the story broke, and what struck me instantly was how razor thin the shell game was. Even the highly publicized facts of this case say something bleak and concerning about the status of contemporary popular ideology, and the State's hunger to fuel paranoia and to target anyone who fits, even in the most tangential way, into a criminalized category.

Lay the order of events out chronologically, add a basic understanding of FBI counter-surveillance practice, what you have is not a story of domestic radicalization and terrorism. Rather, what emerges is a story of surveillance, thought policing, targeting, and media fear mongering. Our only goal in this short intervention is to expose that layer of the story that is still in the process of coming to light or being buried, and to raise important questions that are left strategically open in the story that is being told.

What We Know

- According to CNN and multiple AP and MSM news outlets, Everitt Aaron Jameson, a 26-year-old Muslim convert from Modesto, California became the subject of FBI interest in September. From CNN:

  "The FBI started watching Jameson in September after becoming aware of social media activity in which he "liked" or "loved" posts about terror attacks and ISIS, the affidavit said. Undercover employees of the FBI posed as supporters of ISIS and contacted Jameson, the affidavit said."
- The affidavit avoids a direct admission of this, but media sources confirm that the FBI initiated contact with Jameson. Agents were posing to be senior members of ISIS. The agent who ultimately met with Jameson in person (the only such meeting) identified himself as an immediate subordinate of ISIS leader Abu Bakr al Baghdadi. There was apparently no communication whatsoever between Jameson and any member of any foreign terrorist organization.
- Communications between undercover agents and Jameson throughout the Fall were vague at best. Jameson expresses his willingness to use or donate resources for "the cause," the meaning of which is never expressed in any of the communications in court record. He makes vague references to Western colonialism saying things like, "the kuffar (loosely translated to "unbeliever") deserve everything and more for the lives they've taken. He uses Arabic pejoratives like this against the US.
- What is being described as a "terror plot" in the media amounts to some vague suggestions that Jameson made in a single, in-person meeting with an undercover agent. He suggested a strategy in the broadest sense. Concrete plans were not reached. Relevantly however he indicated a willingness to die. We'll revisit this.
- Jameson attempted to back out of the alleged plot on what appear to be moral and conscientious grounds two days before his arrest saying, "I also don't think I can do this after all. I've reconsidered."

Jameson's Family Tells a Drastically Different Story

He and his father (a self-identified Pentecostal) would argue amiably about their respective religious beliefs. His father even quotes him as saying, "yeah Dad, we all believe in the same God."

Jameson's family, in conversation with the Modesto Bee, tell of Jameson as a distraught young man. He had lost his two young children to Child Protective Services after their mother Ashley was incarcerated. They divorced in 2016, and after a long battle with CPS Jameson once and for all lost custody of their children three months ago. Incidentally around the same time he became the target of a federal investigation.

His father reports that he was frequently suicidal. Authorities also confirmed that he was held on suicide watch when taken into custody. Despite struggling with depression, he maintained a close relationship with his family. He shared his difficulties with his father, and his religious convictions with many in his family. His faith even made him the subject of teasing. Days before his arrest Jameson and his father even attended a Raider game in Oakland.

Let's assume, for the sake of argument, the veracity of the facts presented in the court affidavit and in the subsequent media storm, brief though it was. Jameson is still far from a picture of a terrorist master mind. At worst a slightly unstable man, he likely saw himself as having little to lose. He was in a position highly vulnerable to the kind of manipulation that we know the FBI to be capable of. We also know that his suggestions of violence were loose, ill formed, and abstract. He assumed guidance and direction from the

FBI agents who were the actual architects of the alleged plot. Furthermore, and perhaps most importantly, when lofty fantasizing about violence started to feel like something real Jameson easily saw that this path was not for him.

No matter how the dots of this story connect, we are forced to recognize the shallow simplicity of seeing this man as a terrorist threat. Consider further how Islam is portrayed in the media. Consider what a white Muslim, with no family history or traditional relationship to the religion, in one of California's most conservative counties, might come to understand about the meaning of being Muslim. As we alluded above, his family jokingly nicknamed him ISIS. Consider how suggestible such a person might be to the perception of being sought from across the globe for service to his faith.

FBI Entrapment: The Public Strategy

This struck me as an extraordinarily obvious case of FBI entrapment. According to Federal guidelines (Section 645 of the US Attorney's Manual), entrapment takes place when one is A) induced to commit a crime by state officials, and B) one has no prior disposition to commit such a crime. No doubt Jameson's prosecutors will cite his hastily crafted suicide note as evidence of his predisposition, however observers must ask what would possibly have motivated him to any kind of fantasies of violence if not the interference of undercover agents. Moreover, and not to sound too conspiratorial or alarmist, speculating about one's internal attitudes with respect to violence, and punishing those with certain attitudes basically amounts to a case of thought policing.

The FBI's job, then, is not only to enforce the laws of white-supremacy and State hegemony at the federal level, and not only to maintain an increasingly robust surveillance state. It is also to construct and fabricate occasions to assert those laws, and beyond that to produce ideological ripples that are favorable to the consolidation of State power. In this case, it is the narrative of law and order that is central to both Trump's foreign and domestic policies.

Trump needs a dangerous phenomena of radical Islam, in order not only to justify his xenophobic rhetoric, but also his draconian border and immigration policies. Jameson, a white Muslim from middle America, is especially useful, because he can paint a picture of domestic recruitment and radicalization, despite the bald fact that the FBI was the only organization trying to recruit and "radicalize." More abstractly, and it's even borderline cliché to say at this point, but it is a tool of fascism to unify through fear. The common enemy phenomenon is incredibly powerful and useful, and for at least 16 years no term has conjured as much moral simplicity and aversion to nuance as "terrorism."

This is why state and local officials bandy about the idea of labeling 'Antifa' a terrorist organization. This is why the FBI uses new labels like "Black Identity Extremist" to push political antagonists toward this easily malleable category. This is why ELF and ALF defendants face years of enhancements under the Animal Enterprise Terrorism Act. This is why the FBI will spend untold time and resources manipulating and using a young confused and depressed Muslim from rural California with neither the capacity nor the will to make trouble for anyone. By whatever name, "terrorism" will always make headlines, always push consciousness in a predictable direction, always weaponize national trauma in an attempt to maintain docility, fear, and division.

This is a phenomena familiar to radical politics. COINTELPRO was not only a campaign to sew infighting within the Black Power Movement it was also a campaign to frame the public narrative around Black resistance, a harbinger of the state's recent moves to target and label "Black Identity Extremist" groups. Finally, as a further example of the phenomena, the FBI made a similar attempt to reframe the rhetoric around Occupy by coercing four young men (aka, the Cleveland 4) into an alleged plot to blow up a bridge. Not only did this result in decade long prison sentences for all four, but also a concerted effort to create public alarm about the popular mobilization and legitimize the sweeping repression to follow.

It is also ironic to point out, that at the same time that Jameson's story was breaking in the news, a DC police officer was in court after the FBI alleged that he had been helping supply ISIS with resources.

Ironically enough, the officer in question, Nicholas Young, was also a neo-Nazi, and had "SS" bolts tattooed on his arm. According to the FBI, Young was planning on bringing together the Alt-Right in the US with ISIS operatives, based around their shared hatred of Jews. Despite a clear connection to actually aiding ISIS and a desire to link them with the most violent threat to the American public: the far-Right, news of the trial, in which Young was found guilty, hardly made the same waves as Jameson's entrapment case. This in itself is incredible, as the Washington Post reported, Young is officially the "only U.S. police officer to ever face terrorism charges."

Is Everett Jameson a comrade? No, but he is far from a terrorist. He is the target of a state strategy that we are all too familiar with. As such, it is our responsibility to call bull shit, and as always do what we can to expose state power's despicable and violent ideological strategy.

9 Jan - New York Makes It Harder for Inmates to Get Books

***Update**: On Friday, January 12th, Governor Andrew Cuomo announced on Twitter, "I am directing the Dept. of Corrections to rescind its flawed pilot program that restricted shipment of books & care packages to inmates." A spokesperson for the New York State Department of Corrections and Community Supervision explained in a statement that the program would be suspended until concerns about "the price and availability of products under this program" could be addressed.*

MORE:
by Daniel A. Gross (*The New Yorker*)
This week, Christopher Garcia, a thirty-two-year-old who lives in Brooklyn, ordered a belated Christmas present for his father. He chose two books on Amazon: "The Grand Design," by Stephen Hawking, and "Reality Is Not What It Seems: The Journey to Quantum Gravity," by Carlo Rovelli, and sent them to the Shawangunk Correctional Facility, in Wallkill, New York. His father, Edwin, an avid reader of science fiction, was convicted of robbery in 1995. In the past year, Garcia has sent his father about ten books. They take a few extra days to reach their destination because of careful inspections. "Books are everything," Garcia told me. "My dad hasn't seen a smartphone—he doesn't have access to anything, beyond books."

Yesterday, Garcia learned that he will soon lose the ability to send his father books. This fall, New York correctional institutions plan to eliminate package delivery for inmates, with the exception of items ordered from a short list of approved prison venders. Six venders have been approved so far, among them Walkenhorst and J.L. Marcus, companies that sell items such as tennis shoes and electronics through mail-order catalogues; two more will be added soon. (The policy has already taken effect in a pilot program at three New York prisons: Greene, Green Haven, and Taconic.) The package ban applies not only to clothes, fresh food, and household items but also to reading materials, which has prompted critics to accuse the New York Department of Corrections and Community Supervision, or DOCCS, of censorship. Several observers pointed out that the initial five approved venders offered fewer than a hundred books for sale, two dozen of which are coloring books. "Why would they eliminate books?" Garcia asked. "It's bureaucracy clashing with humanity."

When I contacted the New York prison system for a comment, a DOCCS spokesperson, Tom Mailey, confirmed that, under the new policy, prisoners will lose access to new and used book shipments from unapproved mail catalogues and online retailers, as well as family members. He referred me to the acting commissioner of DOCCS, Anthony J. Annucci, who said in a phone interview that inmates "will continue to have the ability to buy books—from the venders." DOCCS recently approved a sixth vender, Music by Mail, which offers tens of thousands of titles. (The New York Public Library system, by comparison, has tens of millions.) Under Directive No. 4911A, Annucci added, prisoners will still have access to prison libraries and an interlibrary-loan program. Mailey suggested that friends and family members donate to prison libraries, by way of nonprofits such as Books Through Bars, instead of sending books to individual prisoners. In a statement, the New York chapter of Books Through Bars condemned the policy; one volunteer threatened a lawsuit if the directive is not rescinded.

I asked Michael Shane Hale, an inmate at Sing Sing serving fifty years to life for a murder conviction, how the new policy will affect him. “It’s already difficult to get books as it is,” he told me over the phone. “It’s almost like they’re barring books without actually having to bar them.” Hale is enrolled in a prison education program, and for a recent Chinese class he was expected to buy a textbook for sixty dollars. (A good wage in a New York prison is about twenty-five cents an hour.) Some of his professors require eight sources in the research papers they assign. Inmates do not have access to the Internet.

Hale learned about the new directive several months ago, in a memo circulated to prisoners. “In the memo they posted, they said it wouldn’t affect books,” he told me. He said that the package restrictions were later expanded. The prison library, which he described as crowded and understocked, can’t replace his current access to books, he said. “When you go to the general library, you’re basically competing for books with a thousand other people.”

Last March, when DOCCS announced its intention to switch over to private venders, it cited a range of reasons: “to maximize the availability of food and sundry packages,” “to have vendors offer a variety of items at competitive pricing,” and to maintain “high security” and “an efficient operation.” But Annucci told me that the decision was first and foremost about contraband—particularly, the smuggling of illegal drugs, such as heroin cut with fentanyl and synthetic marijuana. “It’s not just about getting high. Inmates are dying,” Annucci said.

Bianca Tylek, a prison advocate who founded the Corrections Accountability Project, questioned the effectiveness of restricting mail in the fight against illegal drugs. “Improving hiring, training, and oversight for staff would do far more to reduce the introduction of contraband than limiting prisoner packages,” she told me.

Annucci acknowledged that, at times, prison staff have helped smuggle contraband into prisons. He told me, “The majority of staff are honest; they do a good job. But some number of a workforce of twenty-nine thousand will compromise themselves. And I want to send the strongest possible message of deterrence, to catch them, hold them fully accountable, and criminally prosecute them when warranted.” Tom Mailey, the DOCCS spokesperson, said that he does not keep statistics on contraband found in books, but described a sixty-four-per-cent increase in package-room contraband between 2013 and 2017.

The restrictions on prisoners’ book purchases could nonetheless leave DOCCS vulnerable to lawsuits. “If they actually persist in this policy, I suspect it’s only a matter of time before they are sued and the policy is found to be unconstitutional,” Paul Wright, who founded Prison Legal News during a seventeen-year stint in prison, told me. Prisons can legally contract with private venders, but they must uphold the First Amendment right to free speech. “Books are protected by the Constitution, while tennis shoes aren’t,” Wright said. Annucci seemed unconcerned. “If I were afraid of getting sued, then I’m in the wrong line of work, because people sue me all the time,” he said. “This is not at all an infringement on anyone’s First Amendment rights.”

Many prison systems have reversed similar policies in response to public outcry, Wright noted—just yesterday, a ban in New Jersey prisons on the book “The New Jim Crow,” by Michelle Alexander, was lifted after the A.C.L.U. of New Jersey wrote to the state’s corrections commissioner, Gary M. Lanigan. “This is a pilot program,” Annucci said. “We are doing it so we can learn, and we can see if any adjustments are necessary.” But, according to Wright, states often have powerful financial incentives, in the form of staff reductions or “kickbacks,” to partner with prison contractors. DOCCS said that it does not receive commissions from venders, although this directive does reduce the labor required to process packages.

Robert Rose, a Sing Sing inmate who is serving twenty-five years to life for murder, said that a family member recently sent him “Anger,” by the Vietnamese Buddhist Thich Nhat Hanh, purchased on Amazon. The Web site allows Rose’s family to order books for him and send him the bill, which he can then pay for through his prison disbursement account. In response to questions I sent him through Bianca Tylek, he told

me, “I usually take a few hours a day to read.” Rose is allowed to keep a maximum of twenty-five books in his cell, and likes to sit on his bed and read when his unit is quiet, either early in the morning or late at night. Books help reconnect him to society, he said. He just finished “Design Your Life: How to Build a Well-Lived, Joyful Life,” by Bill Burnett and Dave Evans, a 2016 book that is supposed to prepare readers for making decisions in their education and career. Rose had a different goal. “I was using it to prepare for release,” he said.

11 Jan - Movement Against Prison Slavery Ramps Up With Operation PUSH In Florida

Movement Against Prison Slavery Ramps Up With Operation PUSH In Florida

MORE:
by Brian Sonenstein (*Shadowproof*)
Organizers believe thousands across eight prisons will wage economic protest beginning January 15, Martin Luther King Jr. Day. For no less than one month, they will refuse to work in the kitchen, the laundry, on farms, in maintenance, or in other jobs upon which the prisons depend to function. They will boycott products and services, forgo phone calls and the canteen, and engage in other activities to disrupt the prison economy.

One incarcerated organizer said the goal is to “get what we deserve from our government.” Due to the high risk of retaliation for organizing Operation PUSH, this prisoner spoke anonymously and will be henceforth referred to as “John.”

“They use word-play and deceive the public about what really goes inside the system,” John said. “We want to expose those things, as well as make changes that will benefit us as inmates and also society at large.”

A manifesto for Operation PUSH declares they will not stop until the “injustice we see facing prisoners within the Florida system is resolved.”

There are three core demands: fair monetary compensation for prison labor, an end to price gouging against prisoners and their families, and parole incentives for those with life sentences or parole dates in the distant future (known as ‘Buck Rogers time’).

“Our goal is to make the Governor realize that it will cost the state of Florida millions of dollars daily to contract outside companies to come and cook, clean, and handle the maintenance,” the manifesto explains. “This will cause a total BREAK DOWN.”

There is also a strong environmental component to the action because of the intersection of labor, punishment, and the environment that exists within Florida prisons.

Operation PUSH is the latest resistance in a long movement against prison slavery in America. This movement has experienced a second wind since September 2016, when incarcerated people coordinated a massive labor strike for the 45th anniversary of the Attica rebellion. The experience of these uprisings and the violent response to them by prison officials guided Florida organizers as they planned Operation PUSH.

“I joined this action because I have been subject to the system and I see all the flaws and I see all people being destroyed from the lack of knowledge, a lack of opportunity,” John said. “I want to organize for change so that I can help to do whatever I can.”

The Demands

The first demand of Operation PUSH is to end prison slavery. Prisoners want to be compensated with money for their labor, not with "gain time" or time off their sentences. They want to earn a fair wage. This would allow them to support themselves while inside and let them save money in preparation for their release.

"If I were living in a neighborhood and someone were coming home from a situation like this, after spending 10, 15, 20 years in the system, I'd rather that person come home educated with a couple dollars in their pockets," John said. "I think that would be helpful for society, instead of creating a revolving door where you lock people up and just set them up for failure so that they keep coming back to the prison."

According to documents obtained by the Prison Policy Initiative, Florida prisoners earn between $0-50 per month depending on the work. Most of the jobs related to the prison's basic functioning are unpaid. "Industry jobs" pay $0.20 to $0.55 per hour and are provided as "inmate training" by a company called the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

In fiscal year 2016-17, the Florida Department of Corrections (FLDOC) reported prisoners work over 400,000 hours growing fruit and vegetables, and grow "millions of pounds of fresh vegetables each year which are planted, tended, harvested, and consumed by the inmate population." Prisoners produce over 6.3 million pounds of fresh produce valued in excess of $3.1 million.

While pay is low-to-nonexistent, the cost of living in prison is high and quickly consumes their meager wages. For example, phone rates within FLDOC are $.04 per minute locally and $.14 per minute for prepaid and collect calls. A prisoner earning $0.20 per hour would have to work six hours to afford a 30 minute local phone call, notwithstanding their other living expenses.

"This whole entire operation is run by inmates on the inside," John said. "We do the upkeep, we do the maintenance, we do the painting. By sitting down and refusing to work, these officials will have to find some replacement to do those jobs."

Prisoners are sent to labor without pay on the outside as well, including for government agencies and non-profit organizations. They also work in jobs that are difficult and dangerous.

Increasingly, prisoners are tapped as a free workforce for cleaning up natural disasters. In Florida, they worked without pay to clean up Hurricane Irma. These workers are not covered by the same labor protections as those on the outside, and some health and safety groups argue this work can be more deadly than the storms themselves.

Haitian prisoners in the Florida system, who wrote a letter expressing solidarity with the action, pointed out how immigrant labor is exploited under this arrangement. "There are so many Haitians, Jamaican, and Latinos in the [FLDOC] serving sentences that exceed life expectancy and/or life sentences, who are not being deported. They use all immigrants, for free Labor and then deport them."

"Why flood the system with immigrants waiting to be deported after serving their entire sentence? Because of the benefit. The undeniable truth is Florida prisoners are slaves who work and do not get paid," they wrote.

John said the action will hopefully force FLDOC to take them seriously. "By law they have to feed us so they're going to have to find people to cook and serve the food. And everyday that we sit down, we'll affect the budget for next year," he said.

The second demand is to end "outrageous canteen prices." The canteen is where prisoners purchase hygiene products, food to supplement their inadequate and unpalatable meals, and other items.

Operation PUSH calls for the canteen to stop price gouging prisoners and sell items at their market value. In one example from the manifesto, prisoners point out that while a package of soups on the street is $4, it's $17 on the inside.

"It's not just us they're taking from," the manifesto argues. "It's our families who struggle to make ends meet and send us money. They are the real victims that the state of Florida is taking advantage of."

Canteens in Florida are operated by the Keefe Group, which is part of a $1.6 billion market. After an acquisition by another commissary giant, Trinity Services Group, the company's annual revenues are expected to reach nearly $900 million.

The third demand is for parole incentives for people facing life sentences and or with release dates far in the future, which could help drive people into rehabilitative and educational programs that are required for parole.

It is tied to the demand for fair pay because of its importance to transitioning back to society. For example, someone serving a 10-year sentence may lose "all family support."

"Money stops, the letters stop. He finds himself supporting himself the best way he can. In short, the system robbed him of ten years of labor. He has nothing to show for it so now even if he does his ten year bid with no probation or parole, he's still a convicted felon, and finding a job is very difficult."

The Environment

Outside of their core demands, organizers call for an end to "overcrowding and acts of brutality committed by officers throughout [FLDOC] which have resulted in the highest death rates in prison history."

Organizers want Florida to "honor the moratorium on state executions, as a court ordered the state to do, without the legal loophole now being used to kill prisoners on death row." They also want to have their voting rights restored "as a basic human right to all, not a privilege, regardless of criminal convictions."

Operation PUSH intends to "expose the environmental conditions we face, like extreme temperatures, mold, contaminated water, and being placed next to toxic sites such as landfills, military bases and phosphate mines (including a proposed mine which would surround the Reception and Medical Center prison in Lake Butler)."

This is why Fight Toxic Prisons (FTP), a prisoner advocacy group focused on the intersection of prisons and the environment, is one of the groups on the outside leading the charge.

FTP organizer Panagioti Tsolkas told *Shadowproof* there is "an abundance of under-reported issues where prisoners were affected by environmental issues as well as prisons themselves affecting the surrounding environment."

Those incarcerated in Florida's coastal prisons and jails have had to live with and labor through the environmental dangers associated with climate change, like sea level rise, extreme heat, poor water quality, and devastating natural disasters such as hurricanes.

"There's a symbolism to that really; that prisoners are viewed as almost like a subhuman class," Tsolkas said. "They're not granted the same basic constitutional rights, slavery being the most extreme and the most obvious, but also their voting rights and basic First Amendment protections. As people outside of the prison, we tend to think those are basic things that define our standard of equality and justice and human rights."

“When you strip people of those rights, it becomes a lot easier to then exploit them and use them in this way, doing labor that maybe other people don’t want to do or people don’t want to pay for having done,” he said.

“When you look at the task of attempting to mitigate [the damage of living in an industrialized society] and you pass it off to people in prisons, it actually has a very similar role as [to] what happens in the sweatshop on the other side of the U.S.-Mexico border or across the world in factory sweatshop conditions. People want to be able to ignore or not have to see or think about that. And prisoners very much fall into that category in a similar way as sweatshop workers and immigrant communities. They’re just this invisible population.”

“I think when we have the opportunity to make them visible and to get people thinking and considering the humanity of these people and the fact that they are friends and relatives and neighbors to all of us, that also has an environmental implication because it makes it more difficult to excuse exposing them to toxic conditions when you see yourself reflected in that person. And I think as such it changes the willingness to accept that level of contamination generally because you have to think what if that was me or someone that I love who was having to do that.”

FTP helped amplify the call for the September 2016 prison strike in Florida by working on mailings with other groups in which they shared their analysis on the intersection of prisons and the environment. Their correspondence with prisoners raised other environmental concerns that overlapped with the overpopulation and abuse that is rampant in Florida’s prison system.

FTP is engaging prisoners about air and water pollution and their health regarding a new phosphate mine proposed in the so-called “prison belt” across northern Florida, where there is a high concentration of prisons. “It’s a rural area so it’s three thousand people a quarter mile from the proposed phosphate mine. [The prisoners are] actually the largest population of people in the immediate vicinity of the proposed mine,” Tsolkas said.

“So in a way, the prisoners had a lot at stake and are definitely one of the frontline communities that will be impacted health-wise. We decided it was a good place to show people these concerns that we have around water and air quality, these environmental issues, don’t just affect us on the outside but also affect prisoners. And in a way, prisoners have a pretty central role in potentially challenging this sort of mining operation as well, because the state is responsible for their health care and well-being.”

FTP has worked with prisoners to challenge the mine as it goes into a permitting process. “We just did a big mailing to prisoners and encouraged them to submit comments to the permitting agency,” he said. “And we also, at the same time, let them know about the Operation PUSH call for prison strike. We’ve been doing that organizing simultaneously, along with the Incarcerated Workers Organizing Committee.”

The Risk

Prison organizing always comes with tremendous risk. Prisoners can face new charges and prolonged sentences.

Entire units may be punished collectively and placed on lockdown. They may be placed in solitary confinement or brutalized by guards. They may face restrictions on phone and email communication, recreation, and their participation in various programs and education opportunities. They may be transferred to other facilities and held incommunicado in the process.

In responding to resistance, officials follow a pattern. The uprisings are always called riots, a word that carries connotations that are meant to scare the public and lend legitimacy to their efforts to crack down hard on prisoners. Any violence or destruction of property is played up to overshadow prisoner demands and the conditions they face.

Access to information is severely limited and the media speaks only to law enforcement, who then control the narrative about what is happening inside. The perspectives of prisoners and any family members or supporters on the outside are excluded. The uprisings are attributed to corrections departments not having the staff and security technology they say they need, beckoning legislators to give the department more money.

The last two years of prison resistance created an expectation among those on the inside and outside that prison officials will respond to Operation PUSH in a similar manner, and this has influenced their strategy.

“[Operation PUSH participants] know what they’re dealing with,” said Karen Smith, an outside organizer with the Gainesville chapter of the Incarcerated Workers Organizing Committee (IWOC). “It’s a real movement and these are real legitimate issues, and there is evidence to back it up.”

“If [prison officials] continually choose to respond with force and talk about heightened security staffing, it’s an ineffective response,” she argued.

“The fact that the mainstream is no longer buying that story in a lot of ways is important. All of these issues point to the solution being less prisoners and not more guards.”

Vague and conflicting reports about pre-emptive retaliation have surfaced ahead of the strike.

Some organizers are unsure if repressive acts are in response to Operation PUSH or if they are part of the abuse that inspired the action in the first place. Others have said prison officials targeted alleged organizers, throwing them in solitary confinement and transferring them to other prisons. Incarcerated people who aren’t participating in Operation PUSH are said to have been punished by officials as well.

Publicly, FLDOC has remained silent on the protest. Michelle Glady, spokeswoman for the Florida Department of Corrections, told the Miami Herald simply that the department will “continue to ensure the safe operation of our correctional institutions.”

Outside Organizing

Operation PUSH organizers believe strong support from the outside is critical to the actions success.

“The voice on the outside has to be very loud,” John said. “We need to shine a light from the outside in on the system. For us, trying to yell between the gaps in the fence to people in the outside is not going to be beneficial because then we’ll be taken advantage of by these officials. But if there’s enough light shining on the situation then they won’t be able to do certain things and get away with them.”

“When we have rallies outside the prison, when we have media support, when it’s being mentioned on the radio and mainstream programs, then it creates an environment that keeps [prison officials] honest, because now the eye is on them, the public eye.”

IWOC Gainesville and FTP are organizing phone calls to the DOC in solidarity with striking prisoners. They’re also planning protests outside of prisons and are raising money to distribute literature to people on the inside.

Smith said they are working with attorneys to map out the legal dimensions of the action, figuring out how far prisoners can go and “what their rights look like as far as nonviolent protests, as far as boycotts go and refusal to work.”

They are looking for lawyers or paralegals that are wiling to draft and send letters to specific prisons, wardens, or regional administrators, “just to kind of say, Hey! We’re out here, we’re watching, there’s eyes on you. That has such an affect, especially here in Florida,” she said.

Additionally, organizers have set up a hotline for Operation PUSH (850-895-1505) for prisoners and their families to report resistance and retaliation within prison system. This will help organizers track actions and respond to them with support.

Movement Legacy

Smith said Operation PUSH wouldn’t have “the momentum that it’s gained, or the clarity that it has, without all the previous prison organizing that’s been going on and is going on.” She pointed to the efforts of the Free Alabama Movement, Jailhouse Lawyer Speak, and other groups and actions that have fought prison slavery in recent years.

Literature has played an important role in movement building in Florida. “Some of the stuff that Free Alabama has put out and certain authors, specifically like [Kevin “Rashid” Johnson] and Bennu Hannibal Ra-Sun, Malik Washington—those are people that have been loud voices in this movement and have provided clear analysis and strategies that weren’t available to Florida prisoners as an example of what can be done and a clear plan for moving forward.”

She said when IWOC established connections in Florida after the September 2016 uprisings, literature was the number one request from prisoners. “They didn’t have anything to work with,” she explained. “I think having those voices and having those materials to use for organizing is crucial and has made it possible in that respect.”

Smith said the visibility of America’s growing abolitionist movement hardened the resolve of those organizing on the inside. “Knowing that there is an outside support base that was maybe quiet a few years ago or didn’t exist, is something that has made this possible. Prisoners have continuously voiced that they can’t build unity on the inside behind this movement without evidence of support on the outside.”

This solidarity continues to grow. “We had a woman, a congressional candidate from south Florida, Stephanie Anderson, reach out to endorse the strike,” Smith said. Teachers have reached out looking for how to get their students involved writing legislators or sending letters of support to prisoners.

Operation PUSH’s strategy of nonviolence is the product of organizers reflecting on recent uprisings. John said this is because “we don’t want to put ourselves in a position where officers are required to use brute force and give them an excuse to give to the public why they used it.”

He said it’s an approach that “has been done before and has been told before,” pointing to the bus and Christmas boycotts organized by Martin Luther King, Jr. in the 1960s. “It’s an economical strike, and we just intend to affect the budget as much as we can next year,” he explained.

Despite the enormous and demonstrated risk, incarcerated people in Florida and other states continue to organize. It’s a clear sign of what is at stake and the movement’s momentum.

“I don’t think it has to be fatalistic but it does have to be taken seriously that if we don’t change the current condition of the prison system, it can really be a precursor of the social and environmental disaster that we’re staring in the face right now,” Tsolkas said. “A change in the prison system could indicate the potential for fundamental change in this society.”

“Millions of people have seen the bottom and the worst that this society has to offer. I think they could really help the process of rebuilding society and changing it to the way that it needs to be if we’re going to survive another century.”

11 Jan - DRAD and NLG File FOIA, Seek Exposure of Infiltration into Inauguration Protests by Law Enforcement and Collusion with Far-Right Groups

Defending Rights and Dissent (DRAD) and the National Lawyers Guild (NLG) have once again teamed up to seek information about the Metropolitan Police Department's (MPD) conduct during Inauguration protests.

MORE:
Earlier today, the two groups filed a Freedom of Information Act (FOIA) request seeking information about the infiltration of protest group DisruptJ20 by MPD, as well as the extent of MPD cooperation with non-law enforcement third parties like Project Veritas.

During the first criminal trials stemming from the J20 protests, Officer Bryan Adelmeyer testified in open court about MPD's infiltration of protest planning meetings. He also confirmed in testimony that Project Veritas, an ultraconservative and widely discredited organization, did the same. Prosecutors played video footage for the jury during trial that was taken by a member of Project Veritas using a hidden button-camera. Ultimately all six defendants were acquitted by the jury; 188 defendants from the inauguration protests are still awaiting trial.

"MPD's dragnet of J20 protesters apparently includes video obtained by white supremacists who infiltrated groups planning protected First Amendment activities," said Maggie Ellinger-Locke, Executive Vice President of the NLG. "We call on the U.S. Attorney to put an end to this practice by dismissing all remaining charges against the 188 other J20 defendants."

As explained in the FOIA request, MPD must comply with the "Police Investigations Concerning First Amendment Activities Act of 2004." When asked at trial (and under oath) about his compliance with key components of this Act such as the requirement to obtain written authorization before infiltrating political groups, Officer Adelmeyer responded that he could not recall. The extent of Officer Adelmeyer's directive was to "study the concerns and issues that are paramount within the anti-establishment community."

"It is entirely inappropriate for the MPD to deem certain views 'anti-establishment' and then gather information on them. Political activism is not a crime and police infiltration of activist groups chills speech and deters political participation, which is why the City Council has explicitly imposed statutory restrictions on investigations of First Amendment protected activity. Officer Adelmeyer's testimony raises serious questions about whether the MPD is following those restrictions and if they are relying on third parties, who have their own political goals, to evade these prohibitions," said Chip Gibbons, Policy and Legislative Counsel for DRAD.

The FOIA seeks all unredacted videos, notes, training materials, and other records concerning MPD's infiltration of DisruptJ20 and its collaboration with far-right organizations, including Project Veritas, Oath Keepers, The Rebel Media, and Media Research Center.

20 Jan - Film Screening and benefit for #J20: Antifa by Global Uprisings

WHAT: Benefit
WHEN: 6:00-9:00pm, Saturday, January 20th
WHERE: Paper Tiger Television - 168 Canal Street, NYC 10013
COST: FREE, but donations are appreciated

MORE:
Since the election of Donald Trump, acts of racist violence have proliferated across the United States. Racists and misogynists feel emboldened to express and act on their views. White nationalist groups and resurgent traditional white supremacist groups such as the Ku Klux Klan have used Trumps victory to gain new recruits. All that stands in their way are the groups of anarchists and anti-state communists who have

taken it upon themselves to prevent fascism from becoming a powerful political force in the United States. This film tells the story of what “Antifa" is and why people are using these tactics to confront racism and fascism in the US today.

Who are the anti-fascists? What motivates them to risk their lives to fight the far right? What is the history of militant anti-fascism and why is it relevant again today? How is anti-fascism connected to a larger political vision that can stop the rise of fascism and offer us visions of a future worth fighting for? Through interviews with anti-fascist organizers, historians, and political theorists in the US and Germany, we explore the broader meaning of this political moment while taking the viewer to the scene of street battles from Washington to Berkeley and Charlottesville.

27 Jan - Malcolm X Commemoration Committee 22nd Annual Dinner Tribute to PPOWs

WHAT: Dinner Tribute
WHEN: 3:00-7:00pm, Saturday, January 27th
WHERE: Unitarian Church of All Souls - 1157 Lexington Avenue NYC 10075
COST: $40 for advance reservations and $45 at the door

MORE:
The Malcolm X Commemoration Committee is pleased to announce its 2018 annual Dinner Tribute to the Families of our PPOWs. This is a tradition started twenty-two years ago by Iyaluua Ferguson, wife, comrade and life partnerof our late co-founder and Chairman Emeritus, Herman Ferguson.

All proceeds go to the commissary accounts of the PP/POWs represented at the Dinner.

This year’s tribute to the families of our PPOWs is co-sponsored by the National Alumni Association of the Black Panther Party (NAABPP) with the theme, "HONORING THOSE WHO SPREAD THE WORD: Our Revolutionary Griots."

Along with paying Tribute to our captured Freedom Fighters and their Families, we will also honor a few Movement media voices – Nayaba Arinde, editor of New York City's *Amsterdam News*; Sally O'Brien, radio co-host/producer of WBAI's “Where We Live;” Basir Mchawi, host of WBAI's “Education at the Crossroads;” Solwazi Afi Olusola, DARA: Ancestral Beauty Photography; and Ngoma, artist, poet, and musician extraordinaire. These folks have collectively kept the community informed and enlightened about our PPOWs and their families as they've struggled against a criminally unjust legal and prison system.

Invited to perform are radical poet/singer Amina Baraka, accompanied by the Red Microphone, and Shelly, a phenomenal spoken word artist.

For two decades and counting, it has been freedom-loving folk like you who have helped carry this dinner tribute forward. We count on your continued commitment and support as we all carry our captured freedom fighters and their families forward.

If you are not able to attend please make a donation at paypal.me/PPOWs