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Updates for February 19th

30 Jan - Documents Show Police Using Private Security Firms to Target Anti-Pipeline Organizers Fighting Line 3 Project

Minnesota police, according to records obtained by The Intercept, have spent more than a year gearing up for a militarized standoff with those opposed to Enbridge's Line 3 tar sands pipeline, even borrowing from the playbook of North Dakota law enforcement, which launched a brutal response to the Indigenous-led demonstrations against the Dakota Access pipeline in 2016.

MORE:

by Jessica Corbett (*Common Dreams*)

The documents detail preparations for what Minnesota police expect could compare to the massive anti-pipeline mobilization at Standing Rock Sioux reservation in North Dakota, where law enforcement unleashed concussion grenades, rubber bullets, tear gas, and water cannons on protesters.

The Line 3 project, which Calgary-based Enbridge says is its largest ever, would replace a cracked and corroded crude oil pipeline installed in the 1960s with a 1,031-mile pipeline that would run from Canada's Alberta tar sands to a Wisconsin shipping hub. If constructed, it would cut through Native American reservations and treaty lands in Northern Minnesota, jeopardizing fresh water resources and wild rice beds that local Indigenous peoples consider their "primary economic, nutritional, and cultural resource."

As *The Intercept* outlines,

In 2017, Enbridge began construction on the tiny portion of Line 3 that cuts into Wisconsin. Local police reports describe two security firms, Raven Executive and Security Services and Securitas, keeping tabs on protesters and reporting their activities to law enforcement. It was the protests in Wisconsin that sparked the multi-state coordination led by Minnesota. The state's fusion center developed a reputation as "the keepers of information for the Enbridge protests," as one sheriff's analyst put it, receiving information on Line 3 opponents from police departments in at least three states. While fusion centers were originally established to facilitate counterterrorism intelligence-sharing, they have increasingly played a role in monitoring, interpreting, and criminalizing political activity.

State officials claim the fusion center monitors protesters to prevent crime and violence, but SUNY Cortland sociology professor Brendan McQuade, who is writing a book on fusion centers, described the activities revealed in the records as part of a broader, alarming trend.

"What the police aren't mentioning is that people will likely be living lives of terror and privation by the end of the century due to climate change, and it's these battles right now that will decide whether that happens," he noted. "Instead, they are casting even entirely nonviolent actions as threats to so-called critical infrastructure."

One Line 3 opponent, Honor the Earth executive director Winona LaDuke, was reported to the fusion center because she was suspected of owning property that may be used to house protesters. "I don't understand why I'm being looked at as a criminal when a corporation is proposing to destroy my water," she said. "I am not a criminal, I am a water protector."

Attorney Tara Houska, a member of the Ojibwe from the Couchiching First Nation and the national campaigns director of Honor the Earth, is another key organizer against Line 3.

"It's clear that Enbridge is doing everything they can to have a very highly skilled force of security and law enforcement at their fingertips to do what they can to stop any resistance to Line 3," Houska, who also took

part in the struggle at Standing Rock, told *The Intercept*. "And if anything, it seems like what they're doing is much more coordinated than what we saw in North Dakota."

Houska was among the Line 3 opponents who recently met with Sen. Bernie Sanders (I-Vt.) in Washington, D.C. to discuss the serious threats the project poses to treaty territories.

1 Feb - Revealed: FBI investigated civil rights group as 'terrorism' threat and viewed KKK as victims

Bureau spied on California activists, citing potential 'conspiracy' against the 'rights' of neo-Nazis

MORE:

by Sam Levin (The Guardian)

The FBI opened a "domestic terrorism" investigation into a civil rights group in California, labeling the activists "extremists" after they protested against neo-Nazis in 2016, new documents reveal.

Federal authorities ran a surveillance operation on By Any Means Necessary (BAMN), spying on the leftist group's movements in an inquiry that came after one of BAMN's members was stabbed at the white supremacist rally, according to documents obtained by the Guardian. The FBI's BAMN files reveal:

- The FBI investigated BAMN for potential "conspiracy" against the "rights" of the "Ku Klux Klan" and white supremacists.
- The FBI considered the KKK as victims and the leftist protesters as potential terror threats, and downplayed the threats of the Klan, writing: "The KKK consisted of members that some perceived to be supportive of a white supremacist agenda."
- The FBI's monitoring included in-person surveillance, and the agency cited BAMN's advocacy against "rape and sexual assault" and "police brutality" as evidence in the terrorism inquiry.

The FBI's 46-page report on BAMN, obtained by the government transparency non-profit Property of the People through a records request, presented an "astonishing" description of the KKK, said Mike German, a former FBI agent and far-right expert who reviewed the documents for the Guardian.

The report ignored "100 years of Klan terrorism that has killed thousands of Americans and continues using violence right up to the present day", German said. "This description of the KKK should be an embarrassment to FBI leadership."

Shanta Driver, BAMN's national chair, criticized the investigation in a statement to the Guardian, saying, "The FBI's interest in BAMN is part of a long-standing policy ... Starting with their campaign to persecute and slander Dr. Martin Luther King, they have a racist history of targeting peaceful civil rights and anti-racist organizations, while doing nothing to prosecute the racists and fascists who attacked Dr. King and the movement he built."

The FBI launched its terrorism investigation and surveillance of BAMN after white supremacists armed with knives faced off with hundreds of counter-protesters, including BAMN activists, at a June 2016 neo-Nazi rally in Sacramento. Although numerous neo-Nazis were suspected of stabbing at least seven anti-fascists in the melee, leaving some with life-threatening injuries, the FBI chose to launch an inquiry into the activities of the leftwing protesters.

The documents, though heavily redacted, did not include any conclusions from the FBI that BAMN violated laws or posed a continuing threat. Its members have not faced federal prosecution. The FBI declined to comment on BAMN.

“It’s clear the FBI dropped the investigation having no evidence of wrongdoing. It never should have been opened in the first place,” Driver said.

The 2016 rally was organized by two white supremacist groups: the Traditionalist Worker party (TWP) and an affiliated California entity, the Golden State Skinheads. California law enforcement subsequently worked with the neo-Nazis to identify counter-protesters, pursued charges against stabbing victims and other anti-fascists, and decided not to prosecute any men on the far-right for the stabbings.

The FBI appeared to have adopted a similar approach. In a redacted October 2016 document, the FBI labeled its BAMN investigation a “DT [domestic terrorism] – ANARCHIST EXTREMISM” case. The FBI’s San Francisco office wrote that it was investigating allegations that “members of BAMN attended a Ku Klux Klan rally and assaulted a Nazi supporter”. It summarized the Sacramento incident this way: *In 2016, law enforcement learned that the Ku Klux Klan would be holding a rally at the State Capitol Building ... The KKK consisted of members that some perceived to be supportive of a white supremacist agenda. In response, a number of groups mobilized to protest the rally. Flyers were posted asking people to attend to shut down the rally.*

The KKK and Traditionalist Worker party have similar ideologies but are distinct groups. It’s unclear why the FBI labeled the rally a KKK event.

The FBI’s report also appeared to obfuscate details about the political affiliations of stabbing perpetrators and victims, saying: “Several people were stabbed and hospitalized.” That’s despite the fact that California police investigators reported that neo-Nazis were seen on camera holding knives and fighting with counter-protesters (who suffered severe stab wounds).

The FBI file said its research into BAMN found that the group “lawfully exercised their First Amendment rights by engaging in peaceful protests”, but added that its “members engaged in other activity by refusing to disperse, trespassing in closed buildings, obstructing law enforcement, and shouting during and interrupting public meetings so that the meetings could not continue”.

BAMN has long advocated for racial justice and immigrants’ rights, frequently protesting at public events and organizing rallies.

The FBI report said it was “possible the actions of certain BAMN members may exceed the boundaries of protected activity and could constitute a violation of federal law”.

The “potential violations of federal law”, the FBI said, included “conspiracy against rights” and “riots”. The FBI cited BAMN’s website, which encouraged supporters to protest against the KKK, featured slogans like “SMASH FASCISM!” and “NO ‘FREE SPEECH’ FOR FASCISTS!”, and celebrated the “mass, militant demonstration” that “shut down” the neo-Nazi rally. The FBI also included screenshots of BAMN pages that referenced a number of the group’s other advocacy issues, including campaigns against “rape and sexual assault” and “police brutality”.

The FBI files further included mentions of Yvette Felarca, a BAMN member who was stabbed at the rally, but is now facing state charges of assault and rioting. (Her lawyers have argued in court that the police investigators and prosecutors were biased against anti-fascists and worked to protect neo-Nazis).

Driver, who is also Felarca’s attorney, said the FBI should have mentioned that Felarca was “stabbed and bludgeoned by a fascist in Sacramento”. She added: “Instead of finding the person who assaulted anti-racist

protesters, the FBI chose to target BAMN, which by their own admission holds demonstrations that are protected by the First Amendment.”

The bureau’s justifications of the investigation and surveillance were disturbing, said Ryan Shapiro, executive director of Property of the People. “The FBI discovered that these protesters once shouted at a meeting and somehow that evidence was mobilized to support a full-fledged terrorism investigation,” he noted.

In November 2016, the FBI engaged in surveillance of a protest outside the Berkeley school district, according to the BAMN files. Due to the redactions, it’s unclear whom the FBI was watching, though the report noted that the FBI observed “several children ... sitting outside ... with signs next to them”.

The FBI report said its investigation and surveillance were not “intended to associate the protected activity with criminality or a threat to national security, or to infer that such protected activity itself violates federal law”. The report continued:

However, based on known intelligence and/or specific, historical observations, it is possible the protected activity could invite a violent reaction towards the subject individuals or groups, or the activity could be used as a means to target law enforcement. In the event no violent reaction occurs, FBI policy and federal law dictates that no further record be made of the protected activity.

Property of the People’s records requests broadly sought FBI documents on anti-fascists. The FBI did not release additional BAMN records beyond 2016.

The FBI’s insinuation that BAMN’s actions could provoke violence was odd, said German, the former FBI agent, who is now a Brennan Center fellow. He noted that it was white supremacists “who have used this tactic for decades” and said the violent provocations of rightwing groups were well known when he worked on domestic terrorism for the FBI in the 1990s. The BAMN report, he said, gave the “appearance of favoritism toward one of the oldest and most active terrorist groups in history.”

He added that the report should have made clear that the “KKK consists of members who have a bloody history of racial and antisemitic violence and intimidation and is known for staging public spectacles for the specific purpose of inciting imminent violence”.

Asked whether the BAMN investigation was ongoing and whether the FBI had opened any equivalent inquiry into the neo-Nazis in California, an FBI spokesperson said the bureau does not confirm or deny the existence of specific investigations. “We cannot initiate an investigation based solely on an individual’s race, ethnicity, natural origin, religion, or the exercise of First Amendment rights,” the FBI said in a statement. “The FBI does not and will not police ideology.”

The bureau “investigates activity which may constitute a federal crime or pose a threat to national security”, the statement added.

The BAMN case follows numerous recent controversies surrounding the FBI’s targeting of leftist groups, including a terrorism investigation into Standing Rock activists, surveillance of black activists, and spying on peaceful climate change protesters.

The justice department inspector general previously criticized the FBI for using non-violent civil disobedience and speculation of future crimes to justify terrorism investigations against domestic advocacy groups, German noted, adding that the BAMN files suggest the FBI “seems to have learned nothing from these previous overreaches”.

Even knowing the FBI's legacy of going after activists, the report was still shocking, said Shapiro.

"A bunch of anti-fascists showed up at a Nazi rally and were attacked by Nazis, and the response from the bureau was to launch a domestic terrorism investigation into the anti-fascists," he said. "At its core, the FBI is, as it has always been, a political police force that primarily targets the left."

1 Feb - No Heat for Days at a Jail in Brooklyn Where Hundreds of Inmates Are Sick and 'Frantic'

More than a thousand inmates were stuck in freezing cells at a federal jail on the Brooklyn waterfront that had limited power and heat for at least a week, according to federal public defenders and leaders of the union representing the jail's corrections officers.

MORE:

by Annie Correal (*New York Times*)

"They just stay huddled up in the bed," said June Bencebi, a case manager at the jail and the treasurer of the local chapter of the American Federation of Government Employees, which represents about 500 corrections officers at the jail.

The jail, the Metropolitan Detention Center, houses more than 1,600 inmates and lies in an industrial swath near the waterfront in Sunset Park, Brooklyn. Some inmates are linked to high-profile drug trafficking and terrorism cases, while others are comparatively anonymous New Yorkers awaiting trial.

The accounts of conditions at the jail were described to The New York Times by six lawyers and paralegals with local Federal Defenders offices, who had spoken with around three dozen inmates at M.D.C.; two union leaders; and an employee at the jail who was not authorized to speak publicly.

A spokeswoman for Herman Quay, the jail's warden, said in an email that the building experienced a partial power outage on Saturday but denied that it had affected heat and hot water in the jail's housing units.

In an emailed statement, the federal Bureau of Prisons confirmed that the jail was "experiencing a partial power outage" and operating on emergency power. "Cells have heat and hot water, there is lighting in the common areas and inmates are receiving hot meals," the agency said.

The Bureau of Prisons indicated that the electrical failure was related to Con Edison, which it said had been "dealing with numerous power emergencies in the community."

A spokesman for the utility, Robert McGee, disputed the characterization and said Con Edison had not had problems in New York during the cold spell. "It's an internal problem, and their electricians will have to fix it," Mr. McGee said. "End of story."

Union leaders and defense lawyers also rebutted the account of the jail's warden and the Bureau of Prisons.

Federal defenders said they were flooded with calls from inmates this week as temperatures began to drop. "Our phone was ringing off the hook," said the lead federal defender in Brooklyn, Deirdre von Dornum. She said inmates, using a dedicated line that connects the jail to federal defenders offices, had gathered around the telephones on their floors to report poor heating, little to no hot water and no lights in their cells.

On Thursday, Rachel Bass, a paralegal at the Brooklyn office of the federal defenders, said that she had fielded calls from about 15 inmates. “In the past hour I have gotten 11 calls,” she said. “People are frantic. They’re really, really scared. They don’t have extra blankets. They don’t have access to the commissary to buy an extra sweatshirt.”

She said many inmates complained of congestion and sore throats.

The president of the local chapter of the union, Anthony Sanon, said the problems began around Jan. 5 when the jail first lost power. The heating issues began last week, leaving inmates and staff to face freezing weather for the first time. “We didn’t have heat in the building, we didn’t have light,” Mr. Sanon said. “The weather was actually unbearable.”

The heat and power issues were unrelated, according to union leaders who spoke to facilities workers. The heating issues began when units that draw water up from the boilers froze. The workers said that the heat was on, but several units had been disabled.

The electrical problems originated in an electrical panel that blew out last month, the union leaders said. Although the panel was initially repaired, it caught fire on Sunday.

The jail switched over to emergency power, leaving the corridors lit only by dim lights, the cells dark and inmates confined to poorly heated cells during the coldest days of the winter so far. This week, the temperature plummeted to 2 degrees in New York City, as frigid weather swept over the Midwest and Northeast.

“The heat isn’t coming out properly,” Mr. Sanon said.

One inmate told a federal defender that a corrections officer had taken the temperature in a housing unit, which was warmer than the cells, and it was 34 degrees.

New York City’s Fire Department confirmed that it responded to a small electrical fire in the jail’s control room on Sunday.

But the warden’s spokesperson, who signed the name V. Logan, said in the email the power outage had “minimally impacted” housing units.

“All housing units have functional lighting,” the email said. “Heat and hot water has not been impacted. Likewise, inmate meals are not impacted; inmates are receiving regularly scheduled hot meals each day.”

Taken together, the accounts of nearly three dozen inmates given to federal defenders painted a different picture of conditions inside the jail.

Heat was the main complaint. The heat was spotty to nonexistent, depending on the floor. Hot water was scarce. Hot food had not been served for several days, with canned food handed out cell by cell. One inmate, who kept kosher, said he had only been given canned sardines.

The inmates were promised extra blankets, but they never came. The commissary, because of the limited electricity, was closed.

“All said they were wearing whatever they could to stay warm,” said Randi Chavis, a federal defender in the Central Islip, N.Y., office who spoke to several people. “Extra pairs of socks, towels wrapped around their heads, durags, thermals if they have them.”

The conditions were aggravated by the lack of electrical power, inmates told the lawyers and paralegals. The jail had abandoned its usual routines, with inmates kept on partial lockdown for safety reasons.

Because power outlets were not working, the inmates could not use the computers that usually allow them to communicate with relatives and place requests for prescription refills.

“One man takes anti-seizure medication which he is allowed to keep with him,” Ms. Chavis said. “He takes two pills a day and is down to his last three pills.”

Legal visits and family visits had been canceled since Sunday, the lawyers said.

The recent events come on the heels of the government shutdown, which impeded the ability of lawyers to visit their clients in federal jails, including at M.D.C. It did not immediately appear that the power and heat issues were related to the shutdown.

On Thursday, the federal defenders filed an emergency motion to remove from the jail an inmate whose asthma had worsened from the cold. The inmate, Dino Sanchez, a Brooklyn man in his 40s, had recently entered the jail, a federal defender, Benjamin Yaster, said.

Mr. Yaster said in an interview that his client had been among those left in a dark cell, illuminated only by sunlight from the windows, virtually around the clock. “The population was kept in their cells for 23 hours,” he said. “He’s stuck in these cold conditions in a short sleeved jumpsuit and a short sleeved undershirt.”

“He feels short of breath and is wheezing and coughing more than he normally would,” said Mr. Yaster.

The federal defenders initially requested that the M.D.C. management provide backup heating or more blankets. They later requested that inmates be moved to an adjacent building, now empty but for a few dozen female inmates.

They said they received no response. “Not only have the conditions been disgraceful but we have peppered them with questions and we get nothing but silence,” said David E. Patton, head of the federal defender office. The office represents thousands of indigent defendants.

“They might say, ‘an incident occurred,’ or ‘visiting is canceled’ but when we follow-up to ask if people have heat, hot water, or adequate access to their families or attorneys, they stonewall us,” Mr. Patton said.

The building next door, also run by the jail, has full power and heat.

Mr. Sanon, the labor union leader, said he contacted the warden beginning early last week and toured the jail with him. He was assured heat would be monitored. “To no avail,” he said on Thursday.

“This morning again I got a call,” he added. “It was freezing.”

Ms. Bencebi, the union treasurer, said she was particularly concerned for older inmates. “I have several inmates that are very elderly,” she said. “One of them complained that he’s been sick for the last few days. He looks sickly. He’s walking slower. Talking slower.”

On Friday, local elected officials reacted to news reports of the conditions inside the jail. Brad Lander, a Brooklyn Democratic councilman, said on Twitter, “The freezing prisoners at the Metropolitan Detention Center in Sunset Park are banging out SOS for all of us to hear.”

Representative Nydia M. Velázquez visited the jail on Friday, writing on Twitter that there was some restored heat in the facility, along with hot water and hot meals.

But she said she was continuing to watch the situation closely: “Still not at full capacity. Still cold & dark.”

February 5th - Brooklyn Jail Officials Accused Of Lying About Heat Outages: 'What The Warden Said Was False'

by Jake Offenhartz (*Gothamist*)

The freezing conditions at the Metropolitan Detention Center that sparked national outcry and intense protests this weekend were part of a string of heat outages that began at the Brooklyn federal jail weeks earlier, according to jail staff and detainees who testified during a federal hearing on Tuesday. But instead of intervening to protect those incarcerated at the jail, the warden at MDC, Herman Quay, lied about the extent of the crisis, while downplaying long-standing issues at the facility, attorneys said.

"I have personal knowledge that what the warden said was false," Deirdre von Dornum, attorney-in-charge of the Federal Defenders of New York, told Judge Analisa Torres at the hours-long hearing in Lower Manhattan.

As Quay insisted that detainees were never deprived of heat, medical access or hot meals, von Dornum—who was permitted by a judge to tour the facility this weekend—said she witnessed clients confined to freezing cells, some of them suffering from serious medical conditions. She described one man with an open wound bleeding into his sheets after being denied adequate care, and said others hadn't received a hot meal in five days.

Donnell Murray, a detainee at MDC, testified that jail employees had taken the temperature of his cell and found it was between 30 and 40 degrees. He added that he was cut off from speaking with family members and attorneys—something that Quay has also denied—and did not feel prepared for his upcoming trial.

"The lights was out. The heat was off, and we was locked in," said Murray. "It was hard on me because it was dark. It was cold. I was nervous."

The hearing came after public defender Ezra Spilke requested a judge look into the "inhumane conditions" at MDC, one of several scheduled for the coming days. It also represented the first time that Bureau of Prisons employees were called to testify under oath about conditions at the troubled jail. Their attempts to delay the hearing, and a subsequent visit to the jail by Judge Torres, were denied on Monday night.

Quay was not present at Tuesday's hearing. But employees of the jail who did testify offered details that directly conflicted the warden's staunch denials, and the Bureau of Prison's own assessment that the jail was "experiencing a partial power outage" related to an electrical fire last Sunday.

According to MDC facility manager John Maffeo, the heating issues at the jail preceded the fire. A heating coil broke six days before the electrical fire, at which point, Maffeo said, the jail staff knew "we wouldn't be able to provide heat in the south unit during that round of repairs."

Rhonda Barnwell, who works as a medical technician at MDC, also confirmed that the jail experienced "very cold temperatures" in the week leading up to the fire. "If the media didn't come, we'd still be in the same situation," she said.

For some detainees, the disturbing reports of the last week were a continuation of years of neglect at the federal jail, which houses a mix of pretrial detainees and convicted men and women. In April, two lieutenants at the facility were convicted of repeatedly forcing female prisoners to perform oral sex on them, with one victim claiming that several high-level officials at MDC, including the Special Investigative Services Officer, were aware of the abuse.

A class-action lawsuit, filed in 2017, accused the jail of being plagued by "the constant presence of airborne fecal matter, mold, asbestos and other unknown particulate matter." Two years earlier, a lawsuit alleged that Muslim detainees were subjected to wanton humiliation and physical abuse by guards on a regular basis.

On a phone call with reporters Monday evening, David Patton, the executive director of the Federal Defenders of New York, called for the appointment of a special master to investigate the situation at the jail—emphasizing that an investigation by the DOJ would not yield significant results.

"This incident has highlighted the emergency nature of something that is a longstanding problem," he said. "The Justice Department cannot be trusted to police itself."

At 3 p.m. on Tuesday, Judge Torres adjourned the hearing in order to visit the Sunset Park facility. "We may be resuming later," she said. The judge arrived at the jail around an hour later, accompanied by lawyers from both parties, and has not yet emerged.

UPDATE 9:30 a.m., February 6 Following her visit to MDC last night, Judge Torres briefly reconvened the hearing to ask the attorneys who accompanied her how conditions had changed at the jail.

Compared to her last visit, von Dornum said, "it was much warmer, much brighter, but it was clear that the medical situation had not been rectified." The defense attorney added that the tour did not change her feeling that a special master should be appointed.

Despite this, Judge Torres denied requests to move two detainees out of the jail. On the subject of the appointment of a special master, Torres said that would be addressed in a separate lawsuit filed by the Federal Defenders earlier this week.

February 16th - Locked Inside a Freezing Federal Jail, They United to Protest Their Conditions — Only to Face Reprisals

by Emma Whitford and Nick Pinto (*The Intercept*)

Jordan remembers jolting awake in his cell at the Metropolitan Detention Center in Brooklyn, New York, in the early-morning hours of Saturday, February 2. He had been hit with pepper spray to the face. Jordan, who *The Intercept* is identifying by a pseudonym, said guards sprayed and shackled him and his cellmate, then led them, partially blinded, to a shower area to rinse off. Next, he spent several hours in a "freezing" unit wearing only boxers and a T-shirt, before being transferred to solitary confinement.

“Their objective was to make an example out of my cellie and i,” Jordan, who has since been relocated to another federal detention facility, wrote to The Intercept.

The raid on the cell came after the men locked up on his unit — having endured six days without heat, electricity, phone access, or hot meals — decided to cover their cell doors with cardboard, towels, and toilet paper in order to disrupt the guards’ daily tally of incarcerated people. “We were tryin to demonstrate that enough was enough,” Jordan explained through email. “anybody with a brain and a tad bit of self respect would think to protest those conditions. we just wanted to be treated like humans.”

Later that morning, throngs of family members and others — including local and national elected officials — gathered outside in the parking lot for a weekend of protest against the jail conditions. With the news media looking on, people inside banged on their cell windows. Unbeknownst to those outside, however, the Metropolitan Detention Center was brimming with prisoners challenging their conditions in other ways: large and small acts, both individual and collective. All of them were met with reprisals.

Accounts from incarcerated people, their family members, and lawyers sketch a picture of widespread protests at the Sunset Park detention facility. People across multiple housing units undertook coordinated acts of nonviolent disobedience and at least three hunger strikes. Retaliation by Metropolitan Detention Center staff ranged from pepper spray and solitary confinement to shutting off toilets across entire units. All told, men on at least four housing units inside the jail say they took part in some sort of collective protest of their conditions. In each instance, they say their actions were met with official retaliation.

“When I see protests of the kind that took place at the Metropolitan Detention Center, I conclude that prisoners have really reached their breaking point, because they are taking — and they know they are taking — very significant risks,” said David Fathi, who heads the American Civil Liberties Union’s National Prison Project. “Retaliation against prisoners who protest is a common, everyday occurrence. Prisoners are a population who can, with very rare exceptions, be abused almost with impunity.”

Even when Rep. Jerry Nadler, chair of the House Judiciary Committee, which oversees the Bureau of Prisons, toured Metropolitan Detention Center during the power outage, incarcerated people told him that they were afraid to talk about what was going on for fear of reprisals by Bureau of Prisons staff. “They told him guards would come up and retaliate,” said Robert Gottheim, Nadler’s district director, who accompanied him on the tour.

The risk seemed worthwhile to some. “Police in here wilding on the inside,” one incarcerated person said in audio from inside the jail obtained and authenticated by The Intercept. “They trying to make us like, go against each other in here, but we’re not falling for their traps,” he added. “Everybody just trying to keep the peace amongst everybody in here, no matter what walk of life they coming from. We just trying to stay strong, but they trying every trick in they book.”

Because sources inside the Metropolitan Detention Center fear further retaliation for speaking about what took place there over recent weeks, The Intercept is withholding the names of people who are confined at the jail, as well as other information that might identify them, like the names of their individual lawyers and family members, or the housing units to which they are assigned.

The Bureau of Prisons, which runs the federal jail, declined to answer a list of questions about protests and reprisals at the Metropolitan Detention Center, citing an ongoing investigation. “Allegations of misconduct are thoroughly investigated and appropriate action is taken if such allegations are proven true,” a spokesperson said in a statement.

On one locked-down unit, according to two lawyers who each spoke with their clients there, residents were initially let out of their cells one at a time at mealtimes to retrieve a tray of food, but were ordered back into their cold, dark cells to eat.

On February 1, the sixth day of the power outage, one man from this unit decided to make a gesture of resistance, sitting down to eat his dinner in the unit's common area — where the dim illumination of the emergency lights allowed him to see his food. Within seconds, as others looked on from their cells, eight guards in riot gear entered the area and removed the man in handcuffs, leaving those who witnessed the events to assume that he'd been moved to solitary confinement on the Special Housing Unit, or SHU.

The next day, February 2, no breakfast was ever served, even to those with diabetes and other medical conditions. When the first meal of the day finally came at 4:30 in the afternoon, guards in riot gear loomed over the food distribution to make sure no one tried to disobey again. At this point, the entire housing unit decided to go on a hunger strike. "Among themselves," one lawyer said, relaying their client's description of events, "they decided that they didn't want the peaceful protest of their fellow inmate to mean nothing."

At least two other housing units also organized hunger strikes to protest their conditions during the power outage, according to lawyers, family members who have spoken with men on those units, and one incarcerated person.

"They went on a hunger strike because they weren't getting their meals at proper times," said a loved one of an incarcerated person who took part. "He said people are in there, different kind of gangs, and everybody's united."

While there's a Bureau of Prisons rule that forbids "Conduct which disrupts or interferes with the security or orderly running of the institution," no regulation says that people detained at the jail have to eat their food. That doesn't mean the hunger strikes weren't dangerous. "Corrections officials generally react quite strongly to even the most peaceful and rule-abiding of protests, so things like refusing a meal or some sort of quiet protest can be risky," said Betsy Ginsberg, a professor and the director of the Civil Rights Clinic at Cardozo Law School, who represents clients at the Metropolitan Detention Center. "I've certainly heard of cases where people are severely disciplined, I think on a theory that a showing of that kind of use of authority is going to prevent further unrest or protest."

On all three of those housing units where men collectively refused food, jail staff shut off the valves to the toilets in all of the cells, according to accounts relayed to lawyers. Confined to their cells on lockdown, deprived of light, the men on these units now found themselves shivering on their bunks with their heads inches from toilet bowls nearly overflowing with festering feces.

Jail staff has the capacity to shut off toilets from each housing unit's control room, both in order to prevent contraband from being flushed away during a raid and to make sure that no one deliberately floods the housing unit by stopping up a toilet. But Fathi of the ACLU said toilet shut-offs are also a long-established technique of mass retaliation.

"It's something that should almost never be done," Fathi said. "Courts have been very clear that a working toilet is a necessity of life to which prisoners are legally entitled and depriving them of that for anything more than a very short time for a very compelling reason is presumptively unlawful."

Retaliation during the blackout sometimes seemed arbitrary. On one unit, guards took a man out of his cell and into solitary confinement after he asked them when the heat would come back on, according to a lawyer who spoke with a client housed there. The remaining men on the unit took the move as a warning

not to complain about the conditions. Another man on the same unit told his lawyer about an incident in which guards forcefully extracted a man from his cell using pepper spray and took him to the SHU after he complained about needing to take a shower.

Five times daily, according to the federal jail's handbook, guards at the Metropolitan Detention Center conduct "the count," during which — if they're not already locked down — prisoners must return to their cells and be tallied. One man told his lawyer that even as he remained locked down in a lightless cell with no explanation, guards continued to mockingly repeat their ordinary call: "Lights on for the count!"

Jordan and his unit mates decided to cover their cell door windows with towels and paper in order to interrupt this routine. "You're not helping them in terms of feeding them or anything else, so why should we allow you to do a count?" Jordan's girlfriend told The Intercept, explaining their rationale.

The day after guards pepper-sprayed Jordan and his cellmate, Rep. Nydia Velázquez, D-N.Y., visited the men in the segregated housing unit, where she says she heard Jordan's story just as he relayed it to The Intercept. Velázquez, whose district includes the Metropolitan Detention Center, spoke to reporters and activists immediately after touring the facility. "I spoke to both of them," she said. "They are doing well under their circumstances. Just because they covered the glass to protest the treatment they felt wasn't fair, they were used as an example to the other inmates."

Sabrina Shroff, a lawyer with the Federal Defenders of New York, stood in the parking lot outside the Metropolitan Detention Center on the morning of February 3, as temperatures finally crept into the 40s. It had been a week since the federal jail lost power. Shroff had been promised that this morning, for the first time in a week, she and other defense attorneys would be allowed inside to meet with clients to help them prepare for upcoming cases. But when she arrived, she was told that once again, lawyers and family members were barred from entering.

As she waited in the parking lot to see if jail officials would change their mind, Shroff gazed up and was surprised to see a paper airplane drifting down from one of the high windows. She followed it as it drifted in the air, but a prison guard stationed outside got to it first. Fortunately for Shroff, Velázquez, the House member, was also outside the jail, preparing to make another inspection of conditions inside. Shroff persuaded Velázquez to retrieve the paper plane.

"It was a very simple note, written in blue crayon on a visit form," Shroff said. "There was no name attached. It just had a phone number and said 'Please tell my wife and family that I'm OK.'"

Shroff tried repeatedly to reach the family over the next few days, but was unable to. The cellphone account attached to the number was out of credit.

The paper plane was just one instance of incarcerated people inside the Metropolitan Detention Center trying to get word out as the power outage dragged on — efforts that went up against tough odds and, in some cases, were met with punitive measures.

The growing protests in the parking lot outside the federal jail a week after the power outage provided a few opportunities: In addition to sending winged notes, incarcerated people lucky enough to have windows in their cells could answer questions from the demonstrators below, knocking on their windows in response. "Bang on your windows if you still don't have heat!" a woman called out over a bullhorn from the parking lot on February 3. A clattering chorus echoed back the reply.

This kind of direct communication may have made prison officials uncomfortable. One woman says her brother saw guards with nonlethal beanbag guns walking along his housing unit after the lights were restored. They were “trying like to intimidate them,” she said, “telling them, stop banging on the windows, they have the lights now, what are they banging for?”

“It’s really stressful to him,” she added. “They’re treating them like animals and telling them, ‘Y’all getting treated like this because y’all don’t know how to act.’ But ... how do you act when you’re in that predicament?”

Others had taken still more risky measures. On January 31, five days after the power went out, men on one housing unit took the opportunity of a brief respite from lockdown to gather in a cell and shoot a video on a contraband cellphone. “It’s freezing in here,” one said, a shirt around his head. Flipping the switch to no effect, the men demonstrated that the lights in the cell weren’t working. Neither was the toilet. People on the unit were getting sick, one of the men said — “They treat humans worse than animals.”

Within days, the video was circulating on social media and posted to the site WorldStarHipHop. People incarcerated at the Metropolitan Detention Center aren’t allowed cellphones and, according to lawyers with clients on the housing unit, the response from jail authorities was swift. Men suspected of making the video were taken from their cells and put in the SHU.

Another man said he believes that he was sent to the SHU because of Facebook posts made by someone outside the prison that drew attention to conditions inside.

“It’s definitely causing a lot of stress for my family,” his loved one told The Intercept on February 11, a week after electricity was restored. “We can’t speak to him. It’s hard to sleep at night not knowing what he’s going through. My children can’t speak to their dad. They’re scared for him.”

Cold and left in the dark, the people locked up in the Metropolitan Detention Center were unable to leverage even official channels made available to complain about poor conditions. Under Bureau of Prisons protocols, incarcerated people can file formal complaints using a standardized form called a BP-8. Filing a BP-8 is the first step toward getting grievances about jail conditions addressed.

The Prison Litigation Reform Act of 1996 required prisoners to exhaust the Bureau of Prisons’ internal grievance system before they are allowed to assert their rights in court. The result, say critics of the law, has been the weakening of one of the only mechanisms for independent oversight of jails and prisons. The act “allows prison officials to control prisoners’ access to the courts,” says Fathi of the ACLU. “They can do that by making their grievance system slow and technical and complicated, or just by making grievance forms unavailable.”

Grievance forms were indeed scarce at the Metropolitan Detention Center during and after the power outage, according to lawyers with the Federal Defenders who received a torrent of calls from many of the housing units inside. The clients complained that guards were denying requests for forms and telling anyone asking for them that “they were out of BP-8s.” When news of this reached Deirdre von Dornum, attorney-in-charge of the Federal Defenders for the Eastern District of New York, she immediately emailed Nicole McFarland and Adam Johnson, the jail’s legal liaisons.

“This is unacceptable,” von Dornum wrote. “Please let me know when and how this will be remedied.” McFarland wrote back: “I promptly looked into this issue and learned that there are BP-8 forms available throughout the facility.” Later that day, according to reports the Federal Defenders of New York got from their clients, BP-8s began to appear on the housing units.

As the people in MDC began to fill out the forms, however, many of them realized that there was another hurdle: They couldn't submit the forms without the signature of their housing unit's staff correctional counselor; but on several units, counselors were nowhere to be seen.

One person who did manage to submit a complaint about the conditions of the past week soon had cause to regret it. According to his lawyer, within hours of submitting his BP-8, the man was taken from his cell while guards rummaged through and confiscated everyday items in what the man took to be retaliation for his complaint. Von Dornum said she has received multiple reports of people being subjected to disruptive cell searches after filing grievances in the days since the power outage.

The power is back on at the Metropolitan Detention Center in Brooklyn. As a result of public outcry and lawmakers pressure, the Department of Justice's Office of the Inspector General has launched an investigation into the response to the heat and electricity failures at the jail. Whether the scope of this inquest will include allegations that staff punished people for protesting their conditions remains unclear. In a statement to The Intercept, Velázquez said that any Department of Justice investigation should include these allegations of retaliation. "Given the severity of the conditions that week at MDC, I'm concerned that these detainees may have been targeted for reprisals by senior leadership," she said.

Last week, when regular visitation resumed at the Metropolitan Detention Center, Jordan's girlfriend was able to visit him for the first time since he'd been placed in the SHU. During the visit, she says, he described what he had endured, including the pepper spray and shackling. "He's doing OK for the most part, but he's still kind of jumpy," she recalled. "Like, you know, when you hear a door open and you are jumping up?"

Jordan later summarized the cold, dark conditions that precipitated his unit's protest. "Those are conditions that dog fighters subject their dogs to to make them more vicious," he wrote. "leave em in the dark n feed em once in a while. it has a psychological effect on you."

"Unless we speak out it'll continue to go unnoticed and swept under the rug," he added. "Right is right and wrong is wrong."

4 Feb - 4 activists arrested in oil pipeline shutdown attempt

Four climate-change activists from the Catholic Worker movement were arrested Monday in an attempt to shut down an Enbridge oil pipeline in north-central Minnesota.

MORE:

Associated Press

The four broke into a fenced area southeast of Grand Rapids that contains shut-off valves for three Enbridge pipelines around noon Monday, said their spokeswoman, Diane Leutgeb Monson. After a period of prayer and offerings, she said, they then called to warn the company of their plans to turn off the Line 4 pipeline. But she said Enbridge shut the pipeline down itself remotely.

Itasca County sheriff's deputies arrested the four around 1:30 p.m., she said.

Sheriff Vic Williams didn't immediately return a call from The Associated Press but told the Star Tribune that four people were in custody in the incident.

The group spokeswoman named the four as Michele Naar Obed, of Duluth, Minnesota; Allyson Polman, of Denton, Texas; and Brenna Cussen Anglada and Daniel Yildirim, of Cuba City, Wisconsin. In a statement,

they said they believed it was "time to take personal responsibility for preventing the dangerous expansion of the oil industry, because governments and regulators have failed to do so."

Juli Kellner a Minnesota-based spokeswoman for Calgary, Alberta-based Enbridge, said the protesters put people and the environment at risk, though no oil was spilled. She also said the company supports the prosecution of everyone involved.

"The actions taken to trespass on our facility and tamper with energy infrastructure were reckless and dangerous," she said in an email. "The people involved claimed to be protecting the environment, but they did the opposite. Their actions put themselves, first responders, neighboring communities and landowners at risk."

Line 4 is one of five Enbridge pipelines that carry Canadian crude from Alberta to Enbridge's terminal in Superior, Wisconsin. The company's plan to replace its aging Line 3 was the subject of long, contentious proceedings before Minnesota regulators, who approved the project last year. The Line 3 fight has now switched to the courts, where appeals are pending, as well as protests along the route.

A Clearwater County judge in October dismissed charges against three other activists who tried to shut down Enbridge Lines 4 and 67 in northwestern Minnesota in 2016, saying prosecutors failed to prove that the protesters caused any damage. District Judge Robert Tiffany threw the case out even before the protesters could argue that the threat of climate change from Canadian tar sands oil was so imminent that their actions were necessary and morally right. Climate change activists have had mixed legal success using the "necessity defense" in pipeline protest cases in other states.

"All of those actions have definitely provided inspiration for this group although they weren't linked to this group," Monson said.

4 Feb - January 2019 Update from Mutulu Shakur

Please take time to read the following from Mutulu Shakur.

MORE:

Firstly, I wish you all the very best of holidays in which you celebrate. I have been remiss by not sending out a strong Kwanzaa recognition and new years greeting. I want to acknowledge receipt of your letters, cards, and concerns. I'm humbled by your continued efforts that acknowledge my circumstances year after year. You have been steadfast since our introduction providing me with encouragement, inspiration and determination for which I'm grateful. Let me assure you that I still have gas in the tank to see this through to the end, hoping to demonstrate the morals and principles that your support demands.

I have had my head down preparing for and attending a parole hearing, which was denied again for 6th time. My attorneys have filed a Complaint in Federal Court in Los Angeles against the Federal Parole Commission for violating my rights and refusing to release me at my maximum out date. Arguments will be held in Federal Court in Los Angeles February 11, 2019.

The stages available that remain post-litigation are, Clemency, release on Parole, and termination of the sentence. I and others I am incarcerated with have begun to develop research on the treatment of "old law prisoners" by the Parole Commission using new law guidelines. We will further our research to determine if this can be litigated.

I understand that some Federal prisoners will be impacted by the “First Step Act” due to the nature of the bill. However, by drawing the line between violent and non-violent prisoners based on their convictions and the long list of exclusions, none of us whose charges are related to the “Old Law” status from the Civil Rights era will be affected. There are hundreds of prisoners still incarcerated in Federal Prison since 1987—Thirty-Two years and counting. Our search for a judicial level playing field still goes on against their tendency to abuse.

Over the past year, I have watched how celebrities have become involved in the just release of individual prisoners. It helps stimulate changes in the culture to become more socially responsible, and there has been a recognition of the excesses of Mass Incarceration. We cannot deny that Meek Mill’s freedom from gross injustice, advocated by a cross-section of celebrities, activists and fans has made the collective consciousness a trending topic.

It would be unprincipled to not acknowledge Kim Kardashian’s persistent, specific advocacy for justice for Ms. Alice Marie Johnson, Ms. Cyntoia Brown, and Matthew Charles, who were prisoners not known by mainstream media. In fact, they were of the have-nots, and there was no other mainstream attention on their cases. The freedom of these individuals is a great thing. But it was not these celebrities that helped to free the political prisoners. We are happy that the 40-year journey to freedom has arrived for Mike Africa, Debbie Africa as well as Herman Bell, and Seth Hayes, after four long decades plus.

I do not underestimate the long consistent work by supporters and advocates who have carried the burden of exposing and advocating for this class of prisoners. I give them the utmost respect and pay homage, for without them the light would have been long burned out on our conditions. For that continued support, I thank all of you.

The grassroots activists should know that I am indebted to and understand what these years of sacrifices have meant to your own personal lives. After 40 years, the impact is unimaginable. I am honored that you have held me and all of us in your hearts; Thank you.

It’s is certain that my family continues to suffer and sometimes has questioned the lack of my presence in their lives, or rather the extent of it. I am terribly aware of my shifting status. I am holding on for engagement upon release, I love them all dearly, and am emboldened by the love they give me.

So here we are, another year later, celebrating the victories of 2018 for prisoners, with a long road still to go stimulated by willingness and demands to continue to learn. THANKFUL, and ENCOURAGE are the only words that fit for this new year’s resolution. I’m smiling at this stage in my life recognizing my many faults and errors. I hope that my growth has been recognized; it’s so good to know that you can still learn at this age!

5 Feb - Water Protector Court Update: 2 Cases Resolved, 1 Acquittal, 1 Conviction

With Zero NoDAPL Cases Remaining on the Court Calendar, WPLC Concludes its Criminal Defense Program in North Dakota.

MORE:

WPLC Cooperating Attorney Patricia Handlin defended Water Protector Katrina Silk against five misdemeanor charges in two cases today in Morton County, Judge David Reich presiding. Handlin was assisted at today’s trial by local counsel Amanda Harris. Silk was found not guilty of Engaging in a Riot, Disobedience of Safety Orders During a Riot, Criminal Trespass and Disorderly Conduct, but was convicted of Physical Obstruction of a Government Function. Judge Reich sentenced her to 60 days of

deferred unsupervised probation (after which her record will be expunged) and a \$325 fine to be deducted from her bond.

“These cases should never have been brought and should not have proceeded,” Handlin said. “My client Katrina Silk has had this hanging over her head for two and a half years now, which has had real-life ramifications for her, as for others.”

Among other adverse consequences, Silk was unable to rent an apartment for herself and her children—every time a potential landlord ran a background check the five charges appeared and she lost her chance to secure housing.

This is painfully ironic given that Silk, who is Lakota, was arrested for criminal trespass on unceded treaty lands where she had every right to be.

The charges against Silk stemmed from October 22, 2016, a mass arrest day of intense police brutality against Water Protectors walking in an open field towards a DAPL construction site to check on Water Protectors who were locked down to equipment. 140 Water Protectors were taken into custody that day after many were beaten with truncheons, pepper sprayed, kettled and otherwise brutalized—the police aggression was captured in a video report by Jihan Hafiz and published at *The Intercept*.

“It is really unfortunate that Morton County chose to treat the Indigenous people here so badly,” Handlin said.

Handlin is one of 31 volunteer lawyers practicing in North Dakota under special procedures for attorneys from other states admitted to help with the NoDAPL cases under the state’s Pro Hac Vice program. While most of them worked on multiple cases, Handlin has devoted untold hours volunteering to defend dozens of Water Protectors.

Now that WPLC’s criminal defense program in North Dakota has concluded she reflected on her experiences:

The prayerful, peaceful protests could have been handled so differently and with respect. It is unfortunate that what I assume was the influence of TigerSwan and Energy Transfer Partners fell on the fertile soil of fear and antagonism against the Indigenous Peoples who inhabit this land, who have done so for thousands of years, long before Europeans came here, and who remain here, strong and resilient people.

The rights preserved by the Fort Laramie Treaties of 1851 and 1868 were wholly ignored by the government in their erroneous and misguided belief that they were preserving the rule of law. They were doing the opposite, in fact, as evidenced by the number of cases which were dismissed.

I am grateful to the Judges who followed the law and to everyone who showed support and kindness to me and to the other lawyers who came from around the country to represent Water Protectors and most importantly to the warmth and generosity of the Standing Rock Sioux tribal members.

Katrina Silk had this to add:

“I’m glad that it’s over and I’m happy that the judge saw that there was no riot, no criminal trespass and no disorderly conduct from that prayer walk.”

7 Feb - Support Needed for Walter Bond

Walter is looking ahead to when he is released and has written the following to start the campaign to build a post-release fund.

MORE:

This year makes my 9th year in federal prison for my actions in the underground for Animal Liberation. The good news is that at some point next year I will be released. Exactly when is too early to tell but just like everything in the Federal Bureau of Prisons when I am eligible for release to a halfway house and to which city that will be is a mysterious and inconsistent bureaucratic process that varies from prisoner to prisoner. And from what I have witnessed over the years it's a process that has no rhyme or reason. But whether in the middle or the end, I will be coming home next year.

However, I have no home to go back too. I have no family left I can stay with, I have no money, I don't even have clothes. I am trying to go to New York City to start my life in a new area and to that end I am doing the best I can through the aid of friends to get myself established there, securing employment, looking for a place to live, etc.

If I can attain these requirements I SHOULD be able to go to a halfway house in the area and then do my probation in NYC. That said, there is no guarantee that I will be allowed to go where I am trying to go. The BOP or department of probation could decide for whatever reasons to send me back to Colorado or Utah where my arson charges stem from.

So it is imperative that I have the money I need to sustain myself wherever I end up touching down. This will ensure that I can get in and out of the halfway house as quickly as possible and get on with my life. To that end I am saving every penny, living as meagerly as I can in prison while still doing my best to eat and live Vegan behind bars.

I am requesting the movement at large or whoever in may concern to help me with donations. I hate making such a public plea and am personally embarrassed at doing so. But I have given away everything I ever had, including my freedom for Animal Liberation and I could definitely use a helping hand now. I will repost this every few months as a reminder until my release.

12 Feb - Eric King Update and Call For Letters

Eric King's support crew received an update regarding his disciplinary hearing. We think it is important to share Eric's words rather than us try to explain the trauma that is involved in these hearings.

MORE:

As of right now communication is still restricted between Eric and his partner. Eric has filed a grievance and then two appeals to the grievance. Both times asking why the contact is restricted and to remove the restrictions. The response to each was that they already told him and that he said he understood. If they did indeed tell him (they didn't) then why should they have a problem informing him and his lawyer again. It is shady business as usual at USP Leavenworth and the BOP regional office.

Eric after giving him ample time to respond to his grievances and will begin his hunger strike again on February 19th and will only end when he receives answers and the phone block is removed, or he is moved from the facility.

You can help Eric by printing out the Hogwarts inspired acceptance letter

<supportericking.org/2019/02/12/flood-the-mailroom-in-support-of-eric> and sending it in as well as making copies (or asking friends to) for your friends and comrades. We need as many of these sent in as possible. Bring them to your local monthly letter-writings, meetings et cetera. Any way we can get these sent out in mass is great.

You can also help by being ready to spring into action on the 19th of February when Eric goes back on his hunger strike. We will post the instructions regarding how to help apply pressure to the BOP regional office as well as USP Leavenworth then.

At the end of this nightmare he will have been in segregation and separated from his family for at least 226 days and At 180 days (today), he will be one of just 398 people out of 151,000 in the SHU for that long.

In the letter below he is referencing his losses after his disciplinary hearing where the charges against him for assault were upheld. Canteen is his ability to purchase items for commissary. And an update, they didn't take away his phone but as a cruel joke his wife's number was still blocked when he tried to call. They again set him up with hope only to knock him down. Points of clarity Eric did file grievances about the assault. Two of them were "lost" hopefully the 3rd one gets processed soon. The video tape that the north central regional officer Mrs Bryant showed Eric being dragged into the closet and dragged into the hallway where he lay limp not resisting in any way.

FROM ERIC

60 days canteen, visits + email... 27 days good time. Unless she is bullshitting and turns around and takes the phone, I should be able to call you this weekend. This was a very upsetting experience. I felt like a sexual assault victim. Being told to shut up "it doesn't matter if it happened in a closet, you should have filed about it"... when told about the black eye "I have the picture + you have a black eye but it was way too formed, these things take time to develop"... when I tried to point out the picture was taken 4 hours after she shut me up by saying it was signed by medical 2:25pm... :-O ... she then said I never complained to medical when they reviewed me :-O outrageous lie, I complained to them emphatically. The cream of it all, "even if he hit you you have a legal remedy, you don't run through a hallway attacking Lt" "that's not what happened" "Well you threw more than one punch it only takes one to get someone to stop". Lol holy shit. My staff rep, bless his heart, tried hard "Uh if Mr King is saying the closet is used for that + you have pictures showing it happened in the closet, doesn't that give credence to what he is saying?" which she said "it doesn't matter, he isn't a vigilante, file the paperwork! You don't get to touch staff"

So that was stressful and annoying. But 60 days is significantly better than what I was expecting (90) the allegedly keeping the phone could be a blessing. I'm going to appeal just 'cause but I don't want to see Ms Bryant- who works for the region in KCK again. We knew we weren't going to beat this shot, so we got blessed by the goddess. We got steamrolled + fucked every step of the way but this is where we are at. Life can move forward now, put this dull shit behind us. Here soon I'll either be in Oklahoma calling you, in the SMU or in the CMU calling you.

What this assault cost us:

1. 7 months-at least-no visits-no email
2. 6 months-at least- limited to no phone
3. 3 transfers- at least-no
4. 1 blocked #
5. 1 bullshit shot
6. 1 moderate beating
7. A lot of stress + panic- which could continue
8. PTSD we'll both have to work through together
9. missed birthdays and holidays :(
10. No extra time but lost 27 days

12 Feb - DA Krasner: At long last, turn the page on Mumia Abu-Jamal case

Larry Krasner has the power to withdraw his challenge of Mumia Abu-Jamal to appeal his case.

MORE:

In 1981, Mumia Abu-Jamal was a former Black Panther and respected public radio journalist in Philadelphia, when he was jailed after a disputed incident in which police officer Daniel Faulkner was killed. In 1982, Abu-Jamal was convicted of murder and sentenced to death by Judge Albert Sabo, known as a "hanging judge" who'd sent more people to Death Row than any other U.S. judge.

Human rights groups like Amnesty International criticized the trial, pointing to racial bias and "possible political influences that may have prevented him from receiving an impartial and fair hearing." Unsuccessful appeals over the years have argued that prosecutors suppressed evidence and that blacks were systematically purged from the jury.

But after 37 years behind bars, much of it on death row in solitary confinement, Abu-Jamal now has some real hope.

Last December, Abu-Jamal won a major victory when Philadelphia Judge Leon Tucker ruled that he had the right to re-appeal his case because of the appearance of bias during the appeals process – specifically that a former DA-turned-Pennsylvania Supreme Court justice who'd blocked Abu-Jamal's appeals should have recused himself from the case.

This victory, clearing the path for a possible new trial, seemed especially hopeful because in 2017 Philadelphia voters, especially African American voters, had elected Krasner – a longtime foe of mass incarceration, the death penalty, and racism in criminal justice.

At the end of January, Krasner shocked many by announcing that he would challenge Judge Tucker's decision to give Abu-Jamal the right to appeal, apparently over his concern that it might open up appeals for other convicted prisoners. Days later, Krasner was disinvited from a progressive law conference at Yale which he was to keynote, and conference organizers urged Krasner to drop his resistance to Abu Jamal's appeal: "We cannot understand how DA Krasner's decision in this case serves justice or the transformative vision that he ran on."

Add your voice to those who want DA Krasner to reverse course on Abu-Jamal's case – and to ask the DA: "Isn't nearly four decades behind bars more than enough?!" Sign the petition at bit.ly/2BHwTv8

15 Feb - Energy Transfer Partners' case against 'eco-terrorists' dismissed

Legal battles between corporate oil and anti-pipeline interests made shocking claims when lawsuits were first filed, on both sides of the pipeline.

MORE:

by C.S. Hagen (*High Plains Reader*)

North Dakota courts dismissed hundreds of criminal charges against the 836 NoDAPL activists arrested. While official documents show TigerSwan never received permission to operate within the state, many of the civil charges brought by the North Dakota Private Investigation and Security Board against the private security firm have also been dismissed in court.

On Thursday, a \$900 million counter lawsuit filed in the United States District Court for the District of North Dakota in 2017 by ETP was dismissed. The lawsuit named in part individuals involved in the protest movement against the Dakota Access Pipeline, and Greenpeace, BankTrack, and Earth First! as defendants, alleging that the organizations violated the RICO Act and were involved in racketeering.

“Justice has been served,” Greenpeace USA General Counsel Tom Wetterer said. “This is a huge victory not just for Greenpeace but for anyone and everyone who has ever stood up against powerful corporate interests. Today’s decision to dismiss Energy Transfer’s baseless lawsuit against Greenpeace and others sends a message to companies trying to muzzle civil society that corporate overreach will not be tolerate.

“It is also a check on corporate efforts to silence dissent.”

Energy Transfer Partners lawsuit has struggled since it was first filed. On July 24, 2018, charges against BankTrack were dismissed, and lawyers for the plaintiff were ordered to amended complaint because its original had significant deficiencies, which included a failure to point out simple, concise, and direct allegations against the defendants.

On August 6, 2018, Energy Transfer Partners complied, but further named five others as defendants and broadened their case to include other pipeline battles including projects such as Bayou Bridge. Some of the people included in the lawsuit included Cody Hall, a South Dakota resident, Ruby Montoya, an Iowa resident and the press representative for Mississippi Stand, and Krystal Two Bulls, a Montana resident and media coordinator for the Red Warrior Camp.

Energy Transfer Partners alleged the defendants were eco-terrorists conspiring to commit RICO violations, to racketeer in violation of North Dakota law, to criminally trespass, and defame the parent company behind the Dakota Access Pipeline.

In a press release at the time Energy Transfer Partners filed the lawsuit, the company named the defendants as the “Enterprise.”

“These terrorist groups also funded their activities and the ‘Enterprise’ by using donations to fund a lucrative drug trafficking scheme inside the camps.”

In the press release, Energy Transfer Partners said while building the Dakota Access Pipeline it was innocent of: encroaching on tribal treaty lands, desecrating sacred sites of the Standing Rock Sioux Tribe, constructing DAPL without proper consultation, and using excessive and illegal force against protestors.

“Other illegal activities directed at Energy Transfer and its executives that are alleged in the complaint include persistent attempted cyber-attacks and telephonic and electronic threats to the physical safety of executives,” the press release stated.

Two weeks later the case against Earth First! Was dismissed.

During a 2018 CERAWEEK energy conference, Energy Transfer Partners CEO Kelcy Warren doubled down on efforts against opponents of oil pipelines calling those involved participants in civil insurrection.

When asked by the moderator at the conference about the opposition, Warren did not hide his distaste.

“For example, talking about somebody that needs to be removed from the gene pool, we had people drilling holes in our pipe,” Warren stated.

21 Feb - Burning Frame: To Die in Madrid & Fury Over Spain

WHAT: Film Screening

WHEN: 7:30pm, Thursday, February 21st
WHERE: Spectacle Theater, 124 South 3rd Street, Brooklyn
COST: \$5

MORE:

CALLING ALL RADICAL LEFTISTS! Come join us for a welcome respite from endless organizing work. The past two years have been a whirlwind: exhausting, invigorating, and ever ripe with potential. It can be difficult to find moments of pause and reflection when in the thick of it. Especially when “it” refers to the rise of fascism on a global scale with any number of future cataclysms hovering just past the horizon. But we digress.

The films in this series (presented as double-features) have been specially chosen by anarchists for anarchists, but really anyone far left-of-center in their beliefs and actions will find much to identify with and mull over. Come for the great works of radical political filmmaking, stay for the generative discussions, or even just to commiserate about how little has fundamentally changed over the past 50 years (the span of time which the films in this series will cover). The overriding hope is that these films, and their authentic representations of successes, defeats, and the messy work of direct action will help grant us the willpower and imagination to break through cycles of repeated structures.

To butcher the title of a great film for the sake of a mildly applicable pun: “Throw away your dogma, rally in the cinema.”

TO DIE IN MADRID (1963)

Frederic Rossif’s masterful *To Die In Madrid* was nominated for the Academy Award for Best Documentary Feature in 1963. Not that awards matter: plaudits or no, this is the greatest film about the Spanish Civil War ever made, and a seminal work in the documentary genre. Filled with indelible imagery from the war, and accompanied by narration that is by turns rousing and heartfelt, this is a vivid elegy to the brave efforts that were made against the fascist front. A film which demands to be seen by radical leftists, and anyone who believes that our revolution one day will come.

FURY OVER SPAIN (1937)

An explicit work of docu-propaganda that was screened in London with assistance from Emma Goldman, *Fury Over Spain* resonates today, both as an insightful vision of from the past and a powerful call to arms today. Produced as a collaborative effort by, and featuring copious footage of, the F.A.I. (Iberian Anarchist Federation) and C.N.T. (Anarchist National Confederation of Labor) as they mounted a defense of the besieged Madrid and launched offensives in Catalonia.

THE WILL OF A PEOPLE (1938)

An impressively wide-ranging survey of the terrain of lived experience during the Spanish Civil War, *The Will of a People* presents the nuts-and-bolts of the war effort (everything from weapon-making to food-harvesting) woven throughout with commentary on Spain’s historical iconography.

22 Feb - Metropolitan Anarchist Coordinating Committee General Assembly

WHAT: General Assembly
WHEN: 6:30pm, Friday, February 22nd
WHERE: Verso Books—20 Jay Street, Brooklyn
COST: FREE

MORE:

The assembly will begin at 7:00 PM, orientation for newcomers begins 6:30 PM.

MACC assemblies are open to all anarchists, antifascists, anti-authoritarians and those interested in anarchist ideas and organizing so please invite your friends and share widely!

If you haven't attended before, these assemblies are an opportunity to get plugged in with MACC, its various committees and working groups, and other NYC based anarchist projects.

There is an orientation before the assembly starting at 6:30 PM for those interested in familiarizing themselves with MACC, the history, process and politics that undershirt general assemblies/anarchist ideas.

As with all assemblies, we encourage everyone to come with ideas about what they would like to see for future campaigns or actions and what direction they'd like MACC to take in terms of building a more powerful, militant anarchist movement.

For more information contact us at info@macc.nyc.

23 Feb - NYC Anarchist Mental Health Conference

WHAT: Conference

WHEN: 9:30am-3:30pm, Saturday, February 23rd

WHERE: Judson Memorial Church, 239 Thompson Street, New York

COST: FREE

MORE:

Attention anarchist (and other similarly leftist anti-capitalist anti-authoritarian*) mental health workers** and students!

PLEASE NOTE THAT ONLY FOLKS WHO REGISTER AT LEAST 5 DAYS BEFORE THE EVENT WILL BE ALLOWED IN. To register send an email to nycamhc@protonmail.com

Please join us for a FREE one-day conference to resource and skill-share, build community, and strategize for how to better incorporate anarchist values into our work.

We invite you to 1) share the ways you combat the capitalism, authoritarianism, patriarchy, white supremacy, et cetera that impacts your clients and infects your organizations, and 2) strategize for the radical re-humanization, healing, and empowerment we and our clients need.

Topics to be addressed include: radical case conferencing, non-hierarchical peer supervision, anti-capitalist private practice (yes it's possible!), navigating and surviving authoritarian systems and institutions, creating horizontal alternatives, and whatever you want to share in break-out sessions related to these themes.

*values/ideologies that believe in non-hierarchy, communalism, horizontalism, and mutual aid as both a means AND an end

**specifically, psychotherapists, counselors, peer specialists, and psychopharm prescribers. Although the conference is focused on the learning and community needs of mental health professionals and students, it is open to anyone with a vested interest in the topic. We welcome anyone with related experience or knowledge to attend the conference and/or to submit proposals on any topic that falls under the intersections of anarchism, mental health, and direct service delivery.

23 Feb - Conflict Resolution: Building Towards Prison Abolition

WHAT: Public Talk

WHEN: 7:00-10:00pm, Saturday, February 23rd

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

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

COST: FREE

MORE:

In order to abolish prisons, strong social bonds, methods for conflict resolution and community self-defense are vitally important. RAM-NYC invites abolitionist groups and all those looking to build solidarity in their communities, to a public talk to looking at successful examples of conflict resolution and their potential role in prison abolition. This presentation will be a springboard for a discussion about different approaches to conflict resolution and the shared values that we can together put into place to make this vision a reality. We will follow with a group discussion.

24 Feb - Anarchists Care About Books (ACAB): Professionals of Hope

WHAT: Book discussion

WHEN: 4:00-6:00pm, Sunday, February 24th

WHERE: Bluestockings - 172 Allen Street, New York, New York

COST: FREE

MORE:

Join us to discuss Professionals of Hope by Subcomandante Marcos.

28 Feb - Rally for #HALTsolitary

WHAT: Rally

WHEN: 11:00am-12:00pm, Thursday, February 28th

WHERE: Governor Cuomo's NYC office, 633 3rd Avenue, New York 10017

MORE:

Please join us in front of Gov. Cuomo's office urging him to pass the HALT Solitary Confinement Act S. 1623 / A.2500. Now is a critical moment in the struggle for #HALTsolitary. There is a window of opportunity to push HALT's passage - along with other urgent changes to the injustice system. We need you to be there on the 28th to call for NY to finally end this torture!

More info via facebook.com/NYCAIC

1 Mar - Worlds of Ursula K. Le Guin

WHAT: Film Screening

WHEN: 6:00pm, Friday, March 1st

WHERE: Lehman Auditorium, 42 Claremont Avenue, 10027

COST: \$5 students, \$14 all others

MORE:

Explore the remarkable life and legacy of the late feminist and anarchist author Ursula K. Le Guin. She holds her ground on the margins of “respectable” literature until the sheer excellence of her work forces the mainstream to embrace her science fiction and fantastic writings. Q&A with director Arwen Curry to follow the screening