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Updates for April 2nd

18 Mar - Before WikiLeaks, US Government Threatened Press Freedom With Grand Jury Investigations Into Pentagon Papers

Chelsea Manning has been jailed for contempt in a county detention facility in Alexandria, Virginia, for over a week. She refused to testify before a federal grand jury investigation into WikiLeaks.

MORE:

by Kevin Gosztola (*Shadowproof*)

The grand jury investigation has existed in some form since late 2010, and as the government holds Manning in jail, hoping this will coerce her to answer questions, prosecutors threaten press freedom by pursuing charges against WikiLeaks editor-in-chief Julian Assange and other individuals who have worked on WikiLeaks publications.

While President Barack Obama's administration ran up against First Amendment protections that discouraged them from bringing conspiracy charges, President Donald Trump's administration is apparently convinced it can circumvent these protections and still cobble together a conspiracy case.

But it is not the first time a grand jury investigation launched by the United States government targeted journalists and undermined press freedom.

When David House, a founding member of the Chelsea Manning Support Network, was subpoenaed and appeared before the WikiLeaks grand jury in June 2011, he contended President Barack Obama's administration was employing "fear tactics" honed by prosecutors under Richard Nixon's presidency.

"The DOJ is attempting to dismantle a major media organization—WikiLeaks—and indict its editor, Julian Assange. The DOJ's ever-widening net has now come to encompass academics, students, and journalists in the Cambridge area," House stated. "The administration's goal is to force these individuals to testify against this media organization in an attempt to cast its publications and those of its media partners — the *New York Times*, the *Guardian*, *Der Spiegel*, *Le Monde*, and *El Pais* — as acts of espionage."

After Daniel Ellsberg, who worked for the RAND Corporation, provided copies of the Pentagon Papers to media organizations, the Justice Department convened two grand juries in the Boston area.

In April 1971, prosecutors targeted individuals, who possessed copies of the Pentagon Papers and were involved in distributing parts of the study to the press.

Months later, in August, the Justice Department reportedly targeted Neil Sheehan, a *New York Times* reporter who was the first to write about the Pentagon Papers. At least 13 people were subpoenaed, including: Noam Chomsky, MIT linguist and antiwar activist, Richard Falk, an international law professor who was affiliated with the Institute for Policy Studies, Senator Mike Gravel, and David Halberstam, a journalist.

Samuel Popkin, an assistant professor who taught government at Harvard University, endured the most aggressive action from the grand jury. He was jailed after a court found him in contempt.

Much about the scope and targets of the investigation remain secret over 45 years later. However, in 2018, a lawsuit was filed by Jill Lepore, an American history professor at Harvard University and staff writer for the *New Yorker*. Lepore filed declarations of support from Ellsberg, Chomsky, Falk, Gravel, and Popkin to

help force the release of records that could reveal key details about how the government investigated journalists.

The legal arguments in these records, as well as transcripts showing what questions were asked, may offer hints at how prosecutors may justify charging Assange and others with crimes. (Currently, there are sealed charges, which were filed against Assange.)

Ellsberg and Popkin knew each other through their shared interest in the Vietnam War. Popkin had published several articles and informed FBI agents in the summer of 1971, when they questioned him, that he had no knowledge of the leak of the Pentagon Papers.

“I was in Hong Kong when the papers were distributed,” Popkin recalled in his declaration. “I discovered the leak, along with Ellsberg’s involvement, at the same time as the general public.”

Popkin was first subpoenaed in August 1971. He received multiple subpoenas between the fall of that year and the fall of 1972.

“Not once was I ever informed about the purpose of the grand jury investigation or why the FBI had focused so inexplicably on me,” Popkin stated. “Yet, I was repeatedly called to appear before the grand jury and subjected to hours of broad, speculative, and unrestrained questioning. It became apparent to me that the government was engaged in a fishing expedition.”

It did not matter that Popkin had no firsthand knowledge of what happened with the Pentagon Papers. “Federal prosecutors continued to question me, not about facts, but about my opinions. I was asked to name anyone I had ever interviewed or had a conversation with, who I thought may have had knowledge of the Pentagon Papers study or may have possessed the Pentagon Papers in Massachusetts. I refused to answer this line of questioning.”

“I believed answering questions about my suspicions and opinion would have made it much more difficult for me to obtain interviews for future research as sources may be more reluctant to relay sensitive information, or speak at all, if their conversations could be revealed in a government fishing expedition,” Popkin shared. “Because of my refusal to answer questions concerning my opinion on who may have possessed the Pentagon Papers before the *New York Times* published the documents, I was cited for contempt in March of 1972.”

The contempt charge was fought in the courts, however, the First Circuit Court of Appeals rejected Popkin’s argument. Popkin believed a judge should determine whether questions “regarding anything beyond knowledge of a crime” were “relevant” to the proceedings.

Popkin took his case to the Supreme Court. The solicitor general, Erwin Griswold, informed justices on the court that prosecutors would no longer ask for names of “confidential contacts.” The assurance led the Supreme Court to decline to hear Popkin’s lawsuit, but prosecutors still requested “names” from him.

A federal judge subsequently ordered Popkin to serve a sentence for contempt at Dedham County Jail in Massachusetts. He was to remain there until the grand jury concluded, but several days later, the grand jury was “abruptly dismissed.” Popkin’s release from jail marked the end of a “15-month-long legal tug-of-war.”

The grand jury investigation against anyone who potentially helped Ellsberg likely suggests how broad the universe of people subpoenaed may be in the grand jury investigation against WikiLeaks. Prosecutors do

not have to only call people known to have worked or associated with the publisher. They may call someone like Popkin to testify, who has no knowledge at all of WikiLeaks, if prosecutors are convinced that person may have talked to someone who potentially knows something about WikiLeaks publications.

House is one of the few individuals known to have received more than one subpoena. He was called to testify again in July. Instead of invoking his rights, as he did in 2011, House opted to answer questions, which he said lasted for about 90 minutes. The questions were about his interactions with Assange, as well as how the disclosures happened.

In 2010, an anonymous U.S. military official suggested there was interest in whether Manning handed over any compact discs containing files to anyone in the U.S., especially in the Boston area. Government informant Adrian Lamo was quoted in the press asserting he had knowledge of an individual who helped Manning setup encryption software. Such suspicions likely fueled the initial phase of the grand jury investigation into WikiLeaks.

Unlike Popkin, Manning was held in contempt and immediately jailed. That will make it harder for Manning to prepare a legal challenge against the contempt charge, as well as the initial grand jury subpoena. But she hopes to raise up to \$150,000 for her legal defense to fight Justice Department prosecutors.

Ironically, in 2010, when Manning exposed war crimes and examples of misconduct by U.S. government officials, she was prosecuted for her whistleblowing. Remarks to fellow officers in the U.S. Army and words from chat logs were used to harshly convict her. Her words were even used to justify humiliating and confining her in solitary confinement while she was at the Quantico Marine Brig.

Justice Department prosecutors now punish Manning for her silence. She may be in jail at the William G. Truesdale Adult Detention Center in Alexandria, Virginia, for up to 18 months, depending on when the secret grand jury was empaneled. But if the grand jury is renewed, that would reset the clock and mean Manning is in jail for her resistance even longer.

Manning has clearly positioned her defiance in a tradition of grand jury resistance that has existed in the United States for decades. She is taking a stand for press freedom as well, as prosecutors push onward with a fishing expedition that is an attack on the news gathering process itself.

March 21st - Chelsea Manning Has Not Been Accused of Giving False Testimony

by Dell Cameron (*Gizmodo*)

Chelsea Manning's legal team went into damage-control mode Thursday after a headline by the Daily Beast suggested that prosecutors had accused her of lying or mistakenly giving false testimony during her 2013 court-martial.

Citing an unsealed court filing, the Beast reported that prosecutors believe Manning may have given "false or mistaken testimony" when recounting the events surrounding her 2010 disclosure of classified material to the anti-secrecy organization WikiLeaks.

A former U.S. Army intelligence analyst, Manning did not testify during her court-martial but did address the Ft. Meade military court regarding her motives for leaking some 700,000 classified documents, saying she intended to "spark a domestic debate on the role of the military" and U.S. foreign policy in general "as it related to Iraq and Afghanistan."

Manning was arrested and confined earlier this month after being held in contempt for refusing to answer questions before a federal grand jury in the Eastern District of Virginia.

In a motion filed on March 1, her legal team stated that during “preliminary discussions, the prosecution indicated that they had reason to believe that Ms. Manning may have made statements inconsistent with her prior testimony.”

“At most, we know that the grand jury probably relates to the 2010 disclosures, and related people and organizations,” the attorneys wrote. “And despite repeated requests by Ms. Manning’s legal team for information about the nature of the expected grand jury questions, the prosecutor has only generally revealed that he believes some of Ms. Manning’s statements at the court-martial were either false or mistaken, and that the grand jury would benefit from hearing more details about Ms. Manning’s contacts and communications with respect to the 2010 disclosures.”

A spokesperson for Manning issued a statement following the Beast’s report, clarifying: “At no point in the Court’s record have prosecutors accused Chelsea Manning of providing ‘false or misleading’ testimony. Headlines indicating otherwise are misleading.” The allegation, in other words, had not been heard by the judge until it was raised by her attorneys.

It’s not uncommon for defense attorneys to preemptively refute allegations made by prosecutors outside of the courtroom. (Doing so is usually a sign the defense believes the accusations can be easily shot down, damaging the prosecution’s credibility.) It is also not uncommon for news outlets to publish stories based on what one side of a case claims the other has said privately.

Following the statement, the Daily Beast altered its original headline—“Chelsea Manning May Have Given False Testimony in WikiLeaks Trial, Say Prosecutors”—to focus on allegations raised by her legal team about “unlawful surveillance.”

The motion stated that she’s experienced “all manner of intrusive surveillance” since her release from prison in 2017, including “surveillance vans parked outside her apartment, federal agents following her, and strangers attempting to goad her into an absurdly contrived conversation about selling dual-use technologies to foreign actors.”

Manning has stated that her refusal to testify in the case against WikiLeaks founder Julian Assange is an act of protest against the use of grand juries in general.

“I will not participate in a secret process that I morally object to, particularly one that has been historically used to entrap and persecute activists for protected political speech,” she said.

March 23rd - Chelsea Manning: supporters demand release from solitary confinement

by Jamiles Lartey (*The Guardian*)

Supporters of Chelsea Manning have demanded her release from effective solitary confinement, in which she has been held for more than two weeks since being jailed for contempt of court.

Chelsea Manning jailed for refusing to testify to grand jury in WikiLeaks case

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“We condemn the solitary confinement that Chelsea Manning has been subjected to during her incarceration at William G Truesdale adult detention center,” a committee of supporters said in a statement on Saturday.

Manning has been held in administrative segregation, or “adseg”, with up to 22 hours each day spent in isolation, for the duration of her detention.

A law enforcement official disputed that Manning’s treatment constituted solitary confinement.

Manning was jailed on 8 March for refusing to testify before a Virginia grand jury investigating WikiLeaks, the transparency organization to which she leaked thousands of US military and diplomatic documents in 2010.

She said she objected to the secrecy of the grand jury process and had revealed everything she knows at her court martial. After that process, Manning served seven years of a 35-year sentence that Barack Obama commuted in 2017.

In Virginia, US district judge Claude Hilton said Manning would be jailed until she testified or the grand jury concluded its work.

Manning’s supporters said: “The jail says keeping ‘high-profile’ prisoners in adseg is policy for the protection of all prisoners, but there is no reason to believe jail officials view Chelsea as either a target or a risk.

“If Truesdale wants to prioritize Chelsea’s health and welfare, as they consistently claim, then they should make sure she is able to have contact with other people in the jail.”

In a subsequent statement, city of Alexandria sheriff Dana Lawhorne said the accusations by Manning’s supporters were “not accurate or fair”. The sheriff said the facility does not have solitary confinement and administrative segregation inmates have access to visits, books and recreation.

Extended periods of solitary confinement “amount to torture”, according to the United Nations special rapporteur Juan Méndez, who has argued that “solitary confinement should be banned by states as a punishment or extortion technique”.

Manning’s supporters said: “Chelsea is a principled person, and she has made clear that while this kind of treatment will harm her, and will almost certainly leave lasting scars, it will never make her change her mind about cooperating with the grand jury”.

March 30th - Lawyers for Chelsea Manning Ask Fourth Circuit Court of Appeals to Void Charges of Civil Contempt

by Sparrow (*the sparrow project*)

Today Chelsea Manning’s attorneys asked the Fourth Circuit Court of Appeals to vacate (void) District Court Judge Hilton’s finding of civil contempt. The following is a statement from Chelsea Resists!, Chelsea Manning’s Support Committee, regarding today’s filing:

“Chelsea’s legal team is asking the Fourth Circuit Court of Appeals to vacate (void) District Court Judge Hilton’s finding of civil contempt, for three main reasons:

“1) Because it would appear that Judge Hilton denied Chelsea’s motion asking the government to disclose the existence of any unlawful surveillance without actually considering the evidence. Rarely does a judge deny a motion without doing so explicitly or making any actual rulings or statements about any of the legal issues brought before the court.

“Judge Hilton didn’t question the government about any of the issues or facts raised in the electronic surveillance motion. He did not even ask the government to make simple affirmations or denials regarding whether it was aware that electronic surveillance had occurred, although the law requires that the government make such denials once a “colorable claim” is raised.

“These questions about surveillance are especially important because any evidence derived from unlawful surveillance may not be used in a grand jury, and the existence of such surveillance would excuse Chelsea from having to testify before the grand jury.

“2) Because the Judge failed to demand even minimal assurances that the subpoena was properly motivated, despite ample evidence of abuse.

“The proper purpose of the grand jury is to investigate federal crimes, and if justified, issue indictments. Prosecutors may not use the grand jury for the primary purpose of preparing for trial of an already-secured indictment. Chelsea raised concerns that the government did not need her testimony to further their investigation, and that rather they intended to use the subpoena to preview and perhaps undermine any testimony she might give at trial for an already-pending indictment. This would be an abuse of process which would excuse her testimony. If the purpose of the subpoena was improper, it should have never been issued in the first place.

“The District Court Judge should have considered these arguments, and elicited confirmation of proper purpose from the government. He did not consider the facts or the law on this motion, and the finding of contempt should therefore be reversed.

“3) Because significant portions of the contempt hearing were held in a closed courtroom in violation of Chelsea’s 5th and 6th Amendment rights to a public trial, and the Government has not given any good reasons for keeping the proceedings secret.

“Remember that even though Chelsea has not been convicted or even accused of a crime, she is still being held in conditions that amount to solitary confinement. We hope at the very least that the Fourth Circuit will release her during the appeal process, on the basis that her so-called civil confinement has been transformed into punishment, which is not legally permissible.

“It is important to remember that Chelsea is currently being subjected to a form of imprisonment that arises to the level that the UN and many other experts consider to be torturous which is especially egregious given that Chelsea has not been charged with or convicted of a crime.”

22 Mar - Update on Eric King’s Confinement

We have word from Eric. He is being held in segregation at McCreary.

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He was immediately intercepted by SIS officers upon arriving and put into the special housing unit. It appears McCreary is just a spot to hold him while the BOP is working out where they send him. Right now he can not receive books, photos, post cards or cards. EVERYTHING needs to be written in blue or black ink on standard paper. Please do not use any thicker stock or borders on the paper. Letters with mailing labels will be rejected.

Eric is only being allowed 2 envelopes a week so there is a good chance he will not be able to respond to letters, nonetheless they are appreciated and something for him to continue to feel connected to the world.

What Eric needs:

If you sent a book from his booklist please wait to see if Amazon returns it to you. If it is not returned can you shoot an email to erickingsupportcrew@riseup.net and let us know what book it was so we can put it back on his list. We don't know if the books will be returned but he will not receive them. When he gets where he is going he will need books right away.

Because he is sitting in isolation with hardly any stimulation he would love if folks could send him articles. He loves science, space, Manchester United football club, he loves silly jokes, to keep up on what is happening in the world, short stories... he is pretty easy to please. Please copy the text into a document before printing. any colored font will not make it in, so those pesky link texts seem to cause problems.

It is unknown how long he will be held here or if his communication will continue to be limited with his wife and children when he lands in the next spot. He is hoping that they will be able to visit as fast as possible when he lands. Any donation to travel funds would be appreciated.

Today marks 218 days in complete isolation for him. While it seemed that things were coming to an end, they back-slid again and we await what will happen next. He is one of only 398 of 180,193 prisoners in the BOP being currently held in segregation this long.

Your support has helped Eric get through this and not feel so alone.

23 Mar - Post-release fundraiser for Walidah Imarisha's brother

We are very excited to hear the news that Walidah Imarisha's brother Kakamia is finally coming home after 28 years in prison!

MORE:

You may know Kakamia (Jackie) from Walidah's amazing book, "Angels with Dirty Faces: Three Stories of Crime, Prison, and Redemption.

If you don't already know, California state prisons (and lets be real, any DOC or the Bureau of Prisons) gives people returning home nothing to help them adjust to society. Nothing. It's all on you, which sets a lot of people up to violate or to get sent back. Some are lucky in that they have a lot of people helping them out, but few are that lucky.

Give what you can, even if its \$10. It all helps

From the fundraiser gofundme.com/help-kakamia-transition-home:

"Kakamia's family and friends are organizing as much as possible to support him, but more resources are needed to ensure he has access to things many of us take as a given: a cell phone, a laptop/tablet, clothing (you are only given one outfit upon release), and all the countless little things needed to literally start a whole new life as an adult.

After he is released from the halfway house, he and his wife and two daughters will be working to move into a home big enough for all of them - knowing they have money for first month's rent and a deposit will ensure this huge life transition will be less stressful on all of them."

23 Mar - The Green Scare: How a Movement that Never Killed Anyone Became the FBI's No. 1 Domestic Terrorism Threat

How a movement that never killed anyone became the FBI's number 1 domestic terrorism threat. Behind the scenes, corporate lobbying laid the groundwork for the Justice Department's aggressive pursuit of so-called eco-terrorists.

MORE:

Joe Dabee's 12 years on the lam came to an end last August, when Cuban authorities detained the 50-year-old environmental activist during a layover in Havana and turned him over to the United States.

More than a decade earlier, police and FBI agents had arrested a dozen of Dabee's associates in the Animal Liberation Front and Earth Liberation Front within the span of a few months. They were charged with conspiring to burn down factories that slaughtered animals for meat, timber mills that disrupted sensitive ecosystems, government facilities that penned wild horses, and a ski resort perched on a pristine mountaintop. Dabee, a former Microsoft software tester known for his ingenuity, had slipped away in the midst of it all.

While the arsons, which never hurt or killed anyone, largely took place in the late 1990s, the wave of arrests known as the "Green Scare" came in the post-9/11 era, when terrorism was the FBI's prevailing obsession. The fur and biomedical industries had spent years lobbying the Justice Department and lawmakers to go after eco-activists, who had damaged their property, held audacious demonstrations decrying their business activities, and cost them millions of dollars. When the planes hit the twin towers, industry groups seized on the opportunity to push legislation, and federal law enforcement ramped up pursuit of radical activists in the name of counterterrorism.

So-called eco-terrorism became the Justice Department's No. 1 domestic terror concern — "over the likes of white supremacists, militias, and anti-abortion groups," as one senator pointed out at the time. Operation Backfire, which sent Dabee running, was the climax of the crackdown. "There was money, there was administrative support, there was management support," said Jane Quimby, a retired FBI agent who worked on Backfire. The results were "an affirmation that given the resources that you need, and the support that you need, you can really make these things work."

In 2009, when a Department of Homeland Security intelligence report raised alarms about the rising threat of right-wing extremist violence, it provoked a very different response. After outcry from conservative groups, DHS backtracked on the report and later disbanded the domestic terrorism unit that produced it.

Daryl Johnson, a former domestic terrorism analyst at DHS, says there's a reason law enforcement took a less aggressive approach to right-wing white supremacists and anti-government attackers. In the case of the eco-extremists, the government had a powerful ally: industry. "You don't have a bunch of companies coming forward saying I wish you'd do something about these right-wing extremists," said Johnson, who left his position in 2010, after his warnings about right-wing violence were dismissed. "If enough people lobbied congresspeople about white nationalists and how it's affecting their business activity, then I'm sure you'll get legislation."

Now, in the wake of the 2017 "Unite the Right" rally in Charlottesville, Virginia, and the murder of counterprotester Heather Heyer by white supremacist James Alex Fields, past and current Justice Department officials have argued that a new domestic terrorism statute is necessary to better respond to far-right violence.

But law enforcement and federal prosecutors already have powerful counterterrorism authorities at their disposal, and their history of using them to go after radical activists who committed property crimes

suggests that any new crackdown is likely to sweep up far more than domestic extremists who pose a lethal threat.

No new law was required to treat eco-saboteurs as terrorists in the wake of 9/11. Of 70 federal prosecutions of radical environmentalists and animal rights activists identified by *The Intercept*, 52 did not result in charges under anti-terrorism laws. Yet the defendants were repeatedly called terrorists by the Justice Department in public statements and internal communications. The designation opened up additional resources and gave the government powerful leverage in the form of terrorism sentencing enhancements, which prosecutors sought in more than 20 cases.

Meanwhile, in the remaining 18 cases, prosecutors applied an anti-terrorism law written with the help of industry that was designed exclusively to target animal rights activists. Six cases involved activists releasing mink and vandalizing fur facilities, and six involved individuals accused of encouraging radical acts like sabotage but not participating in any themselves. Four of the cases involved activists protesting outside researchers' homes and were dismissed because the allegations were too vague.

The story of how years of corporate lobbying ended with Dibee in cuffs contains lessons for those considering how to handle the surge in right-wing violence, as well as for a new generation of environmental activists again facing accusations of eco-terrorism.

Industry Intelligence-Gathering

Joe Dibee grew up camping in the spectacular forests, mountains, and coastal regions of the Pacific Northwest. His parents, members of Syria's Catholic minority, had immigrated to the U.S. before he was born, settling into Seattle's middle class. His mother worked at the public library and his father was a finance professor at Seattle University, where Dibee would eventually study civil engineering and general science. Dibee came of age just as law enforcement in the U.S. was beginning to take notice of the budding animal rights movement.

In 1977, when he was 9 years old, a group called the Undersea Railroad released two dolphins from a University of Hawaii marine laboratory — the first known animal liberation in U.S. history. A countermovement was rapidly launched, led by organizations like the National Association for Biomedical Research, which lobbies for the use of live animals in scientific research.

NABR and other industry groups were way ahead of law enforcement in gathering intelligence on the animal rights movement, and federal agents were happy to make use of the information. In March 1987, for example, FBI agents met with NABR about four chimpanzees that had been abducted from a research laboratory. The group "maintains a large intelligence file on the activities of most of the significant animal rights groups in the world," an agent noted after the meeting, and "furnished the FBI with many documents which deal with these groups as well as outline their significant activities dating back to 1976."

The FBI's account of the meeting is included in documents obtained via public records requests by Ryan Shapiro, executive director of the transparency organization Property of the People. The documents show that throughout the 1990s, the FBI and Justice Department collaborated with a range of industry groups including Americans for Medical Progress, the Fur Commission, the National Board of Fur Farm Organizations, the Foundation for Biomedical Research, and the American Feed Industry Association.

In 1987, an animal diagnostics laboratory under construction at the University of California, Davis was burned to the ground — the first U.S. arson claimed by ALF. It was meant "to retaliate in the name of thousands of animals tortured each year in campus labs," a communique from the saboteurs said.

A month after the arson, a Justice Department public information officer sent a letter to the Fur Retailers Information Council, whose members had also been targeted by the Animal Liberation Front. “I encourage you to send to me any evidence you have indicating criminal activity committed by animal rights activists,” the official wrote. “I am happy to be of assistance to the Fur Retailers Information Council.”

In response, the industry group worked with the Justice Department to create “a directory of some 200 animal rights and animal welfare organizations operating in North America which provides office addresses, names of officers and spokespersons, and a diary of incidents,” according to an October 1988 letter from the council.

“We would occasionally contact the [FBI] to ensure they were aware of a threat or action involving animal extremism. We also sent FBI officials occasional alerts about animal rights actions or threats that might be considered illegal,” said Jim Newman, a spokesperson for Americans for Medical Progress, a nonprofit funded by the biomedical industry to foster support for animal research. “There was no concerted effort in place.” The other groups did not respond to requests for comment, and a spokesperson for the FBI declined to comment.

In some cases, corporations went beyond intelligence sharing to actively ferreting out activists they viewed as threats. One of the strangest efforts involved Leon Hirsch, a manufacturer of surgical staples whose sales demonstrations involved cutting open live beagles and stapling them back together. His company, United States Surgical Corporation, paid a security firm called Perceptions International to infiltrate the animal rights movement.

Mary Lou Sapone, the firm’s undercover agent, befriended a troubled activist named Fran Trutt, who was subsequently accused of planting a pipe bomb at the headquarters of the surgical corporation in an attempt to murder Hirsch. But Trutt was on the phone with Sapone throughout the day before the alleged murder attempt, and another undercover operative working for the company actually drove her to the crime scene and gave her money for the pipe bomb. Trutt pleaded no contest to attempted murder charges. Despite industry’s role in manufacturing the incident, it would later be presented in a key report to Congress as the only “confirmed case” of an animal rights activist using an incendiary device “with intent of harming an individual.”

Industry groups also lobbied for federal legislation that would heighten penalties for activist tactics. “The DOJ has advised that there is significant special interest pressure on Congress to pass legislation which would protect animal and health research property, facilities and personnel from attacks,” according to a 1990 FBI memo.

Two years later, Congress enacted the Animal Enterprise Protection Act, which created a new crime of “animal enterprise terrorism.” The law was aimed at anyone who physically disrupted or conspired to disrupt an animal enterprise by intentionally damaging or causing the loss of its property. It created a legal pathway to imprison a broad range of saboteurs and their allies.

But the AEPA didn’t lead to the kind of crackdown the biomedical and fur lobbyists sought. The law was used only once before the turn of the century, in the prosecution of two activists who released mink from Wisconsin fur farms. And although the FBI charged a few individuals for eco-arsons throughout the 1990s, it would be the next generation of saboteurs — Dibee’s generation — that would bear the brunt of the government’s crackdown on eco-radicals.

Radical Tactics Reach Their Peak

By the late 1990s, Dibee was known within activist circles, regularly participating in spectacular demonstrations designed to draw attention to moneymaking activity built on animal and ecological suffering.

At the Warner Creek occupation in 1995, activists blockaded a logging road to prevent a timber company from accessing Oregon's Willamette National Forest. The occupation lasted for nearly a year, thanks in part to 28-year-old Dibee, who designed a "bipod" structure, a precariously rigged platform between two tall poles where activists perched, complicating police efforts to remove them. The federal government, which managed the national forest land, put the company's timber harvest on hold, as well as 150 other timber sales.

In the summer of 1997, Dibee was involved in another dramatic action, this time to protest the overfishing of pollock in the Bering Sea and the harm it was causing the endangered Steller sea lion. Seven Greenpeace activists planned to dangle from ropes off Seattle's Aurora Bridge, more than 200 feet above Lake Union, in an effort to block four giant American Seafoods trawlers from entering Puget Sound. A skilled climber, Dibee was to position himself underneath the bridge, maneuvering along its metal support structure to assist the other climbers as needed.

As the action kicked off, police confiscated critical gear, leaving the activists with nothing to protect the nylon webbing keeping them aloft from abrading and tearing against the sharp edges of the bridge beams. Determined that the action should move forward, Dibee stripped off his clothing to use as buffer material. He would spend nearly two days half-naked above the windy channel, fighting hypothermia.

"There was a lot of this macho 'me big eco-warrior' thing, where the guys just wanted to be rock stars," said Helga Kahr, an activist and friend of Dibee's. But despite his willingness to take risks, she added, "Joe was not like that." He sewed specialized backpacks for fellow activists, trained friends in computer encryption, and donated money to whatever corner of the movement needed it.

Few of his comrades were aware, however, that Dibee was also involved in the controversial eco-radical underground. In July 1997, the Associated Press published an investigation revealing that 90 percent of the horses rounded up by the Bureau of Land Management's Wild Horse and Burro Program ended up in slaughterhouses. Among the buyers named in the article was the Cavel West slaughterhouse. According to court filings, Dibee and four other animal rights activists came up with a plot to strike back.

The activists surrounded the Cavel West facility in Redmond, Oregon, and planted incendiary devices fueled by so-called vegan jello — a mixture of soap and petroleum. They timed them to go off at an hour when they believed the facility would be empty, then fled, stopping to dump their clothing in a hole, which they covered with acid and filled with dirt. An anonymous communique attributed the action to the Animal Liberation Front and the Equine and Zebra Liberation Front. The facility burned to the ground and did not reopen.

During the same period, other activists burned down a Forest Service ranger station, set SUVs on fire, and toppled an 80-foot high-voltage transmission tower. The attacks and demonstrations were costly. In response, the fur and biomedical industries "dramatically increased their efforts to convince the FBI and the DOJ to treat animal rights and environmental protesters as terrorists," said Shapiro of Property of the People. "This was the true genesis of the Green Scare."

It wasn't just about arson. Patti Strand, a Dalmatian breeder and co-founder of the National Animal Interest Alliance, which works to "promote responsible animal ownership and use, and to oppose animal rights

extremism,” said that after she published her 1998 book on animal extremism she was targeted by radical activists. They put dead animals and garter snakes in her mailbox. “I received letters that included information about my son, who was 11 at the time — what path he was taking to school and that they liked his new green jacket,” she said. When others who had been targeted reached out to Strand with their stories — “If their fences were cut, if there were lawsuits that were going on, if they had started to receive death threats or things that were intimidating” — she would pass along the details to the FBI.

By April 1998, the anti-environmental lobbying campaign was again bearing fruit. The Justice Department held a conference on animal rights terrorism and invited the executive director of the Fur Commission “to address the attendees with her perception of the animal rights terrorism trends, and recommended investigative aids,” according to an FBI summary of the event. Along with federal prosecutors, the attendees included officials from the FBI, the Justice Department’s terrorism and violent crime section, and the Bureau of Alcohol, Tobacco, and Firearms.

Later that year, the House Judiciary Committee held a hearing on “Acts of Ecoterrorism by Radical Environmental Organizations.” U.S. Rep. Frank Riggs, who had accepted thousands of dollars in campaign contributions from the forestry industry, described an activist stunt in which a large tree stump was dumped in the middle of his Northern California office. “My office was quite literally assaulted by a group of environmental terrorists,” he said. “Upon responding to the horrific sound, my two female staff members were greeted by the visage of several Earth First! terrorists, one wearing a black ski mask, and another wearing dark goggles and a hood.”

In October 1998, in the midst of renewed focus on their activities, Earth Liberation Front activists raised the stakes. In the name of protecting lynx habitat, they burned down several buildings at a new ski resort near Vail, Colorado, causing \$12 million worth of damage. “The environmental groups who have not just claimed credit, but in some cases have been proved to have committed criminal acts, are a very, very serious part of our domestic terrorism focus,” then-FBI Director Louis Freeh told Congress a few months later.

The Fur Commission celebrated. “Over the last year, the people of the fur trade have been key players with other animal and resource-based industries in a concerted effort to push eco and animal rights terrorism up the government’s priority pole,” according to a March 1999 newsletter. “These efforts have resulted in a strong statement of commitment from the FBI.”

Detective Greg Harvey joined the Eugene Police Department’s special investigations unit in June of that year. For the better part of the next decade, solving the string of ALF and ELF arsons would become his primary task.

Harvey’s work on the team coincided with an intense national tug of war over the meaning of terrorism. Indeed, Harvey had his own taxonomy. Blocking a road and trespassing? Not terrorism. The ALF and ELF arsonists? Not in the same category as international terrorists who kill people, but terrorists just the same. “Their whole intent is to change the way things are done,” Harvey told *The Intercept*. “They’re trying to close down businesses. Well, that’s terrorism. When the families or the workers are afraid to do something, that’s what I consider terrorism.”

“One of the things we were really trying to focus on was breaking the movement,” he said. Harvey and other law enforcement officials went after the group’s omerta — its staunch refusal to cooperate with authorities. “That was one of the things that we broke.”

But it would take a disaster even bigger than the Vail arson to give industry and law enforcement the political capital needed to cripple the movement. “They called us eco-terrorists before 9/11,” said John Sellers, former director of the Ruckus Society, which trains environmental justice organizers in direct action. “But no one really believed them.”

From 9/11 to the Green Scare

Rescue workers were only beginning to survey the damage when Alaska Republican Rep. Don Young picked up a call from an Anchorage Daily News reporter on September 11, 2001. Few details had emerged about who was behind the attacks, but Young was unfazed. “War has been declared as far as terrorists go,” he told the newspaper. “I’m not sure they’re that dedicated, but eco-terrorists — which are really based in Seattle — there’s a strong possibility that could be one of the groups” behind the assault.

Young’s remarks were prescient: Eco-saboteurs would become one of the U.S. government’s lesser-known war on terror adversaries. September 11 was a crisis perfectly suited to the groundwork industry groups had laid in the 1990s, and corporate actors stood ready to exploit it. It didn’t hurt that the saboteurs aligned themselves against capitalism, which was being defended as critical to America’s suddenly imperiled way of life. With political careers freshly dependent on hammering terrorism, eco-sabotage became an easy target.

The attacks “did not set off the Green Scare,” Shapiro said. Instead, “9/11 was exploited by Green Scare warriors to turn up the volume on their surveillance and suppression of the animal rights and eco movements.”

The Patriot Act’s broad new definition of domestic terrorism, signed into law in October 2001, was another step toward institutionalizing the notion that eco-saboteurs were terrorists. The law targets those who commit criminal acts “dangerous to human life” that “appear to be intended to intimidate or coerce a civilian population” or influence government policy. It also made it easier for the FBI to wiretap and surveil U.S. citizens. Even though a core tenet of ALF and ELF was to avoid harming living things, the Justice Department considered the movement’s acts of arson and vandalism dangerous enough to count.

Less than a week after the law’s passage, Craig Rosebraugh, a spokesperson for ELF and ALF, received a subpoena to testify before members of Congress at a hearing on eco-terrorism. Rosebraugh had been profiled in news articles as the face of the movement, even though his role was to publish anonymous communiques rather than conduct acts of sabotage.

At the hearing, representatives from both parties offered anti-ALF and ELF soliloquies. “On the morning of December 28, the employees of U.S. Forest Industries arrived at work to find their offices smoldering. The scene is reminiscent of what we saw of the damaged part of the Pentagon after September 11,” said Oregon Republican Rep. Greg Walden. “It didn’t take a jetliner to destroy this office. An ELF firebomb did the job. And while fortunately there was no loss of life, the destruction was just as severe.”

The domestic terrorism section chief of the FBI, James Jarboe, announced that ALF and ELF were “the No. 1 priority in the domestic terrorism program.”

Rosebraugh tried to turn the tables on his accusers. “If the U.S. government is truly concerned with eradicating terrorism in the world, then that effort must begin with abolishing U.S. imperialism,” he wrote in prepared remarks. “Members of this governing body, both in the House and Senate as well as those who hold positions in the executive branch, constitute the largest group of terrorists and terrorist representatives currently threatening life on this planet.”

Lawmakers at the hearing proposed various legislative fixes, including an Agroterrorism Prevention Act, which would have made activists eligible for the death penalty if someone were to die in one of the arsons. That bill was never passed, but another proposal — an expansion of the Animal Enterprise Protection Act — did become law, with help from industry.

In tandem with politicians' maneuvers, Quimby and the other law enforcement officers assigned to the arsons were doubling down on capturing the saboteurs. In the summer of 2001, they had met to discuss how they could crack open what had become stubbornly cold cases. "We decided we were going to be much more overt, and we were going to go start knocking on doors," Quimby said.

Armed with a list of 30 to 40 targets, the lead agent on the case began popping up in coffee shops and neighborhoods where he knew activists would recognize him. "You start to induce a little bit of paranoia," Quimby explained. The idea was that the activists would start thinking, "Are they on to us? Are they watching me? Are they on my phone? Are they monitoring my email account?" she told *The Intercept*. "It sewed some seeds of doubt."

Eugene detective Harvey's job was to remain unseen. "I lived in the shadows. I basically sat in my car, watching people, buildings," he said. At one point, he said, he spent hours sitting outside the Castle Superstore where one of the activists worked, in the hopes that Dibee would show up to visit.

The operation zeroed in on Jake Ferguson, who was suspected of being one of the most prolific arsonists. "We were following around Jake Ferguson for months and months," said Harvey. "You're looking at a heroin user, which makes him unbelievably paranoid." Agents from multiple states moved into a shared office in Eugene, where the walls were papered with charts, photos, and timelines.

Quimby doesn't fully credit 9/11 for the intensified investigation. But "there's no question that funding that became available as a result of 9/11 may not have been there" if not for the attacks, she said. The ALF and ELF cases "became a priority and a very visible priority."

By the end of 2001, however, Dibee and fellow activists had begun to move away from radical protest tactics like arson, according to Lauren Regan, a lawyer who would later represent one of the Backfire defendants. "It was causing division, because there was no way to control who was doing what," she said. "They felt as if, sooner or later, some wildcard would potentially screw something up and kill themselves or kill someone else." An October 2001 arson, of a hay barn at a Bureau of Land Management holding facility for wild horses, would be the last fire prosecutors attributed to Dibee and other Backfire defendants.

Dibee also had a falling out with one of his closest collaborators in the movement, Jonathan Paul. Paul had participated in the Cavel West arson, and he and Dibee had co-founded an organization called Sea Defense Alliance, which sought to physically disrupt the Makah people's whale hunt (an action that is hard to imagine in today's environmental movement, which seeks to follow the lead of Indigenous people).

The two activists sued each other over ownership of the organization's boat, and at one point, Dibee drove toward Paul's home with a gun, allegedly planning to confront him, according to law enforcement accounts included in federal court filings. But Dibee got lost and was pulled over by police, and the meeting was averted.

For a time, Dibee appeared to move on with his life, maintaining his adrenaline high by racing cars and flying planes. But the Backfire case was about to break. In 2003, Ferguson, who had a young child to

consider, agreed to wear a wire and travel around the U.S., visiting his activist friends and convincing them to talk about the old days.

Breaking the Movement

Among the earliest casualties of the Green Scare was a group known as the SHAC 7. After reporters and undercover activists obtained disturbing footage from inside the laboratories of the research company Huntingdon Life Sciences, a campaign called Stop Huntingdon Animal Cruelty emerged to shut it down. The nerve center of the campaign was a website where administrators posted communiques describing protest actions that targeted not just Huntingdon, but any company or individual that supported it — from clients to investment firms to the club where the CEO played golf. In response to persistent disruptions, dozens of companies severed ties with Huntingdon.

In January 2004, the American Legislative Exchange Council, a powerful organization whose members include legislators and corporate lobbyists, released draft legislation meant to strengthen the Animal Enterprise Protection Act to make it even easier to crack down on activist groups like SHAC. Under ALEC's model, titled the "Animal and Ecological Terrorism Act," filming an animal facility without the owners' consent could be prosecuted as terrorism. ALEC's version would also have created a "terrorist registry" of anyone convicted under the law.

But prosecutors didn't need ALEC's draft legislation to go after SHAC. A few months after the proposal was finalized, seven SHAC organizers were arrested and six were later sentenced to prison terms under the original version of AEPA. They were accused of encouraging and publicizing radical tactics, but not participating in acts of sabotage themselves.

Nor did authorities need a new anti-terrorism law to go after the ALF and ELF arsonists. In December 2005, FBI agents carried out simultaneous arrests in five states. Over the next year, 18 alleged ALF and ELF saboteurs would be accused of participating in a domestic terrorism conspiracy. The feds interviewed Dibee. Then he disappeared.

The pressure on the eco-radicals to inform on their friends in exchange for reduced prison time was immense. Hanging over their heads were terrorism sentencing enhancements developed in the wake of the 1995 Oklahoma City bombing, which could increase prison time for a specific list of crimes if they were "calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct." Among the charges that fit the enhancement were arsons of buildings involved in interstate commerce or belonging to the U.S. government.

Given the prison time at stake, with some facing possible life sentences, nearly every activist shared information. "Some named every name they could," Harvey said, while others "listed involvement without naming names."

Prosecutors declined to negotiate with the handful of defendants who refused to cooperate, according to Regan. But that changed overnight, she said, after defense lawyers issued an extensive motion demanding the government reveal whether the National Security Agency or FBI had used warrantless wiretapping or Patriot Act-authorized surveillance against the activists. When the judge supported the motion, and prosecutors changed their tune. "They said, 'OK, we'll do a noncooperating plea deal if you'll drop this motion,'" Regan recalled.

A narrower version of ALEC's law, introduced by Republican Sen. James Inhofe and Democratic Sen. Dianne Feinstein, passed the following November. The Animal Enterprise Terrorism Act, or AETA, left

out much of ALEC's wish list, limiting the law to animal enterprises rather than actions targeting mining, timber harvesting, and fossil fuel extraction. However, it succeeded in criminalizing "interference" in the activities of any entity with a connection to an animal enterprise, a lower bar than AEPA's "physical disruption." It also increased the maximum penalty for causing economic damage, from three years in prison to 20, and allowed for up to five years in prison if an action simply caused someone a "reasonable fear of serious bodily injury or death."

The section that would have criminalized filming at animal facilities was picked up by state lawmakers across the U.S. — "ag gag" bills became law in nine states, though they've been overturned as unconstitutional in three, and legal battles continue.

Twelve of the Backfire defendants received terrorism enhancements. They were sentenced to between one and 12 years in prison. One defendant's status as a "terrorist" was later used to justify his transfer to a communications management unit, where his contact with friends, family, and the public was severely limited.

But it wasn't prison time that most deeply undermined the movement. "The level of betrayal that took place during the Green Scare and the number of hardcore activists that basically crumbled under minor pressure by the state to become snitches or informants really shook the foundations of the radical movement," Regan said. "It was very, very difficult for a lot of people to organize and trust each other in the aftermath of that shakeup."

As for Dibee, the FBI suspected that he sheltered with relatives in Syria. Friends thought he might have died in the violent civil war there. One by one, the other Backfire fugitives were picked up. After 30-year-old New Jersey native Justin Solondz was arrested on drug charges in 2009 in the backpacker community of Dali, China, he pleaded guilty in the U.S. to firebombing the University of Washington's Center for Urban Horticulture. Thirty-nine-year-old Rebecca Rubin, who had been hiding in her home nation of Canada, turned herself in in 2012, exhausted by years when "she was forced to live in what is, in some ways, a prison without walls," as her lawyer told a Maclean's reporter. She pleaded guilty to freeing wild horses and helping with the Vail arson.

While Dibee was on the lam, Obama's election drove much of the environmental movement's energy toward legislative change and away from direct action. *The Intercept* identified only 13 eco-activist cases prosecuted federally after 2008 — all but two charged under AETA. Six of the cases involved activists freeing mink from fur farms — actions that could hardly be considered terrorism even under the Patriot Act's broad definition. Four more of the cases were dismissed. "The primary purpose of these laws is to try and brand activists as terrorists in order to turn public opinion against their advocacy and their campaigns," Regan said.

Meanwhile, Democratic leadership failed to deliver any meaningful response to the deepening climate crisis and resulting biodiversity loss. Rising ocean temperatures caused the Great Barrier Reef in Australia, which Dibee had visited as a kid, to bleach and die. Wildfires burned with more intensity through the desiccated Pacific Northwest forests that he'd fought to protect from the timber industry. Orca whale populations shrunk to perilous levels off the coast of Washington state. And Donald Trump was elected president, paving the way to reverse even the minor steps the Obama administration had taken to challenge corporate polluters.

A Rising Threat Dismissed

Daryl Johnson started at the Department of Homeland Security as a domestic terrorism analyst when eco-terrorism was still one of its major priorities. He didn't have a problem with that. "I still believe they're terroristic threats, because it's ideologically motivated violence against property," he said. "But if I had to choose who was the greater threat, I would obviously go with the ones who were killing people."

By 2009, Johnson had come to see right-wing extremism as a severe, rising threat. That April, he became the lead author on an intelligence assessment that found that right-wing movements were using Obama's election as a recruiting tool. That same month, three police officers in Pittsburgh were ambushed and killed by a man who regularly posted on the white supremacist website Stormfront. "Lone wolves and small terrorist cells embracing violent right-wing extremist ideology are the most dangerous domestic terrorism threat in the United States," the report concluded.

The report was leaked, and the backlash was swift. Conservative groups were particularly offended by its suggestion that veterans might be vulnerable to recruitment by far-right groups. Everyone from Republican House Minority Leader John Boehner to the American Legion released statements deriding it.

At first, DHS Secretary Janet Napolitano defended Johnson's work. "We must protect the country from terrorism whether foreign or homegrown, and regardless of the ideology that motivates its violence," she said in a statement a week after the report was published. But after 20 conservative groups put out ads calling for her to resign, she backtracked, claiming there had been a breakdown in internal review processes and promising to replace the report.

In contrast to the crackdown on eco-radicals, DHS stepped back from focusing on domestic terrorism altogether. Johnson's unit was gutted, and he left the agency along with many of his peers.

"It sent a chilling effect in the law enforcement and intelligence community. They saw what happened to me and how my unit was politicized," he told *The Intercept*. As a result, "you have 10 years of attacks almost," said Johnson, who now works as a consultant on domestic extremism. "Lots of people have died. The threat [of far-right groups] is still very active right now, and so it's thriving."

According to the Anti-Defamation League, between 2002 and 2018, 80 percent of extremist-related murders in the U.S. were carried out by people linked to right-wing movements. Only 3 percent were linked to left-wing ideologies, and 17 percent to Islamic movements. Every single extremist killing in 2018 — 50 in all — had a link to a right-wing movement.

Journalist and civil liberties advocate Will Potter, whose book "Green Is the New Red" exposed industry influence over Green Scare-style prosecutions, argues that the federal focus on animal rights activists over right-wing extremists was driven by more than corporate lobbying. "Beliefs that motivate [animal rights] activists were presented as this ideological threat to core concepts that underpin what some people think it means to be an American — defense of capitalism, a religiously aligned state, defense of industry, the belief that humans are exceptional."

In contrast, many of America's foundational values — Christianity, individualism, gun rights, and white supremacy — align with those of right-wing extremists. As Johnson put it, right-wing groups "operate under some of the same values that [I], an FBI agent, might believe."

Shapiro went even further: "No shit the FBI doesn't like to go after right-wing groups. They're on the same team."

A New Generation

In October 2016, as thousands of opponents of the Dakota Access pipeline gathered in protest camps in North Dakota, activists simultaneously turned above-ground valves on five tar sands oil pipelines across the U.S., shutting off the oil's flow in solidarity with the Standing Rock tribe. They livestreamed the actions and stayed on site, awaiting arrest.

Less than a year later, holes burned using welding tools began appearing on valves along the Dakota Access pipeline. Two pipeline activists, Ruby Montoya and Jessica Reznicek, called a press conference to claim responsibility for the sabotage.

In response to the resurgence of direct action tactics, 84 members of Congress, including four Democrats, sent a letter to Attorney General Jeff Sessions in October 2017 asking whether “the attacks against this nation’s energy infrastructure, which pose a threat to human life, and appear to be intended to intimidate and coerce policy changes,” fell within the Justice Department’s understanding of domestic terrorism.

The American Petroleum Institute praised the letter and told the industry publication *Natural Gas Intelligence* that the group was working with the Trump administration on the issue, including the Justice Department and the FBI. “A key component of securing our nation’s energy infrastructure is ensuring that law enforcement has the tools needed to prosecute those who attack it,” an institute spokesperson said.

As if on cue, ALEC entered the fray. By December 2017, it had introduced a model Critical Infrastructure Protection Act, which would increase penalties for trespassing on or inhibiting the operations of oil and gas pipelines. Under the model, “conspirator” organizations, such as activist groups, would face a fine several times that of the trespasser. Eight states are considering versions of the law, and industry groups and oil and gas companies, including Dakota Access parent company Energy Transfer Partners, have been lobbying on its behalf.

“It’s the corporate state bringing out the same old tired playbook and repeating the same plays again and again,” said Regan.

While legislators’ efforts haven’t yet translated into Green Scare-style prosecutions, their enthusiasm reveals that the anti-eco-terror framework built in the 1990s and strengthened in the wake of 9/11 could easily be deployed again.

On August 10, the FBI held a press conference to announce it had captured Dabee. “Just because time passes doesn’t mean the FBI forgets,” FBI agent Tim Suttles, who worked the Operation Backfire case for 14 years, said in a statement. “We are very gratified to have Dabee in custody.”

Dabee’s lawyer declined to comment. But if his case turns out like those of his co-defendants, he’ll probably negotiate a guilty plea. The judge is likely to consider a terrorism enhancement, and Dabee will be sentenced to years in prison.

Harvey, the Oregon detective who spent years trying to catch Dabee, learned of the arrest from a friend who’s still working on the case. “I was extremely happy,” he told *The Intercept*.

Quimby, the former FBI agent, was similarly gratified. “When Joe was picked up, it was sort of cool, like one more down, one to go.”

But she knows it's not over. One Backfire defendant, Josephine Overaker, remains missing. "She speaks fluent Spanish and may seek employment as a firefighter, midwife, sheep tender, or masseuse," the FBI said in its press release announcing Dibee's capture.

"With Overaker still out there the case isn't closed," Quimby said. "It won't be until she comes into custody."

29 Mar - Marius Mason Transferred to Federal Prison in Connecticut

After nearly 10 years at the federal prison in Ft. Worth, Texas, longtime "Green Scare" defendant, trans prisoner and Earth First!er Marius Mason has finally been transferred to a facility closer to family and friends.

MORE:

by KP (*Earth First! Newswire*)

As of the week of March 25, Marius is now at FCI Danbury in Connecticut. He had requested this move, but it was not clear if that request would be granted until he was actually in the new location. Danbury is classified as an FSL, or Federal Satellite Low Security, which is just a step up from a camp.

Marius' transfer to Connecticut means he will be hundreds of miles closer to his children, volunteer attorney, and lifelong friends. We are hopeful that this move will allow for approved visitors to visit him more often. Currently, he's been getting an average of 2 or 3 visits a year, because of the overwhelming time and money involved in travel to Carswell in Ft. Worth.

At this date, Marius is just getting his bearings, and trying to figure out the new schedule, culture, and systems at Danbury. He could use a reminder that he is not alone in this major transition. Please consider writing him a letter of support in the short term.

So far, we do not know if FCI Danbury will accept Marius' chosen name on envelopes. For the time being, please address the envelope to "Marie (Marius) Mason" or "M. Mason" while the actual letter inside should be written to Marius.

More updates will be posted once Marius has more information and answers. Please check back on his website (supportmariusmason.org), twitter (@supportmarius), and facebook (facebook.com/supportmariusmason). Thank you all for your continued support!

30 Mar - The NYPD Union's War Against Parole Reform

For decades, cops have aggressively opposed even minor reforms concerning accountability and criminal justice. Now, they're finding they no longer have the state's parole board under their thumb.

MORE:

by Natasha Lennard (*The Nation*)

New York's largest police union is nothing if not consistent: The Police Benevolent Association of the City of New York (PBA) has aggressively opposed even the most minor reforms concerning police accountability and criminal justice for decades.

In 1966, Mayor John Lindsay proposed establishing a Civilian Complaint Review Board in response to rising public concern over police brutality; PBA members protested in their thousands, lobbied and managed to keep civilians off the police-oversight agency for another 20 years. When Mayor David Dinkins put forward a police-oversight plan in 1992, the union organized a near-riot outside City Hall,

jumping on cars and breaking barricades. In 2014, the blustering union president Patrick Lynch said that “blood was on the hands” of Mayor Bill De Blasio following the murder of two NYPD cops. The mayor’s crime: deigning to mention the problem of police violence in the months before the attack.

But nothing whips the powerful police union into a fury like the possibility that an individual convicted of killing an officer might one day walk free. “Keep Cop Killers in Jail for Life” is among the animating missions of the PBA—a whole page on its website, labeled “Cop Killers,” is dedicated to this issue alone.

The New York State Board of Parole, which determines the release of eligible prisoners who have already served their determined sentences, currently consists of 12 commissioners appointed by Governor Andrew Cuomo. In recent decades, the board was typically made up of individuals with previous law-enforcement careers who naturally tended towards denying parole. Over the last year, though, with the adoption of new regulations and the addition of new commissioners without law-enforcement backgrounds, the board has granted some long-overdue releases. As I have previously written, the decision to grant parole after 44 years to 70-year-old Herman Bell, a former Black Panther convicted of the 1971 murder of two NYPD officers, was a litmus test for whether the parole board would follow its own guidelines and release the aging man with a stellar institutional record, or bend to the political influence of the police union.

In 2018, the PBA reacted with ire to Bell’s release; Lynch, with his flare for blatant racism, stated that “to let this animal onto the streets is disgraceful.” The union continues to pursue strained legal avenues to see the septuagenarian back behind bars. Both Governor Cuomo and Mayor de Blasio publicly condemned the board’s rightful decision; the parole board’s decision later in the year to release Robert Hayes, also a former Black Panther, was a heartening signal that the commissioners would uphold the principles of parole rather than kowtow to police union pressure.

The PBA has since doubled down on its campaign. The powerful union is taking aggressive aim at the New York State Board of Parole at the very moment parole reform is moving (albeit slowly) in the right direction. If the police union is successful in its efforts with regards to “cop killers”—as it historically has often been—it would undermine the very premises on which the parole system is supposed to function.

“Every time someone whose crime involved injury or death to police comes up for parole, the PBA launches a frontal media attack, ignoring completely who the person is today, and exaggerating wildly the crime they were convicted of committing,” Laura Whitehorn, an organizer with the project Release Aging People in Prison (RAPP) and a former political prisoner herself, said in a recent interview. “They portray themselves as guardians of public safety, but the way they block advances in parole release have nothing whatsoever to do with public safety, only with police supremacy.”

The PBA’s go-to tactics include hammy appeals to public safety and citizen’s concerns. Last week, the police union announced that it would hand-deliver to the parole board tens of thousands of letters, apparently written by members of the public, asking that “cop killers” never be released. The police union claims that since 2014, some 200,000 letters from the public have been “purposefully ignored” by the board.

The story behind these letters gives lie to the police union’s claim of vast public support and exposes the cynical efforts it is willing to undertake in its crusade against reasonable parole decisions. Two hundred thousand individuals did not write to the parole board; the PBA’s letters represent as few as around 3,000 people clicking on a website link. The vast majority of letters were automatically generated by the PBA’s site, which invites visitors to “send a letter for all cop killers” in a bold red font and then generates 62 separate letters with one click—one for each “cop killer” listed on the site.

According to Corrections, between 2012 to 2014, the department enabled what RAPP's Whitehorn called a "secret pipeline," by which these mass-generated letters would be dispatched directly to the parole board through the police union's online portal.

Without warning the police union, Corrections shut down the portal between its site and the PBA's in 2014, around the same time advocacy organizations like RAPP were mounting pressure on the board to grant release to aging prisoners. Now, the union and its supporters have to complain to the parole board like any other members of the public (DOCCS has a link on its website for such messages and accepts mail). The union only discovered the change in February—that's the downside to automating letter-writing—and took it as evidence of a "decision" to "ignore" the public.

The New York Daily News was swift to trumpet the PBA's outrage, echoing the union's soundbite that 200,000 messages had been "left in limbo." The tabloid at no point mentioned that the PBA site generated dozens of messages per single click. The corrections department, on its part, has pushed back on the PBA's narrative. "The PBA's most recent attack on the Board of Parole is disingenuous and is effectively a demand for exclusive access to the board that is not otherwise provided to any other New Yorker," said DOCCS spokesperson Thomas Mailey, adding that the "clerical change" that ended the online portal "has in no way prevented the PBA or anyone else from providing letters of opposition or support."

More optimistically, the letters saga indicates fresh independence in the parole board. In 2017, administrators brought in new regulations in an attempt to instantiate what should have long been standard practice: basing parole decisions on an evaluation of the inmate's risk to the public instead of the nature of the crime that led to their incarceration. Last year, Governor Andrew Cuomo appointed six new parole commissioners, a number of whom have a history in public health and family services, rather than the typical law-enforcement careers of parole commissioners.

The new regulations stipulated that hearings would no longer serve as a relitigation of an original crime but, rather, a reasoned consideration of an individual and their circumstances at the time of their parole hearing. Such changes are especially crucial for aging prisoners who have served lengthy sentences and pose a negligible risk of recidivism. Even some members of law enforcement also now argue for shifts towards a more presumptive parole system when aging prisoners are concerned. "Imprisoning the elderly is extremely expensive—estimated to cost between two to five times as much as a regular prisoner, and potentially costing hundreds of thousands of dollars per year. On top of that, it's ineffective," said Maj. Neill Franklin, a retired police officer and executive director of the nonprofit Law Enforcement Action Partnership. "Most people simply age out of crime as they get older, and very few people over the age of 55 constitute a public-safety risk," Franklin said.

The PBA's letters stunt is thus best read as a scrambling reaction to a parole board no longer entirely under its thumb. "There has been a major shift in parole decisions in the past three years," Albert O'Leary, the PBA's communications director, explained. "The nature of the crime used to be the leading consideration for release, but has been reduced to the least-considered factor under changes implemented internally by DOCCS without public review or comment." It has, however, been in the parole board's guidelines since 2011 that assessments about a prisoner's current "risk and needs" be given major weight in parole considerations, rather than a focus on the nature of the original crime. New regulations simply asserted that this guideline should be upheld.

The parole system is still mired in problems both procedural and structural. The New York State Parole Board is currently understaffed (there are seven vacancies), leading to harmful and cruel delays. That an incarcerated person will likely not be granted parole unless they admit guilt and show penance in front of

the board leads to gross injustices for the many innocent individuals in prison who have exhausted their limited appeals.

But for the parole board to both enact and assert its independence from the police union and the political power it exerts constitutes a notable and welcome shift. It's high time that the PBA's mendacious campaigns for police supremacy be met with the silence they deserve.

4 Apr - Rally for Parole Justice

WHAT: Rally

WHEN: 10:00am, Thursday, April 4th

WHERE: Governor Cuomo's NYC Office, 633 3rd Avenue

COST: FREE

MORE:

The New York State Parole Board is in a state of crisis. With only 12 seated Commissioners and seven vacancies, parole interviews are being postponed, applicant files are going unread and caseloads have become unmanageable.

Release rates have also dipped since a short-term increase last year. As a result, thousands of our loved ones remain locked up and away from their families, serving decades in prison for crimes they were convicted of many years ago. Please join us to demand change now.

We'll demand the Governor fully staff the Board by appointing seven new Commissioners who believe in principles of mercy, redemption and transformation. We'll demand an increase in release rates and the release of our elders and loved ones from prison.

5 Apr - Libertarias

WHAT: Film

WHEN: 7:00pm, Friday, April 5th

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:

At the outbreak of the Spanish Civil War, the nun Maria is forced to flee her convent. She takes refuge in a brothel, until it is liberated by a woman's anarchist group. Maria joins the group and eventually goes to the front. The women's group faces the problems of fighting not only the nationalists, but also factions on the left seeking to impose a more traditional military structure.

6 Apr - Memorial for Anarchist Struggle Fighter Tekoşer Piling

WHAT: Memorial

WHEN: 7:00pm, Saturday, April 6th

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:

On Monday, March 18, anarchist Lorenzo Orsetti (Tekoşer Piling) fell martyr in Baghouz, the last territorial stronghold in Deir Ezzor. He fought as a member of Tekoşîna Anarşîst (Anarchist Struggle) and

was a companion of Tikko. Originally from Florence, Italy, he fought in Rojava for a year and a half, including in defense of the Turkish invasion of Afrin. We are meeting to honor his life and the example he set for revolutionaries around the world. Please join us as we commemorate Tekoşer! Şehid namirin!

12 Apr - Metropolitan Anarchist Coordinating Committee General Assembly

WHAT: General Assembly

WHEN: 6:30pm, Friday, April 12th

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.

13 Apr - Kuwasi Balagoon Liberation School

WHAT: Introduction to joining the Revolutionary Abolitionist Movement – NYC

WHEN: 7:00pm, Saturday, April 13th

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

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

COST: FREE

MORE:

The presentation will lay out the ideological, historical and pragmatic foundation of the RAM project. This is part of a larger series of presentations and workshops that introduce the political intentions and projects, while offering a way for people to participate in the organization.

The Liberation School will take place every Saturday evening at 7pm for 3 weeks. Here's the schedule:

April 13th: Legacy of revolutionary history & political foundations of RAM

April 20th: Introduction to RAM's organizing practices

April 27th: Tech security and legal training

The Kuwasi Balagoon Liberation School is designed for helping build up a new generation of revolutionaries. Named after the Black Liberation Army soldier, we intend to commemorate his life and struggle by building a movement that continues his organization's legacy.

Kuwasi Balagoon Liberation School kuwasibalagoon.org

More about the Revolutionary Abolitionist Movement revolutionaryabolition.org

15 Apr - AnFem Open Meeting

WHAT: Meeting

WHEN: 7:00pm, Monday, April 15th

WHERE: Bluestockings 172 Allen Street, New York 10002

COST: FREE

MORE:

We welcome all women, trans, and genderqueer folks to join us and learn more about ongoing work and campaigns, and/or to start new projects. Let this be a space to talk about current projects or share ideas for new ones. A place where we can all be in the same room and get the wheels turning.

For more information on MACC, visit macc.nyc.

The Anarchx-Feminist Caucus (a.k.a. "AnFem") operates within the Metropolitan Anarchist Coordinating Council (MACC). MACC seeks to strengthen and support New York City's anarchist movement through the coordination of existing and emerging projects. AnFem critiques and confronts gendered and sexual violence, capitalism and patriarchy while aiming to dismantle the overlapping systems and institutions that keep oppression in place. We join a long tradition of anarchist feminist collectives that operate in smaller scale affinity groups to build trust within a community that feels safe.