



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for June 2nd

12 May - Sekou Odinga on “Millenials are Killing Capitalism” podcast

Be sure to check out this interview with former political prisoner Sekou Odinga!

MORE:

<http://millennialsarekillingcapitalism.libsyn.com/episode-54-sekou-odinga-on-political-prisoners-the-black-panthers-and-the-black-liberation-army>

In this episode we are honored to interview Sekou Odinga. Odinga is a former member of Malcolm X's Organization of Afro-American Unity, a founding member of New York Chapter of the Black Panther Party and one of the falsely charged New York Panther 21. He was also a founding member of the International Black Panther Party chapter which set up an embassy in Algeria.

After returning to the US, Odinga joined the Black Liberation Army. In 1984 he was convicted of multiple charges, including the liberation of Assata Shakur. While he contested the charge legally, after serving almost 34 years for the conviction, he has acknowledged that he is honored to be connected with the Assata's liberation.

Sekou Odinga shares reflections, memories and lessons from the struggles of his era. He also joins us specifically to highlight the need to bring home political prisoners. The political prisoners from his generation are all elders, many of them with compromised immune systems, who have all served decades in prison for their political activity.

20 May - Still Here by David Campbell

NOTE: This update was written on 5/13/2020 and received on 5/20/2020

MORE:

Hey Everyone, still here. Most sentenced inmates were released the last week of March, but there are still 150 of us on the island, in addition to the 4000 detainees. Our dorm was much less crowded for a little while, but DOC has been moving lots of us into one crowded dorm again in the past couple weeks. There are about 30 of us now so it's impossible to social distance again. Most of the surfaces people touch in the public areas of the building are never sanitized, and only about half of DOC staff are wearing masks. They gave us all knockoff 400 game-in-1 Gameboys, though, so we should be fine.

I've been told I've been approved for release to home confinement with an ankle monitor but it's been over a month and there's been no news, or even any indication of when there might be news. Supposedly the Mayor's Office of Criminal Justice and the DOC are working on it. It would be great if they actually were, and I know people on the outside are working to keep the pressure up (thank you !), but for my own peace of mind, I've turned my focus back to October. I'm over the hump now — only 5 months to go! Still getting & loving your mail, just behind on responding to it because things have been kinda crazy in here. Take care out there!

21 May - Update on Sentencing Dates For Kings Bay Plowshares 7

The sentencing dates have been changed.

MORE:

On Friday, May 22, Judge Lisa Godbey Wood of the Southern District Federal court of Georgia in Brunswick assigned new dates for seven defendants, according to the Kings Bay Plowshares 7 lead attorney, Bill Quigley. Many of the defendants had asked the court to postpone their May 28th and 29th

court dates to accommodate their right to be sentenced in person in court, not by video, witnessed by the public and press. The seven were convicted of three felonies and one misdemeanor on October 24, 2019 for their nonviolent, symbolic disarmament act at the Kings Bay Trident submarine base.

The defendants had also asked for home confinement during this time of COVID-19, as entering prison could be a death sentence. Their request was denied by the prosecution.

Elizabeth McAlister, at 80 yrs-old the eldest of the KBP7 defendants and widow of Phil Berrigan, was notified that her court date was changed from May 28 to June 8. She is to be sentenced by video while she stays at her home in Connecticut. McAlister will probably not face additional prison time because she served over 17 months before trial. There is expected to be an audio feed for the public to listen but the number is not known yet. The US attorney is asking for 3-5 years of probation and restitution.

Martha Hennessy, granddaughter of Dorothy Day who founded the Catholic Worker Movement was granted an adjournment and given a new date on June 29, 3:30 pm, in Brunswick, Georgia.

Patrick O'Neill, Clare Grady, Mark Colville, Carmen Trotta, and Fr. Steve Kelly, S.J. (who has been detained in jails in Camden County and Glynn County for more than 25 months) also asked for an adjournment and were given June 29 and 30 as their new dates to appear with no times specified yet. They were not told whether they'll be allowed to be sentenced in person in open court or whether they'll have to travel to Brunswick to be sentenced remotely by video once they get there.

The sentencing recommendations call for 18 months for Liz McAlister, up to 45 months for Steve Kelly (already served 2+ years) and up to 27 months for the others. Supervised probation and restitution are also requested. Judge Wood is free to sentence higher or downward from these guidelines.

As they wait for sentencing, each of the defendants and their families continue to serve as their communities' human needs grow exponentially during this COVID-19 pandemic. The defendants call for the release of people in prisons, in federal and state prisons, county and city jails, especially the elderly, the infirm and all non-violent offenders.

Before the court changed the May 28th and 29th sentencing date, two webinars were held, titled Disarm & Divest During COVID-19, with over 4,200 views by this date.

In Part 1, hosted by Code Pink on May 9, six of the defendants shared a panel with special guests Dr. Cornel West, Medea Benjamin, Jeremy Scahill, and was facilitated by Norman Solomon.

Part 2's panel, hosted by KBP7 on May 16, included four defendants and attorney Bill Quigley. It was facilitated by Jeremy Scahill.

On April 4, 2018, acting on the 50th anniversary of Dr. King's assassination, Mark Colville, Clare Grady, Martha Hennessy, Fr. Steve Kelly, S.J., Elizabeth McAlister, Patrick O'Neill, and Carmen Trotta used a bolt cutter to enter a remote gate at Naval Base Kings Bay in St. Mary's, GA and walked two miles through swamp and brush. They then split into three groups and prayed, prayerfully and symbolically poured blood, spray-painted messages of disarming nuclear weapons and to love one another. They hammered on parts of a shrine to nuclear missiles, hung banners quoting Dr. King, "the ultimate logic of racism is genocide" and another naming the ominicidal logic of Trident. The seven waited to be arrested.

23 May - Application for retrial for Imam Jamil Al-Amin has been submitted

Imam Jamil Al-Main's legal support have submitted and application to the Fulton County District Attorney's Conviction Integrity Unit demanding a retrial.

MORE:

change.org/p/fulton-county-district-attorney-paul-howard-new-trial-for-imam-jamil-al-amin-fka-h-rap-brown

We must now show the establishment that we care more about justice than they do about corruption and injustice.

The proof of misdeeds is clear, the proof of innocence is clear, a retrial or release are the only acceptable options.

We make the news so let our voices once again be heard loudly and in unison...we demand a retrial...we demand justice.

23 May - Trump administration asks Supreme Court to stop release of inmates at risk for COVID-19

The Trump administration is asking the Supreme Court to intervene for the first time in a case related to COVID-19, to block a judge's order that a low-security federal prison in Ohio transfer, release or send home some of its elderly and medically vulnerable inmates.

MORE:

by David G. Savage (*Los Angeles Times*)

"The government is currently facing numerous suits challenging conditions of confinement in federal prisons across the nation," Solicitor Gen. Noel Francisco said in an appeal filed Friday evening, and the prisoners' lawyers are seeking to require the wholesale release of inmates from low-security prisons by imposing "a constitutional six-feet-at-all-times rule" for social distancing.

The court, which could act this weekend, is thrust into the fray as state and federal prisons nationwide have become hot spots for infections and illness from the coronavirus, and prison officials have searched for ways to thin their populations. Earlier Friday, lawyers for the American Civil Liberties Union told the justices it would be "a tremendous mistake" for the high court to intervene. They noted the Ohio judge had yet to order the release of a single inmate.

Granting the appeal would "block an order that will save lives," said David Cole, the ACLU's national legal director. "Around the country, courts have been slow to step in and take responsibility to protect the tens of thousands of incarcerated people who are at risk from this virus. Bold leadership from courts will be required to mitigate the humanitarian crisis we're facing."

The Elkton Federal Correctional Institution in northeast Ohio has been hard hit by the coronavirus. By early May, nine inmates had died, and one in four of those tested were positive.

A lawsuit filed on behalf of four inmates alleged that the conditions there were inhumane and unconstitutional, with 2,500 inmates housed in cramped dormitory-style facilities, and crowded together when they slept, ate or bathed.

In response, U.S. District Judge James S. Gwin on April 22 ordered the prison to evaluate its prison population and identify those who were at high risk because they were 65 or older or had medical conditions like asthma or a heart ailment that put them in danger if they contracted the virus.

The prison subsequently said 837 inmates were in those categories. But officials later said only five of the inmates were suitable candidates to be confined at home or released. The lawyers who brought the suit expressed surprise, given that Atty. Gen. William Barr had told the federal Bureau of Prisons in late March to consider early release or home confinement in response to the virus.

Frustrated, the judge issued a new order on May 19 telling prison officials to send home or release the high-risk inmates or transfer them to another prison, or explain why they did not do so in each case. He said he wanted all the inmates to be reevaluated by May 26.

On Wednesday, the solicitor general went directly to the Supreme Court. Francisco said the justices should stay the judge's order, blocking it while the government appeals to the Cincinnati-based 6th Circuit Court of Appeals, or, if that fails, seeks a full review before the high court. The case is *Williams vs. Wilson*.

In past administrations, the government rarely sent emergency appeals to the high court. Typically, the solicitor general seeks review of a lower court ruling once the case has been finally decided by an appeals court. But since President Trump took office, the pattern has shifted. As his actions have been quickly challenged in federal courts, and often blocked by judges, just as regularly Francisco has gone directly to the high court and asked the justices to lift or set aside a lower court order.

Francisco has been successful most of the time. On Wednesday, for example, the justices issued a brief order to temporarily block House Democrats from seeing files and interviews from the investigation of special counsel Robert S. Mueller III into Russian meddling in the 2016 election. Two lower courts ruled the material must be turned over to the House, but the justices agreed to put those rulings on hold while Francisco submits a full appeal.

In the Ohio prison case, Francisco argued that the judge had overstepped his authority and evaded the Prison Litigation Reform Act of 1995, which bars inmates from challenging prison conditions in federal court until they have tried to obtain relief through the prison grievance system.

Gwin had found that Elkton's inhumane conditions violated the 8th Amendment banning cruel and unusual punishment, and said the need to remedy this constitutional violation justified his intervention.

Francisco called the action "judicial second guessing." He said Gwin's order "fails to account for the practical constraints facing prison administrators managing the nation's prison system during a public-health emergency, and ignores the actual and extensive steps that they have taken to protect inmates from the risk of infection within those constraints."

The ACLU lawyers said the pandemic requires an emergency response like the one Gwin ordered. "COVID-19 poses a particularly acute danger at Elkton, where prisoners are forced to live in a single dormitory room along with approximately 150 other people," they told the court. "The government has limited the ability of [the inmates] to maintain adequate distance from each other, requiring them to sleep, eat, and live, just a few feet from other potentially contagious prisoners."

The justices also have before them a similar, but more narrow appeal from a New Orleans lawyer who is seeking relief for a Louisiana inmate who has diabetes. In that case, the 5th Circuit Court of Appeals blocked a federal district judge's order in favor of the inmate.

Two weeks ago, the high court turned down an emergency appeal from two elderly inmates in a Texas state prison who sought more protections from COVID-19. The 5th Circuit also had blocked a judge's order for those inmates, citing their failure to file an appeal or grievance with the prison system.

Justice Sonia Sotomayor agreed with the narrow ruling in the Texas case, *Valentine vs. Collier*, but wrote in a statement joined by Justice Ruth Bader Ginsburg that judges needed to do more to protect inmates during this emergency.

"It has long been said that a society's worth can be judged by taking stock of its prisons. That is all the truer in this pandemic, where inmates everywhere have been rendered vulnerable and often powerless to protect themselves from harm," she said. "May we hope that our country's facilities serve as models rather than cautionary tales."

26 May - Have you submitted art or an article to the 2021 *Certain Days* calendar?

*Just a last reminder that they are still accepting art for the 2021 *Certain Days* calendar. (It's the 20th anniversary edition)!*

MORE:

A Generation of Support Through the Bars – the 20th edition of the *Certain Days* calendar

The *Certain Days: Freedom for Political Prisoners Calendar* collective will be releasing our 20th calendar this coming autumn. The 2021 theme is “A Generation of Support Through the Bars,” reflecting on the roles of political prisoners in social justice movements, historically, currently, and as we look to the future.

We are looking for 12 pieces of art and 12 short essays to feature in the calendar, which hangs in more than 6,000 homes, workplaces, prison cells, and community spaces around the world.

We encourage contributors to submit both new and existing work. We especially seek submissions from people in prison, so please forward to any prison-based artists and writers.

Deadline: June 15, 2020

THEME GUIDELINES

When the first *Freedom for Political Prisoners* calendar went to print over two decades ago, the list of political prisoners and prisoners of war numbered over 100. That number has diminished considerably in the last 20 years, sometimes as a result of successful campaigns and strong outside support, but all too often due to attrition. Medical neglect combined with years of confinement has meant that too many political prisoners have joined the ancestors before we were able to free them.

The *Certain Days* project was intergenerational when it began: the inside members and almost all of the prisoners featured were involved in the freedom struggles of the 1960s and 70s. The outside collective were in our twenties when the project began, eager to learn from our elders and to provide concrete solidarity across prison walls. Now, 20 years later, the world has changed but the need for solidarity remains as strong as ever. As new movements have risen up to confront forces of repression, we have seen an increase in political prisoners from Indigenous struggles and Earth and Animal liberation movements, to anarchists, anti-fascists, Grand Jury resisters and hacktivists.

While we have covered many themes connecting political prisoner solidarity work over the last two decades, for this 20th anniversary issue we wanted to focus our attention on the core reason for the calendar's existence: the ongoing place of political prisoners in social justice and revolutionary movements.

Topics may include, but are not limited to the following:

- The role of longtime political prisoners in ongoing struggles for liberation, whether as inspiration, mentors, and/or as active participants.
- How do we provide meaningful support to prisoners? How has this role changed over time, and what does it mean to support activists who are now at risk for involvement in ongoing movements?
- The relationship between political prisoner solidarity & the broader movement for prison abolition.
- Our understanding of political prisoners/prisoners of war, and how this has evolved over time.
- How can we bring the voices of political prisoners into our everyday lives and organizing efforts?
- Political prisoners are often involved in raising the consciousness of fellow prisoners, as well as prison organizing and legal support. How has this role changed in the face of escalating state repression?

FORMAT GUIDELINES

ARTICLES:

- 500 words max. If you submit a longer piece, we will have to edit for length.
- Poetry is welcome, but needs to be significantly shorter than 500 words to accommodate layout.
- Please include a suggested title.

Due to time and space limitations, submissions may be lightly edited for clarity, with no change to the original intent.

ART:

1. The calendar is 11” tall by 8.5” wide, so art with a ‘portrait’ orientation is preferred. Some pieces may be printed with a border, so it need not fit those dimensions exactly.
2. We are interested in a diversity of media (paintings, drawings, photographs, prints, computer-designed graphics, collage, etc).
3. The calendar is printed in colour and we prefer colour images.

SUBMISSION GUIDELINES:

1. Send your submissions by June 15, 2020 to info @ certaintdays.org.
2. ARTISTS: You can send a low-res file as a submission, but if your piece is chosen, we will need a high-res version of it for print (600 dpi).
3. You may send as many submissions as you like. Chosen artists and authors will receive a free copy of the calendar and promotional postcards. Because the calendar is a fundraiser, we cannot offer money to contributors.

Prisoner submissions are due June 15, 2020 and can be mailed to:

Certain Days c/o Burning Books
420 Connecticut Street
Buffalo, New York 14213

OR

Certain Days c/o QPIRG Concordia
1455 de Maisonneuve Ouest
Montreal, Quebec H3G 1M8
Canada

26 May - US Government Attempts To Bureaucratically Thwart NSA Whistleblower Reality Winner's Appeal For Compassionate Release

The coronavirus may infect NSA whistleblower Reality Winner while she is incarcerated at a women's prison hospital. She has a history of respiratory illness that makes her exceptionally vulnerable. Yet, the United States government contends they have no record of Winner ever submitting a request for relief.

MORE:

by Kevin Gosztola (*Shadowproof*)

Prosecutors further suggest—even if the warden for Federal Medical Center Carswell received a request for release from Winner—that she did not follow the appropriate process so her appeal should be denied.

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

She has served more than half of her 63-month sentence, and her attorneys urged a federal court to release her to home confinement to serve the remaining 19 months of her sentence.

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

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

In response to the U.S. government, Winner’s attorneys said prosecutors presented “no grounds” to deny Winner’s request to “treat her motion for compassionate release as the life-and-death matter it (and COVID-19) really is.”

“Winner’s request for compassionate release presents compelling and extraordinary reasons to justify the relief she seeks,” they added. “Her good luck thus far is the only thing that separates her from the thousands of inmates in the Bureau of Prisons custody who have contracted COVID-19 on BOP’s watch.”

Her attorneys point out 57 people in BOP custody died and “paid the ultimate price for BOP’s egregious mishandling.”

The manner in which the government is bureaucratically seeking to thwart Winner’s appeal does not bode well for prisoners seeking to invoke the First Step Act to win compassionate release.

Prosecutors claim, “Winner alleged, without documentary support, that on April 8, 2020, she ‘submitted a written request to the warden of FMC Carswell in Fort Worth, Texas, asking that he petition the Bureau of Prisons for a reduction of her sentence.’” [Note: Part of this is quoted from Winner’s appeal, but the government didn’t include an end quote.]

The government insists it inquired, and the BOP never received any request. “Only in her reply brief did Winner attempt to provide evidence showing she actually submitted a request.”

“None of the documents though were Winner’s actual request or detailed what the basis of the request was. This is important because the date, as well as the content, of the request determines whether the defendant has exhausted her administrative remedies prior to filing in district court,” the government added.

As of May 1, according to BOP, seventy percent of the prisoners, who correctional staff choose to test, have tested positive for the coronavirus.

Reuters’ special report, “Death Sentence,” which documented the “hidden coronavirus toll in U.S. jails and prisons,” called attention to figures compiled by the U.S. government, which “appear to undercount the number of infections dramatically in correctional settings.”

Still, the government presses on. “Because Winner did not include among her reply brief’s exhibits a copy of her request to BOP, neither the district court nor this court can ascertain if she (as many inmates do) asked to be placed on home confinement rather than to be compassionately released.”

To this argument, Winner’s attorneys note they had Alison Grinter, one of Winner’s Texas-based attorneys, submit a statement to the appeals court under penalty of perjury that she helped Winner file a request “not once, but twice.”

“Reality’s BOP correctional counselor Bill Pendergraft provided Reality with the form as emailed to him by Ms. Grinter, and BOP staff-member Mary Gruszka assured Reality that she would hand-deliver the completed form to the warden.”

“Finally (nearly a month later and after necessitating an appeal), the government acknowledges what Reality knew all along—that BOP received the request(s) at least as of April 20, 2020. But the government claims it was not reviewed as a request for compassionate release. This is astounding given that the written request cited to the applicable compassionate release statute,” Winner’s attorneys declare.

“If the BOP is not aware that Reality is seeking compassionate release” under the First Step Act, “members of the press have had no trouble following along, and the district court, Reality, and the government have all briefed the issue under the compassionate release statute.”

The government’s response fits in with a culture at the Justice Department under Attorney General Bill Barr, which has resulted in the release of only 1.8 percent of people in BOP custody during the pandemic.

On May 26, *ProPublica* reported the Bureau of Prisons has a secret policy that made it harder for prisoners to qualify for release.

A federal judge “accused officials at the Elkton Federal Correctional Institution in Ohio — the site of a deadly coronavirus outbreak cited by Barr in his order — of moving too slowly to release inmates and ‘thumbing their noses’” at a directive Barr issued on releasing prisoners into home confinement. The judge instructed the government to “expand the class of inmates eligible for home confinement by including inmates not only with minimum-risk scores, but also those said to have a low risk.”

The same day the U.S. Supreme Court rejected a request from the Justice Department to halt the lower court’s order. There are 837 “medically vulnerable inmates” potentially eligible for transfer.

Aside from the game being played by the BOP and prosecutors, Winner’s attorneys suggest one of the reasons the government is able to shiftily claim they never received a request is because the district court did not hold a hearing on evidence relevant to the case.

“The court could have heard from stakeholders at BOP and FMC Carswell about the BOP response generally and specifically at FMC Carswell,” her attorneys assert.

Winner’s legal team could have “introduced via subpoenaed documents or testimony Reality’s more recent medical records, which are (of course) in the possession, custody, and control of the government.”

“All of this is critical evidence the district court needed in order to actually, appropriately, and effectively exercise its discretion.”

Unfortunately, Judge Randal Hall was largely uninterested in exercising discretion and deferred to the arguments of prosecutors. He did not verify prosecutor’s statements about the BOP’s coronavirus response.

Billie Winner-Davis, who is Reality’s mother, remains “deeply concerned about the irreparable damage that is being done” to her daughter’s “mental state.”

“I have heard my daughter tell me, ‘Mom, I am not okay,’ and as her mother, this tears me apart.”

26 May - Bill Barr Promised to Release Prisoners Threatened by Coronavirus — Even as the Feds Secretly Made It Harder for Them to Get Out

Celebrity prisoners like former Trump campaign chair Paul Manafort have been granted home detention, but a secret Bureau of Prisons policy has kept all but 1.8% of federal inmates behind bars, where the virus rages.

MORE:

by Ian MacDougall (*ProPublica*)

Even as the Justice Department announced that federal prisons would release vulnerable, nonviolent inmates to home confinement to avoid the spread of COVID-19, the agency was quietly adopting a policy that makes it harder for inmates to qualify for release, not easier. The result has been that more than 98% of inmates remain in federal custody, while a handful of celebrity inmates, like former Trump campaign chair Paul Manafort, have been released to home detention.

In two memos, one in late March and a second in early April, Attorney General William Barr directed the Federal Bureau of Prisons, which is part of the Justice Department, to begin identifying inmates who could safely be released to home confinement — essentially house arrest. They instructed prison officials to grant “priority treatment” to inmates deemed to present minimal risk to the public.

Separately, however, the Bureau of Prisons had drafted a 20-page policy document this year that altered a standard adopted only a year ago and made it harder for an inmate to qualify as minimum risk.

ProPublica obtained a copy of the document, which does not appear to have been finalized, and its existence surprised and baffled lawyers, prison reform advocates and inmates interviewed for this article. “It really tanks the whole enterprise if, once an instrument is selected, it can be strategically altered to make sure low-risk people don’t get released,” said Brandon Garrett, a law professor at Duke University who studies risk-assessment tools. “If you change the cut points, you’ve effectively changed the instrument.”

The original assessment tool emerged from the First Step Act, a major criminal justice overhaul passed in 2018. Known as PATTERN, for Prisoner Assessment Tool Targeting Estimated Risk and Needs, it assigns a pair of numbers — based on factors like age, prison courses completed and history of violence — that purport to predict the likelihood an inmate will commit a violent crime, or any crime, upon release. Inmates are assigned to one of four categories for risk of recidivism: minimum, low, medium or high. In a July 2019 report, the Justice Department published a chart delineating the range of scores that fall into each category. The law requires that the methodology be released “publicly on the Department of Justice website.”

Justin Long, a spokesman for the Bureau of Prisons, confirmed that the bureau had revised the risk categories without informing the public. The 2019 report was an “interim report,” Long wrote in an email. “The interim report mentioned that DOJ would seek feedback and update the tool accordingly, which was done.” That was news to people, like Garrett, who had provided feedback to the government on the rules.

The Justice Department, Long wrote, posted an update to its 2019 report in January “to reflect changes to the PATTERN tool.” But that update says nothing about categorizing inmates more restrictively. To the contrary, the changes it describes largely respond to the comments of experts who raised concerns about racial bias and who sought greater transparency. As for the draft policy document, Long wrote, it “was not authorized for release.”

The Bureau of Prisons’ reliance on the unpublished policy document has exacerbated widespread puzzlement about how the agency is implementing Barr’s home-confinement order. “There’s been nothing but confusion,” David Patton, the chief federal public defender for the New York City area, said. “We’ve received a steady stream of questions from clients about their scores, and we have no answers, because BOP doesn’t give us any.”

Fewer prisoners have been released than was expected when the attorney general made his announcement, lawyers say. About 3,050 inmates have been moved to home confinement as of May 21, Bureau of Prisons records show. That’s around 1.8% of the people under the bureau’s supervision. That figure is significantly smaller than the roughly 20% of inmates who fall into the minimum risk category (though it’s not automatic that all of them would qualify for release) under the 2019 rules.

The slow pace of prisoner releases has begun to attract attention. On May 19, a federal judge accused officials at the Elkton Federal Correctional Institution in Ohio — the site of a deadly coronavirus outbreak cited by Barr in his order — of moving too slowly to release inmates and “thumbing their noses” at Barr’s

directive. He instructed them to expand the class of inmates eligible for home confinement by including inmates not only with minimum-risk scores, but also those said to have a low risk. The Justice Department has asked the Supreme Court to halt the order.

At the urging of Sens. Dick Durbin, D-Illinois, and Chuck Grassley, R-Iowa, who co-authored the First Step Act, the Justice Department's inspector general has agreed to examine the scope of Barr's directive as well as the Bureau of Prisons' compliance with it and the agency's overall response to the pandemic.

The process has been shrouded in mystery, as one inmate's experience shows. Blayne Davis, 38, who pleaded guilty to fraud for an investment scam, is an inmate at the Pollock Federal Correctional Complex's minimum-security prison camp, in central Louisiana. When he received his PATTERN scores in late April, they qualified him as minimum risk under the old scoring system. Davis expected to be eligible for home detention. Like many, he worried about exposure to the virus. At another federal prison just an hour to the south, several inmates had already died of COVID-19. The prison sometimes borrowed staff from Pollock.

Davis waited, in the beige-hued prison dorm where he lives, as officials called the names of inmates who had qualified for home confinement. The names kept coming, Davis kept waiting, expecting to hear his name.

Then the names stopped. Perplexed, Davis asked prison staff why they hadn't called his name. His score, they told him, put him in the low category, not the minimum.

Davis persisted, pointing to the chart in the 2019 Justice Department report. Ultimately, a prison staffer handed him a piece of paper. It contained a chart that, like the one in the 2019 report, assigned a range of PATTERN scores to each category. But this one was far more restrictive. According to the 2019 report, a male inmate with a violent-recidivism score of 21 or lower fell into the minimum-risk category. Davis' score — a seven — put him firmly in that category. He wasn't violent or a troublemaker. He'd completed over 30 classes while incarcerated.

Now, he was informed, the standard had gotten tougher. For a male inmate to be deemed at minimum risk of committing a violent crime upon release from prison, he needed a score of not 21 or less, but six or less. Davis had missed the mark by a single point.

The new chart looked suspect to Davis, as if somebody had typed it up hastily. It wasn't on official letterhead, and there were a couple of glaring typos. The prison staff bristled when Davis pointed this out, according to his representatives, who later relayed his story and shared relevant documents. It was authentic, the staffers assured him. They had printed it off SallyPort, the Bureau of Prisons' intranet. Davis didn't know it at the time, but this chart was drawn from the bureau's unpublished draft policy document.

An official at the Pollock prison camp declined to respond to *ProPublica's* questions, citing staff and inmate privacy. In an email, the official did, however, extend an invitation to visit the prison to interview inmates. Never mind the blaring red banner at the top of Pollock's website: "All visiting at this facility has been suspended until further notice." A request to interview Davis over the phone was met with silence.

27 May - New York Appealed to Keep an Elderly Prisoner Behind Bars — Then He Got Coronavirus

When the state of New York appealed a judge's order to let Jalil Muntaqim out of prison due to the pandemic, it delayed his release. He was recently hospitalized with a coronavirus infection he got behind bars.

MORE:

by Natasha Lennard (*The Intercept*)

At the end of April, the New York State Supreme Court ordered the temporary release of Jalil Muntaqim from prison. Muntaqim is 68 years old and has spent the last half-century behind bars. He has hypertension alongside a series of chronic respiratory conditions; he has heart disease and scarred lungs. Long-term prison sentences, studies have shown, tend to age already aging bodies by a decade.

When the Legal Aid Society, a New York public defense organization, filed a petition for Muntaqim's release on constitutional grounds in early April, it was with risk in mind. His age and physical condition put the former Black Panther squarely in the highest risk categories for grave complications related to Covid-19. At the same time, as an elderly prisoner with an exemplary record of accomplishments during his incarcerated years, he poses the very lowest risk of recidivism. The coronavirus's spread through New York's prison populations, meanwhile, was not a risk but an inevitability. Sullivan County Supreme Court Judge Stephan Schick recognized these intersecting probabilities when, during his ruling, he said, "Mr. Muntaqim may have gotten a 25-to-life sentence, but it was not a death sentence." Schick granted Muntaqim's release.

That was a month ago, but Muntaqim has not been released.

Instead — as his lawyers and loved ones had feared — Muntaqim contracted Covid-19, the disease caused by the coronavirus. On Monday, he was transported from Sullivan Correctional Facility to hospital after his fever spiked and his blood oxygen level dropped to a dangerous 81 percent.

Had the judge's April ruling been permitted to stand, Muntaqim could well have been saved this fate. His petition for release, which cited violations of the Eighth Amendment against cruel and unusual punishment, was the first writ of habeas corpus in the coronavirus era to be granted by a New York court. But the Department of Corrections and Community Supervision, represented by the office of New York Attorney General Letitia James, appealed Schick's decision. Muntaqim's release was stayed and, as he awaited a hearing on the appeal scheduled for Thursday, he fell gravely and predictably ill.

"The fact that Jalil is now hospitalized with Covid-19 is infuriating because it was entirely preventable," Nora Carroll, the Legal Aid attorney representing Muntaqim, told me by email.

She said that the petition to free her client on a lifesaving and temporary basis was filed before there had been any coronavirus cases in his facility, but with the knowledge that prisons like Sullivan Correctional Facility are simply unable to prevent outbreaks of the virus. "The Sullivan County judge agreed and ordered him released to a safe place where he could quarantine," Carroll said. "Yet he is still incarcerated because the Attorney General, representing the prison system, appealed that decision and obtained a stay pending appeal. Now he is infected, just as we said he would be."

Carroll added that "people in prison are being left to die and this case is an apt illustration."

As of this week, according to New York's Department of Corrections and Community Supervision data, 492 people incarcerated in the New York State system have tested positive for Covid-19; 408 of those individuals have reportedly recovered, but 16 have died. Aligning with the vast overrepresentation of people of color in the New York prison population, 81 percent of prisoners who have died from coronavirus complications are people of color.

Muntaqim, like so many thousands of other incarcerated people, poses no risk to public safety. He has served his minimum sentence for the killing of two New York Police Department officers in 1971, and he is eligible for parole; his co-defendant was rightfully freed on parole two years ago. (Since 2000, eight former Black Panther Party members have died while incarcerated, all aged between 39 and 71; most were in their 50s and 60s.)

Those invested in social justice and the black liberation struggle have long argued for Muntaqim's freedom. But it is not a question of political allegiance as to whether a person facing physical peril should be released during the pandemic; the release of elderly and medically vulnerable people is a public health imperative.

Medical experts and justice advocates have already expressed dismay at state leaders and officials' inadequate response to the pandemic in prisons, including the pitifully small release numbers for incarcerated elder people. "To date, the Department has transitioned 172 individuals who are aged 55 years or older, were not committed on a violent or sex offense, and were within 90 days of release to the community in response to the COVID-19 public health emergency," said a Department of Corrections and Community Supervision spokesperson responding to an inquiry from *The Intercept*. Over 350 people in total have been released under the state prisons' pandemic-related release initiatives. (The spokesperson said the department could not comment on ongoing litigation or individuals' medical conditions in response to inquiries about Muntaqim's case.)

Given that nearly a quarter of the 40,500 people incarcerated in New York state prisons are older adults, many with preexisting health conditions, the release figures are vanishingly small.

"There are all these ways people can be released, and none of them is functioning," said Laura Whitehorn of the Release Aging People from Prison advocacy group. Whitehorn told me that efforts from the New York Legislature have "had no teeth whatsoever." Attempts by prisoners to seek medical parole — sometimes granted to people with the most extreme illnesses — have mostly come to naught, she said.

Meanwhile, Gov. Andrew Cuomo has shown negligence at best and disdain for life at worst in his dismissal of questions about granting clemencies.

The government's decision to actively pursue an appeal in Muntaqim's case — to spend resources and time to halt the release of a man who has been incarcerated since he was 19 years old, who could be released safely into a welcoming community committed to his care — is a most vile betrayal of justice in favor of a carceral ideology.

Any reasonable effort to bar "cruel and unusual" punishment should mean emptying all prisons. But, at a time of unprecedented health risks, a failure to dramatically depopulate prisons makes a farce of the notion that "cruel and unusual punishment" is prohibited. Instead of letting an aged and infirm man go, the government is fighting to keep Muntaqim behind bars, exposed to a potentially deadly virus.

In the Department of Corrections and Community Supervision appeal, the attorney general argued that Muntaqim's petition had failed to establish that "officials have been deliberately indifferent to a substantial risk of serious harm to his health or safety," as is necessary to constitute an Eighth Amendment violation. The government cited numerous efforts prison facilities, including Sullivan, have made to contain the spread of the virus, such as quarantines and readily available medical care. And the state is no doubt nervous of seeing case law established that holds prison conditions to be possible constitutional violations, for which the only remedy is a person's release.

Yet this is the threat of the pandemic atop the ongoing violence of incarceration. The fact that Muntaqim did in fact contract the virus should be proof of the insufficiency of the prison's safety practices. Indeed, the claim at the very heart of Muntaqim's case is that nothing, save for release from prison, can ensure the physical safety of someone in his condition during this pandemic. His current illness should be dispositive on this matter and the legal precedent should be cemented so that others can attain release on the same grounds. In the hope that he recovers, Muntaqim himself should be released, rather than returned to prison.

"It's time for him to come home," Muntaqim's 86-year-old mother, Billie Brown, told me as she held back tears on a phone call from her Georgia home. "He has a safe home to go to, where he has his own bedroom and bathroom, with friends in Rochester," she said. "I'm just devastated, it's such an injustice."

The attorney general's office has taken a different lesson from the longtime prisoner falling ill. In a brief filed prior to Thursday's court hearing, the attorney general argued that Muntaqim's sickness is no proof of unconstitutional treatment, nor evidence that he needs to be released.

Rather, the brief asks that the judge's original decision to release Muntaqim now be vacated, since the circumstances of his petition have changed. He was originally granted release based on fears of contracting this potentially deadly virus, but now those fears have been realized, the brief argues that the concerns of the original petition are no longer valid.

It is hard to overstate the cynicism in such logic. And it is impossible to ignore the priorities of those in political and judicial leadership who, in the face of this health care emergency, argue that there is justice in keeping an aging and infirm man behind bars.

27 May - Prison Reform Advocate Faces Federal Gun Charge

A prison reform advocate who once testified before Congress is facing a federal charge after allegedly hiding pistols and escape tools in a detention center under construction in Nashville.

MORE:

by Daniel Jackson (*Courthouse News Service*)

Alex Friedmann, who was managing editor for Prison Legal News, was a felon in possession of about a score of firearms, according to a criminal complaint filed Tuesday in the U.S. District Court for Middle Tennessee, and he stashed them at a friend's house as he was facing mounting legal troubles after he was caught allegedly dressed as a construction worker in the unfinished jail.

After Friedmann's January arrest, law enforcement found razor blades, handcuff keys, security bits and handguns and ammunition placed in plastic, wrapped with tape and hidden in the walls of the downtown jail being built for the Davidson County Sheriff's Office.

Friedmann was an expert and critic of the private prison industry, according to his resumé posted on Prison Legal News. Over the years, he issued reports to Congress, testified before the Tennessee Legislature, and was a plaintiff in several lawsuits.

For instance, he was a plaintiff in a 2008 lawsuit challenging felon disenfranchisement.

He testified before the Committee on the Judiciary in June 2008 on a bill that would have required private prison companies to release information as if they were subject to the Freedom of Information Act. Many prison reform advocates say that federal and state governments use private prison companies to shield government from liability for prison abuses.

On Jan. 4, the sheriff's department for Nashville arrested Friedmann on charges of possessing burglary tools, tampering with evidence and attempted burglary. The Davidson County Sheriff's Office says Friedmann was arrested after entering the jail carrying bolt cutters in a cooler and a map of the building, which he allegedly ripped up and chewed upon being arrested. The federal complaint says he was dressed like a construction worker, wearing a yellow vest, gloves, a hard hat and dust mask.

He was released on bail.

The Davidson County Sheriff's Office Downtown Detention Center, which was almost completed, was a maximum-security with 762 beds. It replaced the justice center that was demolished in July 2016.

The sheriff's office started an investigation after discovering missing keys at the construction site, the affidavit said.

After Friedmann's arrest, the sheriff's office began reviewing earlier surveillance footage. It found instances in which a person "whose physical appearance was consistent with Friedmann, and who was dressed in a manner consistent with" the way he was dressed when he was arrested visit the worksite about 10 times stretching back to Aug. 30.

In some instances, the person was accompanied, the complaint said. Footage from one visit showed the person using a grinder to remove material and place an item in the wall, the complaint said.

In February, the Metropolitan Nashville Police Department searched the jail and found four packages wrapped in plastic and covered with tape. The contents of the packages varied, but they contained three pistols with their serial numbers drilled through.

On Feb. 18, a Davidson County Grand Jury indicted Friedmann on a charge of vandalism.

The day before, the federal affidavit said, he had asked a friend in Joelton, Tennessee if he could store legal documents at her house. Surveillance video footage from her house on Feb. 18 allegedly showed Friedmann carrying black crates with yellow tops from a rental van to her garage.

When Nashville police cut open the crates, they discovered 13 pistols, ammunition, four rifles, two shotguns and a lower receiver, according to the complaint.

Friedmann is said to have had a storage area at a condominium complex in Nashville and a longtime acquaintance said he had seen him, "acting 'frantic' and 'desperate'," while loading about 10 to 15 padlocked crates into a rental van on Feb. 18.

When investigators looked in the storage area, they noticed the wall made from concrete blocks contained mortar that was repainted. The mortar appeared to have been removed and replaced with concrete or rubber caulk, the affidavit said.

"Investigators recognized the aforementioned inconsistencies as potentially being practice attempts by Friedmann," the document said.

According to Friedmann's resumé, he was incarcerated in the Tennessee Department of Corrections from 1992 to 1999. The affidavit in support of the federal complaint says he was convicted in 1989 of armed robbery and assault with the intent to commit first-degree murder. In 1992, he was sentenced for attempted aggravated robbery.

Ben Raybin, Friedmann's attorney, told *Courthouse News* in an email: "We have just received a copy of the new allegations and will respond in the appropriate manner."

If convicted, Friedmann could face up to 10 years in prison.

Friedmann's friends began a GoFundMe campaign in February to help pay for his attorney, pay down his bond and cover court fees. It said he had resigned from his job as editor and was unemployed.

"If you are familiar with Alex and his work and advocacy on criminal justice issues, you know his arrest was totally unexpected and completely unlike him," the GoFundMe page said. "There is obviously much more to this story, but he can't tell it or explain his actions while the charges remain pending. At some point, the truth will come out."

30 May - Jericho Movement Statement on George Floyd

In respect and honor of George Floyd and condolences his family, The Jericho Movement offers the following statement.

MORE:

The National Jericho Movement and all its Chapters, Affiliates and Members stand united in sending its sincere condolences and prayers to the family of George Floyd.

The National Jericho Movement and all its Chapters, Affiliates and Members stand united with the people of Minneapolis, Minnesota in all attempts to obtain true justice for George Floyd.

The National Jericho Movement and all its Chapters, Affiliates and Members stand united with all efforts of African Americans and justice-loving people to organize for self-determination in our own communities and to build a reality of self-empowerment and the ability to defend ourselves, protect each other, and create, develop, and produce our own means of livelihood.

The National Jericho Movement and all its Chapters, Affiliates and Members stand united with all people and organizations in organizing for and demanding the release of all Political Prisoners.

30 May - Sisters face charges for throwing Molotov cocktail at cops during Brooklyn George Floyd protest

Two women are facing charges for hurling a Molotov at cops during a Brooklyn protest over the cop murder of George Floyd. Please read with a critical eye, as this is a reprint from a corporate news source.

MORE:

by Elizabeth Keogh and Thomas Tracy (*New York Daily News*)

Samantha Shader, 27, will be prosecuted in Brooklyn Federal Court for lobbing a lit bottle of alcohol at a police van parked near the Brooklyn Museum around 11:30 p.m. Friday, authorities said.

The improvised explosive struck the driver's side of the van and the four 71st Precinct cops inside managed to escape as the vehicle caught fire, authorities said.

"It is by the grace of God that we don't have dead officers today," NYPD Police Commissioner Dermot Shea said Saturday.

The elder Shader was charged with attempted murder, attempted arson, weapons possession and reckless endangerment before the feds took over the case, cops said.

She is expected to appear Monday before a Brooklyn Federal Court judge, and is one of three protesters who will be charged federally, law enforcement sources said.

Shader's younger sister Darian, 21, faces Brooklyn Criminal Court charges of resisting arrest and obstruction of governmental administration.

The siblings, from Catskill, in Greene County, tried to run away afterward but were caught nearby.

More than 200 demonstrators were arrested Friday night in lower Manhattan and Brooklyn. At least one other police vehicle was torched during the clashes, authorities said.

Shea and Mayor de Blasio said the siblings were among those looking to spread chaos.

"Some in the crowd aimed to do violence and they did do violence," de Blasio added. "They poisoned the whole atmosphere."

Other protesters were arrested with bricks and brass knuckles, Shea said. One firearm was also recovered.

“Civil disobedience is key here,” Shea said. “We fully support the right to protest and we take great pride how we conduct ourselves and how people are allowed to express their concerns.”

“Four cops could’ve been killed last night when Molotov cocktails were thrown into a police car they were in. Other officers were seriously injured by bricks thrown — and a gun was recovered. These individuals are not protestors,” NYPD Chief of Department Terence Monahan tweeted Saturday. “THEY ARE CRIMINALS who’ll be arrested & prosecuted.”

At the Shader’s tidy upstate home — built of brick and wood, just outside Catskill’s main business district — a man who answered the door refused to comment. Catskill is about 130 miles from Brooklyn, on the Hudson River about halfway between Poughkeepsie and Albany.

Leaders of police unions expressed outrage at the sisters’ actions.

“These two individuals cannot be allowed to hide under the label of ‘protester.’ They are terrorists who tried to murder NYC police officers,” said Police Benevolent Association president Pat Lynch.

“We will NEVER tolerate this — EVER!” said Paul DiGiacomo, head of the Detectives Endowment Association, who slammed the Shaders as “violent criminals.”

The video of a police officer pinning Floyd under his knee as the man gasped, “I can’t breathe” has sparked outrage across the nation with protests in most major cities.

31 May - Eric King No Longer able to receive mail URGENT support needs

The Warden at Englewood has decided, during a global pandemic to remove all general mail from Eric.

MORE:

This illustrates so well the deliberate indifference that belongs to ALL wardens to the lives of prisoners. Further isolating a prisoner that you have on a suicide management plan.

For the next 6 months (until this restriction is re-evaluated) Eric will be unable to send or receive any mail from anyone other than his mother and wife.

This is completely devastating for this who care for Eric, and worrying about the difficulties of surviving torture while so isolated. There is a bit of good news. Eric will still be able to receive books and magazines.

Right now this is the only way to let Eric know folks out here are rallying for him and here to support him during this terrifying and turbulent time for him.

Softcover books and magazines only. If it is questionable content wise, it is advised not to send it. FCI Englewood is heavily censoring Eric’s incoming literature.

Books can be sent in mail and from the publisher, or a site similar to Amazon.