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Updates for March 21<sup>st</sup>

### **4 Mar - Free Leonard Peltier**

*The way Leonard Peltier tells it, he was a criminal the day he was born — but not by choice.*

#### **MORE:**

by Nick Estes (*Jacobin*)

The seventy-eight-year-old Anishinaabe and Dakota elder says his "aboriginal sin" was being born Indian in a country founded on Indians' forced disappearance.

Recent investigations by the US Department of the Interior into the federal Indian boarding school system have confirmed Peltier's version of history and what Native people have been saying for generations: that the boarding system was a horrific, sprawling network, encompassing more than four hundred schools across thirty-seven states or then-territories and targeting countless Native children. For more than 150 years, government officials stole Native children from their families, and many never returned home. Federal agents punished, and sometimes imprisoned, recalcitrant parents for keeping their children away from schools where their languages, their sense of self, and sometimes their very lives were taken from them. The child removal policy aimed to destroy Native families and weaken resistance to land seizures.

Peltier was nine years old when a government agent snatched him and his sisters away from their grandmother and placed them at the Wahpeton Boarding School in North Dakota. He remembers his grandmother crying, barely understanding the words of the person taking her grandchildren. He recalls parents singing "that way they do when someone has passed" as their children were loaded onto buses. "Maybe that day was my introduction to this destiny I did not choose," Peltier wrote last year about his harrowing first day of boarding school. That episode, which he called "one of horror," has haunted Peltier.

Last month marked Peltier's forty-eighth year behind bars, locked away in a federal penitentiary in Florida, far from his family and homelands, and serving two consecutive life sentences for killing two FBI agents on Pine Ridge Indian Reservation in June 1975, a crime he says he did not commit. His supporters consider his life of incarceration a collective punishment for indigenous people's long history of defiance against US government policies. He is the longest-held indigenous political prisoner in the United States.

A nearly five-decade-long campaign to free Peltier has drawn the support of millions, including many Native nations, politicians, activists, celebrities, and world leaders. In the 1980s, more than seventeen million Soviet citizens sent petitions to Washington calling for Peltier's release. Their government granted him political asylum and sent him a physician to examine his ailing eyes. The Turtle Mountain Band of Chippewa Indians, where Peltier is enrolled, has urged President Joe Biden to free its elderly citizen and has prepared for his return home. Even a former federal prosecutor who helped keep Peltier in prison has petitioned for his clemency. Last year, United Nations experts recommended Peltier's immediate release after finding that his imprisonment was so excessive it amounted to arbitrary detention.

Despite all appeals, the FBI remains the most outspoken opponent of freeing Peltier. "Retribution seems to have emerged as the primary if not sole reason" for Peltier's continued imprisonment, Coleen Rowley, a retired FBI agent who was close to his case, wrote in a letter to Biden last December urging Peltier's release. She called the FBI's near half-century campaign an "emotion-driven 'FBI family' vendetta" against Peltier and the American Indian Movement.

**Leonard Peltier, AIM, and the Fight for Native Rights**

Born in 1944, Peltier joined the American Indian Movement (AIM) during the group's heyday in the 1960s and 1970s. AIM had been formed in 1968 in Minneapolis, Minnesota, partly to end Native family separation and police violence. Two studies from 1969 to 1974 found that 25 to 35 percent of all Native children had been separated from their families and placed into institutions, foster care, or adoptive families. Many of AIM's founders, like Peltier, had survived boarding schools only to face racism and inner-city poverty, incarceration, or the threat of having their families broken apart. AIM's purpose was to build an alternative to this grim reality and to fight for Native rights.

Post-World War II Indian policy in the United States sought to formally end relations between the government and American Indian nations. "Termination policy" abolished more than one hundred tribes and removed millions of acres of land from federal trust status, opening them up for privatization and resource extraction. "Relocation policy" aimed to finish what termination had started by inducing hundreds of thousands of Native people to leave their reservations to find employment in far-off urban centers like Chicago, Cleveland, Denver, Los Angeles, and San Francisco. Urban poverty and discrimination replaced rural, reservation poverty. These assimilationist policies gave rise to the Red Power movement.

Urban Native activists began occupying abandoned federal property to dramatize their demands, famously taking over the Alcatraz prison island in San Francisco Bay in 1969. AIM followed suit, leading a nationwide takeover of Bureau of Indian Affairs (BIA) offices in 1970 in protest of discriminatory hiring practices that privileged white employees over American Indian employees. The actions helped transform AIM from a local Twin Cities, Minnesota organization into a national movement.

By 1972 AIM had chapters in every region of the United States, and the same year, Peltier formally joined AIM. He followed the movement to Washington, DC, taking over BIA headquarters during the Trail of Broken Treaties, which sought to reestablish treaty-making and nation-to-nation relations with the USA.

That action drew the ire of tribal leaders in the Oglala Lakota Pine Ridge Reservation, located largely in South Dakota, who banned AIM leaders from the reservation. Dissident Oglalas called on AIM to take a stand at Wounded Knee, abolish the tribal council, and reinstate the validity of the 1868 Fort Laramie Treaty and the traditional Lakota government. They obliged — for seventy-one days, beginning on February 27, 1973, Oglalas and members of AIM occupied Wounded Knee, South Dakota on the Pine Ridge Reservation.

Following the highly publicized takeover, violence and terror gripped the Pine Ridge. Dick Wilson, the autocratic tribal president, led a vicious crackdown on reservation dissidents, who sought to overturn a corrupt tribal council system that catered to outside economic interests and the assimilationist policies of the BIA. AIM allied itself with the "traditionals," those who defended Lakota spirituality, sovereignty, and treaty rights. Elders, like Celia and Harry Jumping Bull, called upon Peltier and AIM for protection from Wilson's vigilante "goon squad" and the FBI, who were waging a low-intensity dirty war against AIM and its supporters in the aftermath of Wounded Knee.

Two months before the firefight that would change Peltier's life — and following the 1974 acquittal of AIM leadership involved in the Wounded Knee takeover — the FBI issued an internal position paper entitled "FBI Paramilitary Operations in Indian Country," a how-to plan for confronting AIM in a battlefield-type situation. The report referred to an area outside the village of Oglala as having bunkers that would require a paramilitary force to overtake. The month before the firefight, FBI personnel, mostly SWAT team members, swarmed the Pine Ridge Reservation. One FBI map of the Jumping Bull property identified "bunkers" that turned out to be old root cellars. Tensions were high, and the FBI appeared ready for war.

On June 25, 1975, FBI agents Ronald Williams and Jack Coler wore plain clothes and drove unmarked vehicles into the Jumping Bull ranch — outside Oglala on the western side of the Pine Ridge Indian Reservation — while supposedly serving a warrant for assault and theft of a pair of cowboy boots. The agents never identified themselves, a firefight erupted, catching a family with children in the cross fire.

The shooting roused Peltier and his AIM group, which included Native youths, some of whom returned fire. One hundred fifty FBI agents, BIA police, and local vigilantes surrounded the property shortly after the shooting started. Peltier, his group, and local residents barely escaped through a barrage of bullets.

When the shooting stopped, three lay dead. The FBI claims Williams and Coler were shot in the head at close range. Joe Stuntz, a twenty-three-year-old member of the Coeur d'Alene Tribe, was also killed. An unknown police agent shot Stuntz in the head. No one was ever prosecuted for his murder.

Meanwhile, Peltier and his group split up. Some of the youngsters returned to pay their respects at Stuntz's funeral. Peltier and the others went underground. But the FBI, leading one the largest manhunts in its history, eventually caught up with them, eager to mete out its version of justice.

### **The Trials**

The circumstances surrounding the June 1975 firefight — which a US Commission on Civil Rights investigation described as part of an FBI "reign of terror" against AIM and its supporters — were enough to convince an all-white jury in Cedar Rapids, Iowa in 1976 to acquit Peltier's codefendants of murder charges on grounds of self-defense.

Bob Robideau and Dino Butler's defense offered evidence of the FBI's history of misconduct, which had recently been revealed during high-profile Senate hearings spearheaded by Idaho senator Frank Church. Church himself testified at the trial that "certain groups" — like the Communist Party, the Black Panthers, and the antiwar movement — "were targeted for surveillance [by the FBI] at least in part because of political attitudes." AIM, too, faced its share of FBI harassment: disruptive informants, bad-jacketing campaigns, and paranoia-inducing surveillance.

The evidence presented was so damning that Peltier would be free today if he had been tried alongside Butler and Robideau. But he was prosecuted separately, with the government selecting a less sympathetic judge and less favorable venue (Fargo, North Dakota).

Peltier had fled after the shoot-out to Canada, where he was arrested and extradited to the United States based on false affidavits given by Myrtle Poor Bear, who claimed to be Peltier's girlfriend at the time and an eyewitness to the agents' killings. She was neither, nor had she ever met Peltier before his trial. Poor Bear later recanted her story, claiming she was coerced and threatened by FBI agents to provide false testimony. Other witnesses said FBI agents also threatened them or coerced their testimony.

FBI bullying of witnesses, however, was not allowed to be presented as evidence to the jury, nor was the climate of fear the FBI had created on the reservation. The prosecution withheld important ballistics evidence, it was later revealed, that could have been exculpatory. And one juror openly admitted to the court that she was "prejudiced against Indians" yet was allowed to remain on the jury.

In April 1977, the jury found Peltier guilty, and the judge sentenced him to two consecutive life sentences. "I have done nothing to feel guilty about," Peltier told the judge. "The only thing I am guilty of and which I was convicted for was of being Chippewa and Sioux blood and for believing our sacred religion."

On appeal, the government was forced to drop its theory that Peltier personally shot the agents due to lack of evidence. It instead pivoted to an accusation of aiding and abetting their murder. When asked whom Peltier was aiding and abetting, US Attorney Lynn Crooks answered, "whoever did the final shooting." He added: "Perhaps aiding and abetting himself."

Putting aside the absurdity of aiding and abetting oneself, Peltier could not have aided and abetted his codefendants, because aiding and abetting self-defense is not a crime. And according to the government's own account, his codefendants were the only people close to the agents' bodies during the firefight.

The theory upon which Peltier's conviction now rests "is that he was guilty of murder simply because he was present with a weapon at the Reservation that day," former US Attorney James Reynolds write in a 2021 letter to President Biden asking for Peltier's clemency. Reynolds worked on Peltier's prosecution and appeals cases, but believes today that his prosecution and continued incarceration "was and is unjust." The prosecution was "not able to prove that Mr. Peltier personally committed any offense on the Reservation."

In a phone interview, Peltier told me that the facts of his case prove his innocence — but that the truth alone has not set him free.

### **Freedom for Peltier**

Three days before the Jumping Bull shoot-out, the Church Committee decided to investigate FBI surveillance of AIM. But the decision was hushed up the day after the firefight. The International Leonard Peltier Defense Committee and Oglala members have been calling for a congressional investigation into the murders, rapes, and beatings that went uninvestigated or unsolved during that reign of terror.

According to Coleen Rowley, the former FBI agent, the bureau "indoctrinated" new agents at Quantico in the prosecution's version of Peltier's case in the 1980s. While FBI agents have restricted First Amendment rights, they made an exception for Peltier, she said, encouraging agents to write op-eds against his release and even marching in front of the White House during the final days of the Clinton administration to oppose a possible presidential pardon. Rowley is a rare dissenting voice as a retired FBI agent once close to Peltier's case.

But there are more unanswered questions about Peltier's case and uncertainty about his freedom. In a recent message to supporters, he spoke about his fear of never getting out of prison, or of only having a limited amount of time with his family before he leaves this world for the next.

February marked the fiftieth anniversary of the Wounded Knee occupation, but the wounds of the past have not been healed. The 1978 Indian Child Welfare Act, which aimed to reverse the Native family separation that took away Peltier and countless others, is on the chopping block at the Supreme Court. And the Biden administration has been silent about Peltier's clemency application — his only legal chance at freedom.

"I live in the nation's fastest-growing reservation in the United States," Peltier once said about his predicament in federal prison.

But in a recent statement to supporters, Peltier expressed hope and encouraged them to teach their children "to plant a food forest or any plant that will provide for them in the future."

"Plant a tree for me," Peltier said.

### **7 Mar - Message from Fidencio Aldama to the National Indigenous Congress**

*Message from Yaqui political prisoner Fidencio Aldama to the national assembly of the National Indigenous Congress held on the 4-5 of March, 2023, in Tehuacán, Puebla.*

#### **MORE:**

Hi, everyone. My name is Fidencio Aldama Pérez. I am a member of the Yaqui tribe, from the town of Loma de BÁCUM, in the state of Sonora, Mexico. One of the eight Yaqui towns which make up the Yaqui nation. A town that has stood firm in struggle and resistance. I carry in my blood, flesh, and skin this grand history of the Yaqui nation, which has for centuries struggled against extermination, violence, and territorial dispossession.

Today, more than ever, I have embraced the words of the Yaqui oath, those words that have been captured in my chest, that run in my blood. I have embraced the struggle and the history, which is the essence of my resistance and rebellion, which is autonomous, with ancestral claims of education, justice, and spirituality.

From our self-defense comes our self-government, because I am of the Yaqui Tribe, and because capitalism was born from the blood of our people. We must collectively build, defend, and exercise the agreements of the poor, as the constitution of our people. We must continue existing with self-determination and autonomy, to decide the manner we want to organize ourselves in our territory, and the form in which we want to construct our future.

This future will be governed by the following ideals: to serve and not be served, to build and not destroy. And, as I have always said: I do not attack, but rather defend what is ours, what our ancestors have left us. They have taught us to respect our roots, culture, traditions, and customs, but the white man, those allied with money, have intervened producing division in our communities. Even so, there are those of us loyal to the Yaqui nation, who don't bow before money, who carry in our hearts the Yaqui oath.

I'm still here, a land defender of the Yaqui tribe, even though I'm locked inside this prison in Ciudad Obregón, Sonora, excluded from my customs and traditions. I won't give up the struggle. Rather, I will continue resisting because my freedom won't come from exchange, but will come from my innocence.

I send a cordial greeting to the National Indigenous Congress, and I invite everyone to continue collaborating with and supporting me, giving me the strength to continue forward. I am grateful in advance for everyone's support and solidarity.

### **7 Mar - Temporary Occupation in NYC Calls for Divestment from 'Cop City'**

*Report back from solidarity action in NYC calling for divestment from the Atlanta Police Foundation (APF) as well as other updates.*

#### **MORE:**

In solidarity with Defend the Atlanta Forest, the WDS-NYC is calling for Banyan Street Capital, the real estate firm that owns 191 Peachtree Towers, to end their lease agreement with the Atlanta Police Foundation (or the APF)\*.

During lunch hours on February 24<sup>th</sup>, there was a temporary occupation in the lobby of 180 Maiden Lane, a skyscraper in Manhattan's financial district also owned by Banyan Street Capital.

Tents were erected, a speech was given, fliers were distributed to lunch goers, a banner was held until it was snatched and thrown outside by the building's temperamental security guards. Demonstrators were able to quickly recover it and sneak back inside with it through another entrance. The vibe was lighthearted and jovial; a true feat in such an austere locale that had probably otherwise never known joy.

The lobby of 180 Maiden Lane is a public/private atrium. A glass-encased slab of concrete, layered with astroturf and dotted with sickly looking trees. Perhaps to a Wall Street banker, this is a fine substitute for nature, but for us, it is a symbol of exactly what we are fighting against: the destruction of the environment for the creation of simulated environments. The suffocation of life under the concrete of capital.

This was not the first action targeting Banyan Street Capital in New York City. Earlier in the week, on February 22, there was a demonstration at their office in Manhattan. The Banyan property manager came down to announce that the lease with the APF will be up soon, and that they will look into terminating it.

These actions were part of a national week of solidarity that saw demonstrations and other events take place in over 40 cities across the country.

The struggle for the forest is the struggle for all life, no argument.

### **March 8<sup>th</sup> - Atlanta Cop City Protesters Charged With Domestic Terror for Mud on Their Shoes**

by Natasha Lennard (*The Intercept*)

The police's guilt-by-association allegations aren't designed to get convictions, but to break up a movement. In an aggressive and indiscriminate arrest sweep on Sunday, police stormed a music festival held in the Atlanta forest by activists protesting Cop City, a vast police training facility under construction atop forestland. Twenty-three of the activists arrested in the raid now face domestic terrorism charges for their participation in the Defend the Atlanta Forest movement.

The protesters are alleged to have participated in acts of vandalism and arson at a Cop City construction site over a mile away from the music festival location and over an hour before the arrest raid took place. They have all been charged under Georgia's domestic terror statute, though none of the arrest warrants tie any of the defendants directly to any illegal acts.

The probable cause stated in the warrants against the activists is extremely weak. Police cited arrestees having mud on their shoes — in a forest. The warrants alleged they had written a legal support phone number on their arms, as is common during mass protests. And, in a few cases, police alleged protesters were holding shields — hardly proof of illegal activity — which a number of defendants even deny.

This is just the latest incident of law enforcement and prosecutorial overreach against the abolitionist, environmentalist movement in Atlanta, an absurd attempt to establish guilt by association, as the flimsy arrest warrants make clear.

At a hearing for arrestees on Tuesday, 22 activists were denied bond outright. One defendant, a Georgia-based attorney who was arrested while acting as a designated legal observer for the National Lawyers Guild during Sunday's events, was released on \$5,000 bond.

"We haven't seen a charge for arson or interference with government property," said Eli Bennett, the attorney for several defendants, describing the arrest warrants during Tuesday's bond hearing. "The state has no evidence," he said, adding that Georgia's domestic terrorism statute is "laughably unconstitutional."

A total of 42 participants in the Stop Cop City struggle now face state domestic terror charges, as 19 individuals were previously hit with the same charges in the last two months on equally weak grounds. At the end of January, during a multi-agency police raid on the forest encampment, cops shot dead 26-year-old Manuel "Tortuguita" Terán, marking a grim escalation in repression against a movement that has shown impressive resilience in its two years of mobilizing against Cop City.

Now, on the most tenuous claims of vicarious liability, multiple forest defenders face up to 35 years in prison if found guilty of domestic terrorism.

"It's collective punishment. The police are trying to establish a de-facto norm that anyone who associates with a political movement will be attacked and charged for the actions of any other supporter of that movement," said Marlon Kautz, an Atlanta-based organizer with the Atlanta Solidarity Fund, which provides bail funds and legal support to protesters targeted for involvement in social movements, including against Cop City.

"As a law enforcement strategy, it's utterly incompetent and ignorant of how the law works. But as a strategy for repressing a political movement it makes a lot of sense," Kautz told me. "Convincing activists and prospective activists that they will be held criminally responsible for the actions of other supporters of their movement can have the effect of pitting activists against each other."

The music festival on Sunday, where the arrests took place, marked the beginning of an ongoing "week of action" organized by forest defenders. In line with the movement's diverse deployment of tactics over the last two years, its semiregular weeks of action involve peaceful rallies, arts and music events, child-friendly educational and cultural activities in the forest, and Indigenous-led knowledge sharing and prayer, alongside targeted protests and direct actions against Cop City's supporters and funders.

“Roughly 1,500 people attended over the weekend; to dance, to commune, and to take a stand against Cop City,” organizers of the music festival, the Sonic Defense Committee, told me. “There is no excuse for the police violence that festival attendees were subjected to.”

The week of action brought together locals and supporters from around the country and world to raise awareness of the Atlanta forest’s importance and Cop City’s profound threat — which reaches far beyond the state of Georgia.

The \$90 million training center aims to train cops in militarized urban warfare. The Atlanta Police Department told the Atlanta City Council that it intends to recruit 43 percent of the planned facility’s trainees from out-of-state police departments. Numerous multinational corporations, including Coca-Cola and Bank of America, are funding the project.

There’s a certain irony, then, that in statements on Sunday’s arrests, Atlanta police officials have made a point of blaming “outside agitators” for taking up militant action. Out of 44 people originally detained in Sunday’s forest raid, the 11 people released without charge all had Atlanta addresses. Twenty-one of the 23 activists charged with domestic terrorism are from out of state.

Bennett, the defense attorney, noted during Tuesday’s bond hearing that the Georgia Bureau of Investigation, the agency responsible for the domestic terrorism charges, appeared to “split detainees up into local people and out of towners.” He told the court, “The right to freedom of association does not stop at state lines.”

That the fight against Cop City, like the encampments at Standing Rock before it, has drawn supporters from far afield is a testament to its strength and a growing understanding that the anti-racist, environmentalist struggle is a shared, international one. Meanwhile, the tired “outside agitator” trope has long been used to divide social justice movements and was popular among segregationists attempting to discredit historic anti-racist struggles. As Martin Luther King Jr. said, “Never again can we afford to live with the narrow, provincial ‘outside agitator’ idea.”

“Think of the freedom riders,” said Lauren Regan, executive director of the Civil Liberties Defense Center, which is working with numerous Atlanta arrestees. “If people didn’t travel to Southern states from all around the country during the civil rights struggle, this country might have had a very different history,” she told me. “The civil rights struggle impacted the entire country and the world — outside scrutiny, attention, and action forced change. Cop City also impacts everyone. The forced construction sets dangerous precedent on many levels, particularly in the aftermath of the Black Lives Matter uprisings and the national call to focus more on community needs and root causes and less on militarized police who are terrorizing many people in this country.”

Regan called Georgia’s deployment of the “outside agitator” trope “deplorable and ignorant of our history.”

Meanwhile, a diverse, multiracial collective of Atlanta residents have been organizing tirelessly against Cop City since it was first proposed and will continue leading the fight on the ground. Hundreds of people remain in the forest as the “week of action” continues.

“As the movement grows and city and state officials refuse to see the reality of what they are dealing with, their own authority is being brought into question,” noted a statement from the Sonic Defense Committee, released on Wednesday. “If they are not careful, the stakes of the movement will soon exceed the bounds of the forest and Cop City. In fact, that process may already have begun.”

**March 13<sup>th</sup> - Independent Autopsy Reveals Tortuguita Killed While Seated with Hands Raised**  
by Atlanta Community Press Collective (*It's Going Down*)

The family of slain activist Manuel “Tortuguita” Esteban Paez Terán released the findings of the independent autopsy today that indicates Tortuguita was killed by a Georgia State Patrol (GSP) SWAT team while seated in a “cross-legged, with the left leg partially over the right leg,” and had their hands up, palms facing toward their upper body at the time of their death.

The full findings, conducted by a forensic pathologist, Kris Sperry, M.D., on Jan. 31 at the Connor-Westbury Funeral home in Griffin, Georgia, reveal Tortuguita was shot 14 times, with wounds stemming from a mixture of predominately handgun caliber bullets as well as both a shotgun slug and shotgun pellets with trajectories that indicate Tortuguita was facing their killers. Sperry’s report states, “it is impossible to tell if [Tortuguita] had been holding a firearm, or not holding a firearm, either before [they were] shot or while [they were] being shot the multiple times.” One observation the report does make is that Tortuguita raised their “hands and arms up and in front of [their] body” during the course of the shooting.

Sperry also asserts that, “none of the identified firearm wounds exhibited any evidence of close range firing (the presence of gunpowder soot and/or stippling).” This is particularly notable, as there were gunshot wounds in both of Tortuguita’s hands which would likely show evidence of gunpowder residue had they fired their gun at the GSP trooper. The report notes that gunpowder residue “may have been washed from the body during the first autopsy, but this is very unlikely.”

These findings stand contrary to early reports released by the Georgia Bureau of Investigation (GBI), the agency heading the investigation into the the killing. According to the GBI, Tortuguita fired on a GSP trooper first and was killed by return fire. Two days after the raid the GBI released an image of the Smith & Wesson M&P Shield they allege Tortuguita shot a trooper with, and stated there is a ballistics match between the bullet recovered from the injured trooper and Tortuguita’s gun.

Activists believe that friendly fire caused the trooper’s injuries. One of the four body camera videos released by the Atlanta Police Department (APD) Feb. 6 supports this assessment. In it, an APD officer can be heard remarking, “you fucked your own guy up,” a few minutes after the shooting. At the time APD released an initial 14 videos to the family’s lawyers and four videos to the general public. The department separately stated to both the family’s lawyers and the general public that more footage would be released on a rolling basis. More than a month later, no additional videos are available.

The GBI’s lead role in the investigation is an issue for activists as well. They cite the participation of GBI agents in the initial raid that led to the death of Tortuguita as reason the agency should recuse itself and have an independent investigator take over the case.

The DeKalb County District Attorney, Sherry Boston recused her office from the prosecution of the case a week after the raid, citing the participation of her office in the raid as reason for the recusal.

The Paez Terán family is represented by Spears and Filipovitz, a civil rights law firm in DeKalb County, which filed a Georgia Open Records Act (GORA) Lawsuit against the City of Atlanta late last week over executive interference by the GBI and Georgia Attorney General’s (AG) office.

On Feb. 13, the GBI emailed APD requesting the department not release any additional body camera footage. A day later, the Georgia Attorney General’s office emailed the City of Atlanta Department of Law providing a legal basis for APD to withhold additional videos from the family. A Feb. 15 email from APD to the lawyers for the Paez Terán family stated that the Department would release no additional footage, citing the GBI and AG advisory emails as the reason why the department’s position changed.

The GORA lawsuit requests the Superior Court of Fulton County order the City of Atlanta to turn over the additional body camera footage and pay for the family’s legal fees in the case.

**8 Mar - Eric King Update**

*The DOJ doesn't seem to want to let this rest. They illustrated this by denying Eric's release to the state where his family resides, the state they have access to support and resources, and access to his attorneys.*

**MORE:**

The same state where he was tortured in lock up and held for years fighting a bullshit federal case... and those 4 years of pretrial meant that his family was held in Colorado right there with him.

The reason given for rejecting his family's address for release was ridiculous and not a standard to which other prisoners are held: a lease that extends to the prisoner's release date. Probation filed "We view the proposed release plan as unacceptable due to length of time remaining on the current lease agreement." This is simply not a requirement listed for federal probation. Prisoners often regularly acquire housing with month-to-month lease agreements. Federal probation did not ask his family to re-sign an extended lease; instead, they issued a flat denial, despite documentation voluntarily provided to US Probation the day prior to their decision of rejection, showing the landlord was interested in continuing to renew the lease as has been done for years prior. In addition, US Probation misrepresented the arrest record of his spouse on a public document. This inaccurate information was allegedly obtained by an FBI background check that US Probation never sought formal consent for. It seems, to Eric's family, that they never were going to be given a real chance, that the home inspection by probation was merely ceremonial and rejection was imminent. Colorado has no interest in Eric residing here. He has been advised if he claimed to be homeless, he could be free in a halfway house within weeks. However, the only addendum is he choose to not live with his family.

Within the last three weeks, Eric has been left with no choice but to push forward in court with a habeas motion to address illegal confinement and to file a PPO (protective order) on his own behalf. If the DOJ continues down this path, it's going to leave his family with dire financial needs for him to be able to establish a life on the outside, no matter what state he ends up in. The government always tends to find ways to make the experience excruciating and expensive, and the only way to survive is to endure.

Eric continues to stand, for himself, for his family, and for everyone else captive in the Florence complex and across the entire Bureau that are suffering the same abuses. Eric is just one of many; we can't forget that. He is not unique in some of the terror he has suffered. All you have to do is look at USP Thompson SMU, where prison staff like to play Pokemon with prisoners in rec cages and hallways by conveniently placing people of opposite affiliation (politically, racially, differing charges) in the same cages together. Then we are surprised when murder happens? It's business as usual with the Bureau of Prisons.

Soon there will be ways to support Eric and stand with us demanding his release, as he is still confined despite reaching his projected February 2023 release date. But right now, the very BEST way is to help share his fundraiser so the family can be prepared for whatever comes next.

**March 10<sup>th</sup> - Eric's Latest Civil Suit Filings, and Addressing Illegal Confinement**

There have been separate actions & filings undertaken by Eric & his legal team within the last three weeks.

On Monday, February 27<sup>th</sup>, a habeas petition was filed to address Eric's illegal confinement within the ADX Supermax in Colorado, along with a demand for an emergency court hearing and a protection order against BOP staff to address:

- Illegal, retaliatory placement within the Supermax
- Years of retaliatory disciplinary hearings by BOP staff
- Denial of all good time credit towards his pending release
- Imprisonment extending beyond the February 2023 projected release date for halfway house or home confinement eligibility
- Years of Eric's endless captivity in segregation
- The ADX Supermax Special Administrative Procedure policies being publicly unreviewable, and the lack of structure for the release of ADX prisoners being in violation of directives by Congress as well as the Administrative Procedure Act

- Eric's repeated lack of access to legal counsel, as well as contact with family or the general public
- Year's worth of medical care negligence
- The continual denial of administrative review by prison staff for Eric's maximum-security designation and endless placement in segregation
- Conspiracy to place white supremacist prisoners near Eric to target him
- The irreparable harm this will cause to Eric's safety

The finalized civil complaint was also submitted February 21<sup>st</sup>, illustrating the BOP's collusion in various capacities through the Klan Act, Bivens, Tort Claims, and Administrative Procedure Act:

The Klan Act confronts the deprivation of constitutional rights inflicted on citizens by any official acting under color of law, including direct or indirect deprivation of rights. This means government employees who blatantly act with impunity, but also those who knew of a violation and was in a position to prevent the deprivation of rights but did nothing. The Klan Act's origin was to confront government officials that enabled the Ku Klux Klan to murder, assault, lynch, and attempt coups for power or control elections. It directly confronts racial and class targeting as a discriminatory motive from government officials. This lawsuit reveals specifics of how Eric has been targeted by prison staff for being antiracist and antifascist.

The Bivens filings compliment the Klan Act, because it specifically applies to federal agents/employees acting unconstitutionally in the name of the US government while performing their official duties.

The Federal Tort Claim that's filed addresses Eric's physical injuries, retaliatory destruction of property, and negligence by acting officers of the DOJ and Bureau of Prisons.

The lawsuit also references the Administrative Procedure Act, which was created so "agencies must abide by their own regulations" to prevent abuse of power and impunity. Eric has exhausted all administrative review processes available to prisoners to file grievances or to have a chance to be seen by a judge, with Eric literally targeted and punished by using one of the only avenues available to him as a prisoner to address his 1600+ days in segregation, the violence and harassment inflicted by prison staff, his lack of phone time or visits or mail, lack of access to his attorneys, and lack of proper medical care.

Right now, the very best way to help Eric and his family is to share the fundraiser to prepare for whatever comes next, as he and his family faces dire financial needs to establish life on the outside. Especially while Eric's family continues to fight to gain approval from probation for Eric to be released to their home.

### **March 11<sup>th</sup> - What DOES disqualify someone from employment as a federal prison guard?**

It turns out the officer who terrorized Eric... the man who took him into the shower is in his underwear and broke his head open while handcuffed... Was hired by the government after being a partially responsible for a murder and subsequently losing his job as a Nebraska sergeant. It was commonplace for this man to use cell assignments as a way of extra discipline in Englewood. In fact, Eric has a write-up from Gustafson for refusing an opposing gang cellmate (they classified Eric as affiliated being anti-fascist so they can't give him gang cellmates it is against separate regulations).

So, the BOP saw... This man lost his job in Nebraska for using the segregation unit as a way to terrorize prisoners ultimately leading to a blatantly unnecessary death. And they said hold my beer do we have a unit for you to work. And placed him in the segregation unit at FCI Englewood. They were all complacent in his abuse when they refused to take reports regarding his attempted assaults and harassment leading up to the horrific incident in the showers.

One of the write-ups that ended up being a part of Eric's ADX placement involved this officer. The federal prosecutor knowing what he did to Eric still brought him to back to Denver to testify in an attempt to convict Eric of false charges of assault against an officer.

The kicker is seemingly even after this lawsuit settled; he is still employed with the Bureau of prisons. Was even given an out of state transfer. Wonder what it takes to lose your job as a federal prison guard?

### **March 13<sup>th</sup> - “This is how hard it is to get medical help here” by Eric King**

- First, file 5 sick calls, have medical officer Dunne take you seriously, but no one else
- Use the grievance process after being ignored for 4 1/2 months
- Get seen by a PA, who reviews everything + decides whether to refer to the doc or not. In our case he did
- The doc has to review it and present the case to the “Utilization Review Committee” who has to approve it.
- If the “URC” approves it, which in our case they did, they pass it onto REGIONAL, who has to then approve it... Jesus they had 2 months to approve or deny... then once (if) approved they have to make the appointment w/the outside doctor... Three officers + all armed. join you at the facility and you are made to wear the electronic belt.
- The Bureau thrives on promoting the health + safety of its captives =) HA Get fucked”

To give more clarity on the process for this particular (quite serious) medical concern. Eric might have missed a couple of steps:

- Get approved after 18 months of trying for an outside dr to evaluate you!
- Get abruptly transferred clearing all medical orders from the system
- Have your loved ones with the help of compassionate Senators (Thank you Neguse!) follow you being transferred from prison to prison trying to get them to palpitate your neck.
- Arrive at USP Lee where the BOP responds to Senator Neguse informing us that there simply is nothing at found in the area. Kindly highlight the email to make sure the senator knows exactly who he is helping.

However, based on the EXTENSIVE workup done at the ADX (per Eric’s account) it seems there WAS something there after all. Enough to warrant a MAXIMUM SECURITY specialist visit. They wanted and advised him to wait THREE YEARS for a follow-up...

### **March 15<sup>th</sup> - Where did all of the mail go?**

If you are wondering how many letters Eric has received since he filed his latest draft of his lawsuit against the Bureau of Prisons the US Marshals and various other forms of government... It would be six whole letters since 2-22-23 his only allowed form of communication.

The BOP is processing his mail at a .2727272727 letter a day average. Eric has no other forms of contact. Ever since his recent court filings mail is virtually non-existent.

### **15 Mar - Report from NYC Rally in Solidarity with Alfredo Cospito**

*Action report on solidarity demonstration with anarchist political prisoner, Alfredo Cospito.*

#### **MORE:**

Anarchist comrades rallied in support of Italian political prisoner, Alfredo Cospito, outside of the Italian embassy in New York City. From their report:

*Solidarity demo with Alfredo Cospito in so-called NYC, we made Alfredo’s voice heard with our voices and fire works at the Italian consulate as he nears the end of his hungry strike and the cruelty of the 41bis system. We hold great love for Alfredo and all political prisoners and dream of a day of total freedom.*

*Free Alfredo Cospito!*

*No to 41BIS!*

*Fire to the Prisons!*

### **16 Mar - Write to Daniil Chul**

*Daniil Chul is an anarchist from Brest, Belarus.*

**MORE:**

Detained on 2 March 2021 on suspicion of involvement in a criminal organisation of anarchists and gross violation of public order (Articles 285 and 342 of the Criminal Code).

On April 25, 2022, the trial commenced in Minsk Municipal Court in a closed session. On September 6, 2022, Chul was sentenced — he received 5 years in a penal colony and a fine of about \$6,300.

**How do one write letters to prisoners in Belarus so that they reach them?**

Most of our comrades who have sent letters to imprisoned anarchists and anti-fascists have most likely not received any response. This is primarily due to the incredible censorship regime, which in many cases does not allow any correspondence through. This situation is an attempt to create additional pressure on prisoners and to isolate them from outside political support. For example, Nikolai Dziadok's letters are destroyed right in front of his eyes every week by the censors. Other comrades simply do not get the letters.

For those who send letters this situation is also extremely demotivating: it is unclear whether the letter has reached the comrades or not.

That is why we recommend writing letters through our online form <[abc-belarus.org/?page\\_id=8682&lang=en](https://abc-belarus.org/?page_id=8682&lang=en)>. You can do it in Russian or English. After we receive your letters we pass them through our own channels to the comrades in prison. This way if you send letters through our form you can be sure that the prisoners will receive your messages.

We do not have the possibility of feedback between you and the prisoners, so the correspondence will go one way until the regime collapses or the censorship is loosened (which is not expected in the near future). You can, however, continue to send letter per post parallel to using our form, if that is an important part of solidarity for you.

We ask that you do not use the form to write simple messages such as “hang in there” and so on. Take at least 15 minutes to write letters to your comrades. You can write anything you care about, but don't write things that could cause problems for you or your imprisoned comrades.

In recent months we have also received letters for prisoners from the general list of political prisoners. We have no possibility at this stage to give them letters, and what you have sent, we have forwarded as far as possible to people who are engaged in supporting these prisoners.

**17 Mar - San Diego Antifa Trial**

*A criminal conspiracy case against a group of activists in San Diego is headed toward a trial that could prove crucial in defining the much-misunderstood political movement known as Antifa.*

**MORE:**

by Will Carless (*USA TODAY*)

Six members of the “San Diego 11” have negotiated plea deals with the San Diego District Attorney. But the five remaining defendants have vowed to take the case to trial, aided by defense attorneys known for taking on high-stakes political cases in California.

The defendants are charged with felonies, including conspiracy to riot, stemming from a day of unrest in Pacific Beach on Jan 9, 2021. As a *USA TODAY* investigation found in 2022, groups of anti-fascists clashed with white supremacists and supporters of former President Donald Trump throughout a day of protests and counterprotests, but only the self-professed anti-fascists were ever charged with crimes, despite video evidence showing white supremacists attacking people.

Experts say the San Diego case could inspire prosecutors around the country to take similar aim at anti-fascists, treating adherents as if they're members of a gang or criminal enterprise rather than a political movement. While the argument may sound conceptual, the legal impact is significant: Gang-style conspiracy charges could also effectively double any prison sentences.

So, the San Diego case has become a bellwether during a time when leftist protests are flaring up across the country.

This month alone, dozens of protesters who opposed an Atlanta police training facility were arrested in Atlanta and charged with domestic terrorism under a new Georgia state law, and in Ohio, two people were arrested during a faceoff between neo-Nazis and leftist supporters over a drag storytelling performance in a city park.

The stakes grow higher as the country moves into a new election cycle, said Stanislav Vysotsky, a professor of criminology and author of the book "American Antifa." A successful prosecution in San Diego could become a model for conservative prosecutors around the country, he said.

"It would give a really powerful tool of repression that could be used against not just anti-fascist activists but really any left-wing counterprotesters or left-wing protesters because you could just sort of slap them with a broad 'Antifa' label," Vysotsky said. "It actually creates an 'Antifa' entity that doesn't exist to begin with."

But as trial draws closer, the case will also test the influence and conduct of right-wing media interests – some of the same elements that have helped drive clashes between right- and left-wing activists.

An attorney for one Antifa defendant has asked the court to deny a local journalist media privileges in the courtroom, alleging that she obtained her media credentials by filing documents with the court under an assumed name – something the attorney argues is a felony under California law – and that her reporting was used for a right-wing harassment campaign against the defendants.

The journalist in question has published stories for years under the false name and recently co-wrote a series of stories about the San Diego case with a far-right provocateur.

The same defense attorney says he will also soon file another motion asking the judge to dismiss the case that takes aim at the prosecution's key expert witness. The motion claims the witness – who, as *USA TODAY* reported last year, has a history of writing for far-right websites – holds "speculative and biased" opinions that are not based on facts.

### **The San Diego 11**

*USA TODAY* examined the case of the San Diego 11 in an in-depth investigation last September. At the time, a grand jury had recently indicted the defendants on a combined 29 felony charges, including conspiracy to riot.

The case is extraordinary not just because prosecutors chose only to charge one side involved in the day's violence but also because it seeks to define Antifa as a criminal enterprise that "uses force, fear, and violence to further their interests and suppress the interests of others," according to the district attorney's office.

In recent years, Antifa has been portrayed by far-right-wing media, commentators and conspiracy theorists as a shadowy bogeyman intent on destroying America. Experts told *USA TODAY* that, if successful, the San Diego case could create a powerful precedent for prosecutors across the country – especially prosecutors looking to make a name for themselves with conservatives aligned with Trump.

The defense attorneys pledging to take the San Diego Antifa case to trial said it represents a watershed moment not just for anti-fascism but for freedom of speech in America.

“This is the criminalization of an ideology,” said Curtis Briggs, defense attorney for Jeremy White, one of the remaining Antifa defendants. “Really it's McCarthyism, and the United States went through this already.”

Briggs, who recently successfully defended Black Lives Matter protester Tianna Arata, who was charged with multiple crimes for participating in a protest that blocked a California freeway, said he decided to take on the San Diego case after reading about it in *USA TODAY*.

“This was a political case from the start, and it required a specific type of lawyering,” Briggs said.

Vysotsky said experts across the country who study the anti-fascist movement are closely watching the San Diego case. A successful prosecution defining Antifa as an organization, rather than a political movement, could have serious repercussions, he said.

“There's definitely something about this case that makes it unique in terms of the precedent it is going to set,” Vysotsky said. “If this is successful, this will be a prosecutorial strategy that will be picked up by other prosecutors.”

The five remaining defendants are due to stand trial in November.

### **The strange saga of Eva Knott**

The San Diego Antifa case also took a bizarre turn last month when one of the defense attorneys filed a motion accusing a local journalist of committing numerous felonies.

According to the motion, filed by attorney John Hamasaki, journalist Catherine Cranston has, for years, used the false name “Eva Knott” to write for the San Diego Reader, a local free magazine. The Reader's editor and publisher did not respond to a request for comment but has confirmed to *USA TODAY* that Eva Knott is a pseudonym.

Under the Knott byline, Cranston recently co-wrote several stories about the San Diego case with Andy Ngo, who has made a name for himself as an antagonist of anti-fascists across the country. He is the editor-at-large of the Canadian conservative website the Post Millennial, for which he regularly writes stories that are highly critical of Antifa. Ngo and Knott's stories about the San Diego case, similarly, are critical of the defendants.

Hamasaki's motion notes that Cranston filed paperwork with the San Diego court seeking permission to record and take photographs in hearings for the case. She filled out multiple court documents in the false name of “Eva Knott,” Hamasaki claims, which the court filing asserts is a felony under California state law.

Cranston then shared the photographs she took in court with Ngo, who published them on social media and on his website, the motion claims. As a result of this publicity, the “defendants were subject to a campaign of harassment by right-wing extremists,” the motion says.

John Donohue, a professor at Stanford Law School, said it's doubtful Cranston's actions fell afoul of the law cited by Hamasaki. Cranston would have to be filing the documents with “improper intent,” Donohue said.

“If she regularly writes using that pen name, one imagines that she could make an argument that she was using an official name,” Donohue said. “In the same way that maybe a movie star might have a name that they're using in their movie performances.”

Cranston did not respond to requests for comment. In a statement, Ngo wrote:

“The San Diego Antifa conspiracy case you contacted me about involves suspects who have already pleaded guilty to planning and carrying out extreme acts of violence on the public, something they’d likely wish on my colleague and me for reporting about their crimes.”

(As *USA TODAY* reported last year, the victims attacked by the anti-fascist activists include people identified by activists as white supremacist agitators notorious for spurring fights in neighborhoods where they’re not welcome. At least one has a criminal record and has long been involved with neo-Nazi groups.)

A *USA TODAY* reporter asked Cranston about the name outside a court hearing for the case last year. Asked if Eva was her real name, Cranston stated “Yes, didn’t you see my press pass?”

“My name is Eva Knott,” she continued.

Knott’s press pass was revoked by the San Diego Police Department in October. (While a press pass is not required in California to attend court hearings, it can be helpful to access areas from which the public have been prohibited.)

The San Diego Sheriff’s Department, which has jurisdiction over crimes committed in San Diego Superior Court, did not respond to a request for comment asking whether Cranston is being investigated for her alleged misrepresentations.

In a recent hearing for the Antifa case, Cranston was asked by the bailiff to leave the front row of the court, where media usually sits. It is unclear whether she will be allowed to continue to attend the hearings.

An argument against the main witness will be, in essence, a microcosm of the case itself.

Hamasaki’s argument is that Perlmutter’s definition of Antifa, as described to the grand jury, is inaccurate, biased and not borne out by facts. Her description of the movement was so far out of sync with the reality of what Antifa is, Hamasaki argues, that it unfairly tainted the grand jury’s decision to indict his client.

In a separate case, a Pennsylvania court issued an injunction against Perlmutter for claims that had already led her to be dubbed a “vexatious litigant.” The injunction stems from civil lawsuits that Perlmutter filed, unsuccessfully, “for more than a decade, in seven different lawsuits filed in federal and state courts,” according to court records. Perlmutter did not respond to a call for comment.

### **Defendant seeks to dismiss case**

Hamasaki said he will move to have the case against his client dismissed because, he says, it is based upon inaccurate and misleading testimony from the prosecution’s main expert witness, who testified during the grand jury that indicted the San Diego 11 last year.

Dawn Perlmutter, who bills herself as an expert in investigating religious terrorism and symbology, as *USA TODAY* reported last year, has a history of writing screeds against Antifa and Black Lives Matter protesters in right wing publications.

Hamasaki said he will argue Perlmutter provided the grand jury with “incompetent and irrelevant evidence” that “tainted the grand jury proceedings to such an extent that the Indictment was obtained in violation” of his client’s constitutional rights.

### **22 Mar - La Commune Part 1**

**WHAT:** Film Screening

**WHEN:** 7:00pm, Wednesday, March 22<sup>nd</sup> (*PART 2 SHOWN MARCH 29<sup>th</sup>*)

**WHERE:** Woodbine - 585 Woodward Avenue, Queens

**COST:** FREE

**MORE:**

La Commune is a 2000 historical drama film directed by Peter Watkins about the Paris Commune. A historical re-enactment in the style of a documentary, the film received much acclaim from critics for its political themes and Watkins' direction.

**23 Mar - Close Rikers!**

**WHAT:** Rally

**WHEN:** 9:00am, Thursday, March 23<sup>rd</sup>

**WHERE:** Tweed Courthouse Steps - 52 Chambers Street, Manhattan

**COST:** FREE

**MORE:**

Join us ahead of the Council Criminal Justice Committee budget hearing, to call for investments to strengthen communities, improve safety and #CloseRikers - not more DOC budget bloat.

**26 Mar - MACC Organizing Assembly**

**WHAT:** Assembly

**WHEN:** 3:00pm, Sunday, March 26<sup>th</sup>

**WHERE:** Bluestockings - 116 Suffolk Street 10002

**COST:** FREE

**MORE:**

The Metropolitan Anarchist Coordinating Council (MACC) is hosting an Organizing Assembly. The meeting will be hybrid. You can zoom in or join us in person at Bluestockings.

Organizing Assemblies differ from Care Assemblies in that we encourage people already involved in some way (this can be even participating some time ago, in a working group, assemblies, etc.) to join. We don't have an orientation at these assemblies and we prefer brand new folks come to the Care Assemblies. We deal with monthly business and major decision making at these OAs. We encourage everyone to participate in the call with ideas about what they would like to see for future campaigns or actions and what direction they'd like MACC to take to build a more powerful, militant anarchist movement.

For more information visit [macc.nyc](http://macc.nyc) or contact us at [maccmutualaid@protonmail.com](mailto:maccmutualaid@protonmail.com). MACC's safer spaces policy is available at [macc.nyc/safer-spaces](http://macc.nyc/safer-spaces) and we can coordinate in advance using the accessibility question on this RSVP, the email [maccmutualaid@protonmail.com](mailto:maccmutualaid@protonmail.com), or at the beginning of the meeting we will do a check-in and we encourage anyone who is comfortable doing so to use that time to whatever extent is desirable to them to share or request anything that will help them experience a greater level of comfort and/or ability to engage fully in the event.

**2 Apr - MACC Care Assembly**

**WHAT:** Assembly

**WHEN:** 3:00pm, Sunday, April 2<sup>nd</sup>

**WHERE:** P.I.T. Records & Books - 411 South 5<sup>th</sup> Street 11211

**COST:** FREE

**MORE:**

Come share some in mutual aid with community defense training, film screening and discussion related to Stop Cop City, share some food, care offers and requests, write some letters to incarcerated Forest Defenders and learn about Metropolitan Anarchist Coordinating Council of NYC!