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Updates for April 24th

6 Apr - Herman Bell Update

A lot has happened in the past couple of weeks and the flowing will help you catch up.

MORE:

April 6th - Judge Suspends Release of Herman Bell, Elderly Black Panther Jailed 45 Years, Amid Police Pressure

by *Democracy Now!*

A judge in New York has suspended the release of Herman Bell, a 70-year-old prisoner who has been granted parole after 45 years in prison. Bell was sentenced to 25 years to life in prison for the killing of two New York City police officers in 1971. At the time, he was a member of the Black Liberation Army and a former Black Panther. Since then, he has mentored thousands of young men while behind bars and kept a clean disciplinary record. State-mandated tests show he would pose the lowest possible risk if he is allowed to re-enter society. In March, the New York Parole Board granted parole for Bell, noting he had expressed remorse and was likely to lead a “law-abiding life.” State law requires commissioners to consider such factors, but they’ve only recently started to comply. On Wednesday, a state judge agreed to hear a challenge from the widow of one of the officers, who says the board violated procedure. A hearing on the petition is set for April 13, just days before Bell’s earliest originally scheduled release date. We speak with Robert Boyle, lawyer for Herman Bell, who says the board followed the rules. We are also joined by Jose Saldaña, who was incarcerated in New York until he was released by the parole board earlier this year in January, after 38 years inside. He knew Herman Bell and is now an organizer with the group RAPP, Release Aging People from Prison, who has helped push for parole reform.

AMY GOODMAN (AG): This is *Democracy Now!* I’m Amy Goodman. We end today’s show here in New York, where a judge has suspended the release of a 70-year-old prisoner who’s been granted parole after 45 years in prison.

Herman Bell was sentenced to 25 years to life in prison for the killing of two police officers in 1971, Joseph Piagentini and Waverly Jones. At the time, Bell was a member of the Black Liberation Army and a former Black Panther. Since then, he has mentored thousands of young men while behind bars and kept a clean disciplinary record—even after guards brutally attacked him in September. State-mandated tests show he would pose the lowest possible risk if he’s allowed to re-enter society.

In March, the New York Parole Board granted Herman Bell parole, noting he had expressed remorse and was likely to lead a law-abiding life. State law requires commissioners to consider such factors, but they’ve only recently started to comply, after a campaign for reform. A *New York Times* editorial hailed Bell’s release, in an editorial, saying, quote, “[T]he process worked as it should if parole is to amount to more than an empty word,” unquote.

In its decision, the parole board cited a letter from the namesake son of one of the victims, Waverly Jones Jr., who wrote that he and some members of his family supported Bell’s release, saying, quote, “The simple answer is it would bring joy and peace as we have already forgiven Herman Bell publicly. ... On the other hand, to deny him parole again would cause us pain as we are reminded of the painful episode each time he appears before the board,” again, the son of the slain police officer wrote.

But other family members of the slain officers, as well as the police union, known as the Patrolmen’s Benevolent Association, the PBA, have called for the board to reverse its vote, along with New York Mayor Bill de Blasio. On Wednesday, a state judge agreed to hear a challenge from the widow of Officer

Piagentini, who says the board violated procedure in its decision. A hearing on the petition is set for April 13th, a week from today, just days before Bell's earliest originally scheduled release date.

For more, we're joined by Herman Bell's lawyer, Bob Boyle, and by Jose Saldaña, who was formerly incarcerated in New York state prison and was released by the parole board earlier this year, in January, after 38 years inside. He knew Herman Bell and is now an organizer with the group RAPP—that's Release Aging People from Prison—which has helped push for parole reform.

We welcome you both to *Democracy Now!* Bob Boyle, welcome back.

ROBERT BOYLE (RB): Good morning.

AG: Talk about Herman Bell's case today.

RB: Well, Herman Bell, as you said, served 46 years in prison and was granted parole on his eighth appearance before the parole board, where he satisfied all the criteria. On this—just a couple of days ago, the Patrolmen's Benevolent Association, using, I would say, the widow of Officer Piagentini, filed a suit in state Supreme Court in Albany to block his release. And it's really an unprecedented action, although it's been tried in some cases before and failed, in that the Patrolmen's Benevolent Association is exercising, I would argue, undue influence over the criminal justice process. And they are bringing this lawsuit to block the release of someone who's satisfied every criteria for parole. And it really shows their power, that they could influence even Mayor Bill de Blasio to come out with a statement saying Herman Bell should never be paroled, when that's actually contrary to the law, because he satisfies all the criteria for release. And this was done by parole commissioners who spent two hours with him, reviewed mountains of material, everything they had to do, and finally, on his eighth appearance, granted him parole.

AG: This is New York state Senator Marty Golden speaking on Fox & Friends back in March about the New York Parole Board's decision to release Herman Bell:

SEN. MARTIN GOLDEN: This is where the board acted inappropriately, and this is why we believe that this board should be taken apart, fired. One of them is that they have to consider whether the crime is so heinous that their release would undermine the respect for the law.

PETE HEGSETH: Yes.

SEN. MARTIN GOLDEN: And guess what. They didn't do that. Right? Seven previous boards—seven previous boards said that the release would depreciate the severity of the crime. So how do seven boards come up with that, and this board comes up with their decision?

AG: That's New York state Senator Marty Golden. Did they break the rules, or did they follow the rules?

RB: They followed the rules. The point he is making, the seriousness of the offense will never change. But people do change, who are behind the wall. And Herman Bell has shown that he's changed. So, on his eighth appearance after 46 years, the board recognized this and did what they were supposed to do by releasing him, ordering his release.

AG: Jose Saldaña, you were just recently released from prison.

JOSE SALDAÑA (JS): Yes, I was.

AG: And you're involved with working particularly for elderly prisoners to get out of jail.

JS: Yes.

AG: You knew Herman Bell in jail.

JS: Yes, I did.

AG: Talk about what he did there.

JS: Well, Herman was a great influence in me transforming my life. And he helped transform literally thousands of other people's lives. You see now a lot of the formerly incarcerated people doing very positive things in the community, serving the community. These very same people were influenced by Herman Bell.

I'd like to address that this problem that we're facing right now is a variation of the problem that I thought was corrected by the government. For years, I was a part of a group that called for parole reform. We said that the composition of the parole board needs to be changed, because you had a large majority of parole commissioners with certain backgrounds that didn't allow them to consider rehabilitation. So they were systematically denying persons convicted of violent crimes, especially when the victim was a police officer, parole, based on their personal beliefs.

Last year, the governor appointed six new parole officers with backgrounds from behavioral sciences. And these backgrounds allowed them to consider rehabilitation. And this is exactly what happened. So the problem was deemed corrected. Now, they're trying to come around the back door and do the same thing.

AG: Bob Boyle, could Herman Bell still get out?

RB: Yes. I mean, the lawsuit that was filed was frivolous, because the board, in fact, considered everything they were supposed to, and made the right decision. And so, on a week from today, we hope that the judge will dismiss the suit, and so he will be released as scheduled.

AG: What is the broader purpose of parole?

RB: It's to recognize that someone has in fact changed and will lead a law-abiding life and contribute to the community. This is what the purpose of parole is, in the words of the New York statute, that it's reasonably probable that the person will lead a law-abiding life. That's the standard. And Herman Bell, for years, has satisfied that standard.

AG: And can you talk about the son of the slain police officer, also named Waverly, writing this letter, saying that they support the parole of Herman Bell, Waverly Jones Jr.?

RB: Well, he actually has supported parole since 2004, as has his mother and his sister, when they wrote to Herman Bell and actually had a correspondence with him. And they have urged the parole board to grant parole. But what I'd like to add to that is, while that's very important, it's not the definitive thing. It's not a debate between families of the victims. If someone satisfies the criteria for parole, they should get parole. It's wonderful he did that, but it's not determinative.

AG: I wanted to read just the tail end of what he wrote—again, the son of the slain officer, saying, "The fact is [that] Mr. Bell has taken responsibility for his actions, has expressed genuine remorse, is 70 years old and has been in prison for 45 years. In these times of increased hate, we need more compassion and forgiveness." As you hear that, Jose Saldaña, your response?

JS: I greatly admire his sense of justice, and I greatly admire the fact that he didn't allow himself to be used for a racist, political agenda.

AG: So, the next date is April 13th.

RB: April 13th, we'll be in court. And hopefully, the earliest release date is April 17th, and we hope to welcome him home on that day or in one of the succeeding days.

There is a second part to this interview, available at democracynow.org/2018/4/6/judge_halts_release_of_herman_bell

April 13th - Update from Herman Bell Hearing

State Supreme Court Justice Richard Kowee on Friday postponed a final decision after an hour-long hearing in Albany, NY on whether Herman Bell should be released as early as Tuesday under a parole board's decision.

The hearing began around 3pm. The Judge said at the outset that he did not plan to issue a decision today, and that the temporary restraining order would remain and not be lifted until a decision was rendered. The Judge also asked that the hearing be focused primarily on standing. The question is whether a member of the victim's family (Diane Piagentini) has "standing" in court and in this case. Without standing, the case cannot go forward. Each side then had around 10 minutes to give their arguments on that issue, which they did.

State Assistant Attorney General Joshua E. McMahon argued that under the law, the widow of a victim has no "standing" to challenge the parole board's decision. He argued the point with Piagentini's lawyer, Mitch Garber, who noted prisoners do have a right to challenge parole board decisions.

Again, no decision was rendered today, and there was no indication of how the Judge would rule. The Judge did say that he understood the urgency of the case and that Herman Bell's liberty was at issue, and that he would begin making a determination on Monday.

April 20th - Judge tosses suit seeking to block parole of Herman Bell

by David Klepper (*Washington Post*)

A New York judge has dismissed a lawsuit that sought to block the parole of an ex-radical who fatally shot two New York City police officers in 1971.

State Supreme Court Justice Richard Kowee ruled Friday that the state Parole Board did not act irrationally or outside its bounds when it granted parole last month to Herman Bell after he served 44 years.

The 70-year-old Bell had been scheduled to be released this week before the legal challenge was filed by the Patrolmen's Benevolent Association on behalf of Diane Piagentini, widow of one of the slain officers. Her lawyers had argued the parole board didn't follow proper protocols.

In his ruling, Kowee wrote that the widow did not have legal standing to challenge the board's decision. He also concluded that in order to overturn the Parole Board's decision a court must find it acted with "irrationality bordering on impropriety."

"Nothing that is supplied in this case persuades this Court that the actions of the Parole Board meet that standard," he wrote.

In a statement, the PBA said it would appeal the ruling, which PBA President Patrick J. Lynch called "outrageous." Diane Piagentini said her family is devastated that the judge "turned a blind eye to the Parole Board's illegal actions."

"Not only have they compounded the pain and suffering we have experienced since my husband's death, they have also put the safety of the public in jeopardy by releasing a vicious killer like Herman Bell," she said.

The decision to parole Bell has been widely criticized by Republican state lawmakers. Democratic Gov. Andrew Cuomo said Thursday that while he disagreed with the decision, the Parole Board isn't not subject to his direct control.

"If I were on the parole board I would not have made that decision," he told reporters. "The Parole Board is an independent board but I would not have made that decision."

Supporters of the decision note that Bell was properly eligible for parole, and that continuing to incarcerate an elderly man was an unwarranted use of state resources.

Bell and two other members of the Black Liberation Army, a violent offshoot of the Black Panther Party, were convicted of killing officers Waverly Jones and Joseph Piagentini after luring them to a Harlem housing development with a bogus 911 call. Authorities say both officers were shot multiple times, with Piagentini hit by more than 20 bullets.

During Bell's eighth parole hearing in early March, the state parole board approved Bell's release from Shawangunk Correctional Facility in Ulster County, determining "his debt has been paid to society." Board members took into consideration his stated remorse for killing the officers and the fact he had earned bachelor's and master's degrees while in prison and counseled other inmates.

It was unclear Friday afternoon when Bell would be released.

One of Bell's co-defendants has since died in prison while the other, Anthony Bottom, is serving 25 years to life at maximum-security Sullivan Correctional Facility in Sullivan County. Bottom, 66, is due for a parole hearing in June.

8 Apr - Urgent Action Needed to Support the Virgin Island 3!

Political prisoners in the Virgin Islands need our support.

MORE:

The Virgin Island 3 (see virginislands3.yolasite.com for background/contact/et cetera) have been locked up for 46 years. Like many aging, incarcerated Black revolutionaries/former revolutionaries, they are experiencing increasing health problems and pose NO RISK to the society they've been locked away from for nearly half a century.

That said, these men were promised by the current governor of the Virgin Islands when he visited them during his campaign to commute their sentences and release them with time served. He has been in office 3 years now, and has not made good on said promise. PLEASE reach out and pressure him to keep his word and allow these men to return to their home in FREEDOM!

Governor Kenneth Mapp
Government House, 21-22 Kongens Gade
Charlotte Amalie
St. Thomas, Virgin Islands 00802

Phone: 340.774.0001
Fax: 340.693.4374

- DEMAND that the governor make good on his promise to free the Virgin Island 3 – Warren Ballantine, Merel Smith and Beaumont Gereau (these are the names the state recognizes them under). Commute their sentences and release them with TIME SERVED...
- After 46 years of incarceration, they are of seriously ailing health and are extremely unlikely to re-offend... Warren alone is on 6 different types of medication after a massive heart attack a year ago.
- It is costing the state a TON of money to continue to house them and pay for medical care (which is why they are routinely transferred to private prisons – the Virgin Islands simply can't afford to pay for their incarceration any longer).

8 Apr - June 11, 2018: A Day Against Oblivion

What follows is a call out for June 11th, the international day of solidarity with long term anarchist prisoners.

MORE:

June 11th is an international day of solidarity with Marius Mason and all long-term anarchist prisoners. A spark in the eternal night of state repression. A day set aside for honoring those who have been stolen from us. On this day, we share in songs, events, and actions to celebrate our captured comrades and loved ones. In years past, June 11th celebrations have been international and wide-ranging – from potlucks with friends to various inspiring attacks; fundraising benefits and prisoner letter writing nights to all of the untold and unknown ways we keep the flame alive.

Building up to this day, each year several of us come together to discuss and reflect on lessons from years past and to renew this call for continuous solidarity. This year we invite you to explore and ponder with us how maintaining support for long-term prisoners depends directly on sustaining the movements and struggles we all remain part of. How can we expect to continue through decades of support as movements, groups, and people come and go, burn out, and get caught in the exhausting ebbs and flows of struggle? Going deeper, what can we learn from long-term prisoners and their legacies of solidarity? How can we sustain and improve the health of our movements, and in turn strengthen that support?

Over the last several years, critiques of incarceration have flourished, often resulting in a myriad of prisoner support efforts and projects. Embodying stability, commitment, and longevity are prisoners from Black liberation, the New Left, indigenous movements, and those who have unceasingly supported them for decades. In addition to these efforts, there has been an upsurge in organizing against mass incarceration itself. Though smaller groups had been pioneering these sentiments for many years prior, it is encouraging to see more people taking up this work. There has also been an extension of efforts to support prison rebels who have been engaging in everything from work strikes to burning and trashing entire units on the inside. At the same time, more and more projects are critiquing the state itself – identifying that it is upheld by the pillars of prisons and police. Finally, there are more efforts aimed at addressing the needs of queer and trans prisoners, criminalized survivors of domestic and sexual abuse, and people living with mental health challenges, just to name a few.

In the spirit of June 11th, which invites everyone to participate according to their own desires, personal affinities, and tactical preferences, it encourages us to see such widespread activity. One thing in particular that we have been heartened to see is just how widespread newsletters, blogs, books, and zines written by prisoners have become. After years of discussion about amplifying prisoners' voices, we are seeing the results and appreciate the countless hours put in by both prisoners and supporters to launch and sustain these publications. Complementing these efforts are those which have furthered international solidarity by translating and transmitting the words of our comrades, and those who have undertaken beautiful gestures and messages of solidarity with bold action and attack.

Amongst these many prisoner support projects we see a variety of orientations, tactics, strategies, and practices. Along with the expansion of initiatives has come endless emergencies and urgent calls to action to have prisoners' backs, on top of all the other constant crises in this nightmare world. With so much to do, we are forced to make choices. Traditional activism, which demands so much of our energy be directed into immediate and often symbolic responses at the expense of long-term intentions and strategies, simply will not do. We need to act with an eye towards sustaining our movements and projects, so that we remain capable of supporting comrades spending decades in prison. This requires a holistic approach to struggle and living in solidarity. One-time gestures are important, and sometimes the best we can do. But what does it mean to be in it for the long haul?

While June 11th is only one day, it is a manifestation of the daily strength and fortitude of imprisoned comrades and the tireless, behind-the-scenes work of those who support them. This often looks like visiting; writing; raising money; spreading information; and sharing their artwork, poems, and writings. We are inspired by Jeremy Hammond and Marius Mason's support crews working consistently to keep them connected to the rest of the world. We hearken back to Sacramento Prisoner Support fighting for years to get Eric McDavid free. We are humbled by so many who have helped long-term prisoners like Zolo Azania, Russell Maroon Shoatz, David Gilbert, Sean Swain, Mumia Abu-Jamal, Jalil Muntaqim, Leonard Peltier and so many others publish books written in their cells.

Visions & Possibilities

Faced with both the long-term prospect of aiding comrades through decades in prison and the short-term work that this solidarity entails, we risk getting lost in alternating currents of despair and mania that leave no space for reflection. It's difficult to know where to move when faced with the overwhelming task of ameliorating the deprivation and misery our comrades face, while also remaining critical of reformism. We want our comrades free now and all prisons demolished immediately, but we have no idea how to do this. Despite our combined decades of acting in solidarity with anarchist prisoners, we have no blueprint, only visions.

By throwing away divisive dichotomies and their tactical fetishes (mass struggle vs. direct action), we can come to a new metric by which to judge our work: can this sustain me and my comrades through the coming years? It seems unlikely that a vibrant movement of solidarity with prisoners can come to bloom if our concerns are solely ideological, tactical, or strategic. The joy and difficulty of human relationships, the sadness engendered by concrete and razor wire, the struggle against oppressive ideas and behavior and the concurrent need for transformative forms of addressing conflict, the excitement and fear that come with a comrade's release, and the frustration and exhaustion of doing this work should all become part of how we envision solidarity.

It seems to us that by actively engaging in these considerations, we can begin to think beyond the immediate crises: restricted literature, missing letters, stints in solitary, harassment from guards, scrambling for commissary funds, restricted phone calls and visits. By grounding ourselves in relationships with individuals in prison – seeing them not as celebrities, leaders, or abstract “oppressed people” – we open space to dream of what a life shared in common with our imprisoned comrades could mean. With this, we exit the realm of the purely political and enter the realm of the human. One cannot survive on duty and ideology, but human relationships can nourish and sustain us. And we must continuously fight to maintain clear paths to reach our comrades in this way, as the state continues to dehumanize and isolate them, increasingly restricting visits to those behind glass or worse, those on a screen, whether we be a few yards or hundreds of miles away. In-person and contact visits, priceless for building real human connection, are often high on the list of demands from prisoners and those supporting them on the outside. Recently we've

been inspired by Fight Toxic Prisons' campaign to keep contact visits in the Florida Department of Corrections.

We must strive for lives intertwined with our friends and comrades in prison. And indeed, in many ways, they are. The repression of prisoner support groups by Operation Scripta Manent (the Italian state's attempt to repress anarchist activities by accusing individuals of carrying out incendiary and explosive attacks) remind us that there is often a thin line separating those who are imprisoned and those who are outside supporting them in whatever way they can.

What can these considerations on building sustainable movements, communities, and projects suggest to us when thinking about accompanying our comrades through both pre-trial repression and post-release transitions? Passing on historical and intergenerational knowledge from those who have already survived the worst the state could throw at them would certainly be helpful and inspiring to those currently fighting to remain free. And what would be better for a comrade coming out of prison than a strong community and friends who have already been working and envisioning lives together?

Prisoner Updates

Throughout the past year, our imprisoned comrades have faced the cold eyes and violent hands of the state with integrity intact. In Chile, Tamara Sol attempted to escape from prison, was seriously injured in the process, and has since been transferred: first to a maximum security prison in Santiago, and then to the especially brutal Llancahue prison in Valdivia. The "Bombs Case 2" wrapped up, with Juan Flores found guilty of multiple bombings in Santiago and sentenced to 23 years in prison. In Germany, Lisa was sentenced to over 7 years in prison after being found guilty of robbing a bank in Aachen. She was transferred to JVA Willich II in February. In the United States, Walter Bond went on hunger strike for six days, demanding vegan meals, an end to mail tampering, and transfer to New York where he intends to live upon release. In retaliation, he was transferred to the Communications Management Unit in Terre Haute, Indiana. In Greece, Pola Roupia and Nikos Maziotis went on hunger strike for nearly 40 days demanding better conditions and more time for visits, as well as the abolition of the ultra-repressive C-type prison that Nikos has been held in. Dinos Yagtzoglou was arrested and is facing charges related to a letter bomb that injured a former Greek prime minister. His resistance behind bars sparked an uprising at three Greek prisons, securing his demand of transfer to Korydallos prison.

In the United States, trans anarchist and eco/animal liberation prisoner Marius Mason needs more mail! He enjoys getting articles about animal rights, environmental activism, resistance to the alt-right, Black Lives Matter, and other prison struggles. Carswell Federal Medical Center, where Marius has been held for the past several years, is a notoriously restrictive and cruel facility. Currently they are denying him medical care for his transition as promised, as well as adequate vegan food options.

June 11th is an idea, not just a day. June 11th is every day. And ideas are bulletproof. Let's breathe life into the rest of the year and renew the celebration of anarchist prisoners' lives by carrying on their struggles alongside them.

In short: It's a call-out, so we're calling on you! June 11th is what you make of it. Follow your heart and fill the world with beautiful gestures. There is no action that is too small or too grand.

9 Apr - May 2018 Parole Hearings For The Move 9 Sisters

Next month Janet, Janine, and Debbie Africa will again be making appearances before the Pennsylvania Parole Board.

MORE:

In 2016 all three of the women were denied parole and given a two year hit, despite having excellent conduct records, home and employment plans, and once again the recommendation of the prison administration for parole. The Move 9 have been eligible for parole for ten years now, all of them with the recommendation of the prison administrations of their respective institutions. Ninety-nine percent of inmates in Pennsylvania are paroled when given the recommendation of prison officials; however The Move 9 are not included in that 99 percent.

For a ten year period from 2008 to 2018 the Pennsylvania Parole Board has carried out the plan of this government and that's to punish MOVE and to ensure that MOVE members die in prison . We have seen the example with the murder of Phil Africa during the parole process and THEIR CONTINUED PLAN IS INDEED FOR THE REST OF THE MOVE 9 TO DIE IN PRISON. Despite the fact that Governor Wolf has made changes to the parole board under public pressure we are not fooled by the fact that he has social workers, counselors, et cetera on the board. These people are still under the orders of the Fraternal Order of Police, who are calling the shots on MOVE and parole bottom line.

The Fraternal Order of Police has not only played the main role in our family being denied, but also the overall court process of parole being rescinded for political prisoners across the board. Sundiata Acoli was ordered to be paroled by court order. Police unions challenged this all the way to higher courts to keep him from being released and they were successful. Veronza Bowers was due to be released on mandatory federal parole in 2004 only to have the gates closed on him due to intervention by the Fraternal Order of Police. Most recently Herman Bell was granted parole in New York State but police unions have interjected and now his parole may be rescinded.

At this point people should have no illusions about this system being fair and wanting to do right by people. It's time to roll up our sleeves and work even harder; as we do not have an official date for the parole hearings for our sisters, we are now starting to let the parole board know our feelings on this. On Monday April 9th, we are asking people to contact the Parole Board and stress that we want immediate parole for the Move 9 Sisters. Based on their records and accomplishments they are perfect candidates for parole and this is what we want people to stress.

Janet Holloway Africa OO-6308

Janine Phillips Africa OO-6309

Debbie Sims Africa OO-6307

9:00-11:15 am **CALL** 717.772.4343

11:30am-12:30pm **TWEET** @PAparole

12:45-2:00pm **FAX** 717.772.4375

2:05-4:45pm **EMAIL** Ra-pbpopc@Pa.gov

9 Apr - Eco-Prisoner Marius Mason and Others Fight for Gender-Affirming Name Changes in Texas Prisons

Please spread the word about this case and donate to the legal fund at the link below.

MORE:

Currently, no person inside a Texas prison can update their name. Winning this case would set a precedent for prisoners state-wide.

Three specific plaintiffs—all in federal institutions—are joining together to bring this suit, but the outcome will affect hundreds if not thousands of transgender persons across Texas who have been convicted of a felony and are struggling to live authentic lives. Currently, no person inside a Texas prison or a federal prison in the state can update their name or gender marker, nor can they update their name or gender marker on release until two years after completing all terms of their sentence. Someone serving a life or long-term sentence may never be able to update these important aspects of medically necessary transgender care.

The Eighth Amendment to the U.S. Constitution bars denial of medically necessary care as a form of punishment, but that is what Section 45.103 of the Texas Family Code functions to do.

Some may object that this hides a person's identity and thus should be upheld. As all legal name changes are registered in state identity databases, this statute does not obscure anyone's identity; it serves no other purpose but state-sponsored harassment, which disproportionately affects transgender persons by creating unnecessary barriers to our survival. MORE AT [103.tpride.org](https://www.tpride.org)

16 Apr - Law Enforcement Has Quietly Backed Anti-Protest Bills in at Least 8 States Since Trump's Election

The pending bill, HF 390/SF 676, would significantly increase fees and jail time for protesters who block highways, a common civil disobedience tactic, including at protests against police killings.

MORE:

by Simon Davis-Cohen and Sarah Lazare (*In These Times*)

According to the ACLU of Minnesota, the proposed legislation “chills dissent” and constitutes an “attempt to silence Black Lives Matter movement.”

“I knew they were trying to pass it last year, and I encouraged them to do it again,” Kroll told *In These Times*.

Kroll has faced numerous accusations of racism for, among other comments, likening protests against police killings to “the local version of Benghazi” in 2015 and calling Black Lives Matter a “terrorist organization” in 2016.

His acknowledgement of the lobbying by his union, Police Officers Federation of Minneapolis, raises concerns that law enforcement is pressuring legislators to clamp down on protests—and specifically, on protests against police violence. “Cops are going to keep pursuing ways to keep themselves above the fray and unaccountable for the things they do,” says Tony Williams, a member of the MPD150, a police abolitionist project that recently released a “150-year performance review of the Minneapolis Police Department. “It’s a naked case of self-interest more than anything else.”

Minneapolis police aren’t alone: According to research conducted for *In These Times* in partnership with Ear to the Ground, law enforcement in at least eight states—Arizona, Florida, Georgia, Iowa, Minnesota, Missouri, Washington and Wyoming—lobbied on behalf of anti-protest bills in 2017 and 2018. The bills ran the gamut from punishing face coverings at protests to increasing penalties for “economic disruption” and highway blockage to criminalizing civil protests that interfere with “critical infrastructure” like oil pipelines.

Emboldened by the Trump administration, at least 31 states have considered 62 pieces of anti-protest legislation since November 2016, with at least seven enacted and 31 still pending. The full scope of police

support for these bills is not yet known. As in the case of Kroll, police support often takes place in private meetings, far from the public eye.

That police are playing any role in this wave of anti-protest legislation is raising alarm among organizers and civil liberties advocates. Traci Yoder, director of research and education for the National Lawyers Guild, a progressive bar association, is the author of a recent report on the forces behind the wave of anti-protest bills, which include conservative groups like the American Legislative Exchange Council, corporations like as Energy Transfer Partners (the company behind the Dakota Access Pipeline) and state Departments of Homeland Security.

“We are deeply concerned about the role of law enforcement agencies and leaders supporting the current wave of anti-protest legislation,” Yoder tells *In These Times*. “We see this as a direct response to the success and visibility of recent movements of color such as Black Lives Matter and #NoDAPL. The collusion we are seeing between law enforcement, lawmakers and corporate interests is undemocratic and designed to deter social movements for racial and environmental justice.”

BEYOND MINNESOTA

Following uprisings in Ferguson, Standing Rock, Baltimore and elsewhere, the policing of protests became a hot topic at law enforcement conferences and within law enforcement publications. But law enforcement like Lt. Bob Kroll are not merely discussing how to apply the law to protests, but actively lobbying for new laws curbing public action.

According to research by *In These Times* and *Ear to the Ground*, police associations, police unions, district attorneys or officers in leadership positions lobbied in favor of “protest suppression” laws in 2017 and 2018 in at least eight states: Arizona, Florida, Georgia, Iowa, Minnesota, Missouri, Washington and Wyoming.

One bill was signed, two passed but were vetoed, and a 2018 Iowa bill to protect “critical infrastructure” has passed, but still awaits its governor’s signature. Four are still pending, and the rest died or were voted down.

In other states, top sponsors of protest suppression legislation had close ties to law enforcement. In Tennessee, for example, the main sponsor of a bill that was signed into law in 2017 was a member of Blue Lives Matter Tennessee.

These state-level efforts appear to be compounding the repressive national political climate, where the Trump administration has aggressively prosecuted more than 200 Inauguration Day protesters, and the president has openly endorsed police brutality.

Support for state-level anti-protest laws extends far beyond police departments, as showcased in Minnesota, where an action item to require “prosecution of protestors who impede emergency traffic” was approved by the Republican Party Convention in 2016.

And the cozy relationship between Minnesota state lawmakers extends far beyond anti-protest legislation. Representative Zerwas and Minnesota State Senator Tony Cornish, who have advanced the anti-protest legislation, have also advanced law enforcement’s agenda on a number of other issues, including body worn cameras, school police and new protections for police dogs.

As highway-blocking protests continue, some in Minneapolis remain skeptical that police are—or will ever be—on the public’s side.

“Police officers and police unions try to portray themselves as nonpartisan enforcers of laws,” says Williams. “But if you look at the history of police departments in Minneapolis and across the country, there’s a documented history of that not being true. Police have an agenda.”

ACCUSATIONS OF RACISM

Speaking over the phone with *In These Times*, Kroll elaborated on his role in lobbying for the Minnesota bill. “We have ongoing meetings with politicians, and one of them, Nick Zerwas, we encouraged him to bring it again,” Kroll explained.

State Rep. Zerwas—who did not respond to a request for comment—is author of and principle force behind the bill, which would make the obstruction of an interstate or a major roadway to an airport punishable by up to \$3,000 and a year in jail. Zerwas first introduced the bill in January 2017, then tried to work the language into an omnibus spending bill, but was thwarted by Gov. Mark Dayton. In March 2018, Zerwas revived the original bill. Like those of all Minnesota state representatives, Zerwas’ communications are exempt from the state’s sunshine law.

Ben Feist, legislative director of the ACLU of Minnesota, was surprised to learn of Kroll’s comments. “This is the first I’ve heard” of police support for either iteration of the bill, he says. “In all of the hearings that have occurred last session and this session, law enforcement and their usually very vocal lobby have been silent. Lawmakers have not said that law enforcement has asked for this.”

But not everyone was surprised. Williams tells *In These Times*, “There is a long history of police advocacy groups, specifically police unions, using their cultural capital as police to convince legislators to pass policy on their behalf.” Williams points out that in 2012, for example, the Minneapolis Police Federation successfully pressed lawmakers to pass a law that reduces the power of a statewide panel tasked with investigating police misconduct.

When he spoke with *In These Times* for this story, Kroll again denigrated protests against police killings of Black Minnesotans, including 24-year-old Jamar Clark and 32-year-old Philando Castile.

“They impede normal people’s travel plans, holidays, you name it,” Kroll said of the protests, which have been used across the country by Black Lives Matter organizers responding to police killings. “They keep working people away from their destination, from childcare. These are a group of people funded by a radical left-wing organization that disrupts the lives of normal people.”

Asked to clarify who he believes is funding these groups, Kroll replied: “George Soros ... He’s a big funder of things like that. The groups that we’re talking about take part in blocking freeways and airports, disrupt vehicle traffic in and out of the Super Bowl.”

In response to Kroll’s latest remarks, Williams said, “A vast majority of people who have protested police brutality in Minneapolis or around the country are not funded or even supported by resources in that work at all. Certainly not to the level of a group like the police union is.”

“What groups are fundamentally demanding is a way to keep our communities safe from police officers,” Williams continued. “It’s not a radical thing to want our community to be safe. But the police union and Bob Kroll have shown themselves to be radical far-right individuals with ties to white supremacy.”

In a 2016 interview, Kroll admitted he is a member of City Heat, a motorcycle club that has been denounced by the Anti-Defamation League (ADL) for its tolerance for white supremacy (the ADL often collaborates with police departments). When asked about this affiliation, he abruptly ended his interview with *In These Times*.

16 Apr - International Leonard Peltier Defense Committee Meeting United Nations Special Rapporteur

The International Leonard Peltier Defense Committee (ILPDC) is pleased to announce the meeting between Special Rapporteur on the rights of indigenous peoples—Victoria Tauli-Corpuz (an indigenous leader from the Kankanaey Igorot people of the Cordillera Region in the Philippines) and National Board member Jean Roach, Lakota from Rapid City, South Dakota.

MORE:

The meeting will take place Tuesday 17th of April from 12:00 to 12:15 at the UN Secretariat Building, S-31 MM3 (31st floor in the south end of the building) to discuss the situation of Mr. Leonard Peltier, 89637-132, Native American Political Prisoner held at USP Coleman 1, Coleman, Florida.

"I was there June 26, 1975 as a 14 year old girl," Jean Roach, board chair of ILPDC said. "Leonard is innocent, and as a young girl I couldn't do anything. Now I can and will use all my energies at the United Nations to raise awareness for Leonard."

Leonard Peltier has been in PRISON for over 43 YEARS. He is an ELDER with numerous health problems; in the summer of 2017 had triple bypass heart surgery. He was diagnosed two and a half years ago with a Prostate problem, the doctor told him he needed surgery, but the Warden of Coleman Federal Prison in Florida has not allowed the surgery. In January 2016, Leonard was diagnosed with an aortic abdominal aneurysm.

Leonard Peltier said: "The FBI files are full of information that proves my innocence, yet many of those files are still being withheld from my legal team. During my appeal before the 8th Circuit, the former Prosecuting Attorney Lynn Crooks said to Judge Heaney, 'Your honor, we do not know who killed our agents. Further, we don't know what participation, if any, Mr. Peltier had in it'. That statement alone exonerates me and I should have been released, but here I sit, 43 years later still struggling for my Freedom! I have pleaded my innocence for so long now, in so many courts of law, in so many public statements issued through the International Leonard Peltier Defense Committee, that I will not argue it here. But I will say again, I DID NOT KILL THOSE AGENTS!"

16 Apr - Prosecutors Invoke Union Membership To Criminalize Inauguration Day Protesters

In prosecutions against Inauguration Day protesters, the government contends some of the defendants' union memberships qualify as evidence of a conspiracy to commit a crime.

MORE:

by Elizabeth King & Siobhan O'Leary (*Shadowproof*)

Hundreds of thousands of protesters converged for the Inauguration Day protests in 2017. One of the demonstrations, an anti-capitalist and anti-fascist march dubbed Disrupt J20, commenced in Logan Circle before heading out into the streets. Protesters marched in the streets carrying banners and signs, and chanting against Donald Trump. During the march, a handful of protesters broke off from the main group and smashed the windows of a few store fronts, including a Starbucks.

Police, who monitored people involved in the protest for months before the demonstration, responded indiscriminately with stingball grenades and a deluge of pepper spray. Over 200 people were kettled, including protesters, journalists, legal observers, and street medics.

The first of nearly two-dozen trials over property allegedly damaged during the protests started in November last year, ending in sweeping acquittals for six defendants just before Christmas. After acquittals that month, the government dropped charges for all but 59 of the defendants.

The government's communications to the press state the logic behind this decision: To focus on the "core group that we believe is most responsible." Yet in all of the government's proceedings in what is known as the "J20 trials," Assistant United States Attorney Jennifer Kerkhoff admitted she has already identified at least 12 individuals she thinks broke windows at the protest.

For the rest of the defendants, the government invoked Washington D.C.'s Riot Act, a law that was used against demonstrators who protested following the assassination of Martin Luther King in 1968. The law has not been used against protesters in D.C. since those demonstrations.

So why do so many individuals still face trial?

"They've offered no real context or reasoning," said one defendant in an interview for VICE. All of the arrestees have had their phones confiscated, and their messages and emails scrutinized by the prosecution. The only common element between some of them is their union membership with the Industrial Workers of the World (IWW), whose members are commonly called Wobblies.

Isaac Dalto, a Wobbly and J20 defendant, talked to *Shadowproof* about the case against him and his fellow workers in the union.

The IWW organizes units across the country called "General Defense Committees," whose stated objectives are to "promote, through organization, action, and outreach, a mass, non-sectarian defense of the [working] class." Dalto said he was involved with his local General Defense Committee (GDC) as plans for the J20 march were in motion and was caught up in a sting operation carried out by Project Veritas, the notorious right-wing entrapment group that received funding from The Donald J. Trump Foundation.

Project Veritas is known for recording liberals and leftists undercover, then heavily editing the footage to manufacture a misleading image of their targets. The project infiltrated a planning meeting for Disrupt J20, where Dalto and some of his peers announced a picket training with the GDC. Some members of the GDC and IWW acted as marshals during the march.

Video of the meeting, although doctored, was a key piece of the prosecution's evidence against the defendants in the first trial last year. "We've seen otherwise normal fixtures of a protest used in court as if they were evidence of conspiracy, or that there's something nefarious about them," Dalto added.

Dalto contended a lot of organizing activities, "which are kind of standard, basic things that happen before literally every demonstration, have been twisted and used by the prosecution as evidence of this 'criminal conspiracy.'"

After his arrest, emails from his GDC list, GDC meeting minutes, and the by-laws of his GDC local were taken from Dalto's seized cell phone and entered into evidence. One of his peers had their IWW membership card confiscated and entered into evidence after their arrest as well, according to Dalto.

In the first J20 trial, Kerkhoff attempted to argue that the presence of widely practiced protest infrastructure could constitute evidence of a conspiracy to commit a riot. To support her argument, she presented first aid supplies from two of the street medics arrested, jail support forms (which inform the police of your medical needs in the event you are arrested), and messages exchanged with other marchers with the intent to help them find each other.

The jury rejected the notion that these elements of protest, which are recommended by the National Lawyer's Guild as a matter of policy, could support this theory of a conspiracy to riot. However, the government seems prepared to pursue a similar strategy, this time by implying that unions are the infrastructure on which an alleged conspiracy rests.

Such an approach directly criminalizes union membership.

"It's a really, really disturbing trend in this case," Dalto asserted. This "hearkens back to the Green Scare of the early 2000s, the Red Scare of the McCarthy era, and the First Red Scare during the Palmer Raids, when the state first attacked our union."

Referring to historical periods of widespread political repression of anarchists and unionists, Dalto suggested, "This is a very clear case of political targeting, and because certain IWW members were part of the organizing for this event, anyone who is a member of the organization is now considered suspect."

Gary Roland, an investigative reporter who has covered the J20 trials, tweeted that the prosecution "continuously" referred to a GDC local's vote to "endorse" the march as evidence of conspiracy to riot. All of the defendants for that hearing were Wobblies, according to Roland

Sam Menefee-Libey, a member of the Dead City Legal Posse, a support group for the J20 defendants formed after the initial arrests, observed how Kerkhoff has used "a lot of anarchist vocabulary" when discussing the defendants. For example, a March 2017 D.C. Superior Court filing states, "Many of the defendants who participated in the events of [Inauguration Day] were organized into 'affinity groups,'" a term sometimes claimed by egalitarian organizers to describe non-hierarchical structure.

"It's clear that [the prosecution] has done some research into the contemporary anarchist movement, but it's hard to know, when they're invoking [those terms], what they really mean by it," Menefee-Libey added.

It's also unclear if Kerkhoff understands the nature of the GDC. During an April 6 hearing, a defense lawyer had to explain to the prosecution that the GDC is an established organization that has existed for over a century. Menefee-Libey concluded "[The prosecution] is criminalizing social networks, longstanding networks tied to both labor organizing and community self-defense."

Chip Gibbons, an attorney for Defending Rights & Dissent, agreed. "There is an increased attempt to impose liability on civil society groups for supporting or organizing protests, especially environmental and labor groups. This could be viewed as part of that trend." Gibbons argued.

Gibbons has covered the United States government's history with the IWW and how the Espionage Act was abused to frame their protests at that time as treason during World War I. The J20 Trials remind him of that era. "It's an assault on civil society, and it has many similarities to the way powerful interests manipulated the legal system to smash labor organizing before the New Deal."

In September 1917, the Bureau of Investigation (precursor to the FBI) and local law enforcement agents raided every single IWW chapter in the nation and the homes of some IWW members. “Everything from office furniture to paper clips” was confiscated, according to labor historian Steven Parfitt.

Discussing the reason for the raids, a Philadelphia district attorney said at the time that the intent was “to put the IWW out of business.” The early IWW endured years of surveillance and raids, in large part because of their participation in the anti-war struggle and their militant labor organizing efforts.

More broadly, the U.S. government has sought to criminalize and repress anarchists and labor organizing since the turn of the century. After the end of World War I, the nation was in a panic over the presence of leftist radicals, bringing about the First Red Scare. Anarchist and communist immigrants were deported, and anti-communist and anarchist hysteria was rampant. Radical leftists endured another wave of mass repression during the Second Red Scare, when McCarthyism hit the U.S. in the early 1950s following the end of World War II.

In fact, the J20 trials are part of a broader trend of criminalizing dissent under the Trump administration.

“In the last year, 20 states have proposed laws limiting or restricting protest, [and] we’ve seen felony charges levied against water protectors in Standing Rock, as well as us,” Dalto recalled. White supremacists and neo-fascists have committed acts of violence and menaced communities under Trump, but they have not faced this kind of zealous prosecution.

Unions also face intensified threats under Trump. In December of last year, Trump’s National Labor Relations Board overturned five Obama-era protections for unions. These “business friendly” decisions were no surprise to labor rights advocates, given that Trump stacked the NLRB with conservatives and union-busters. More recently, the Supreme Court heard arguments for *Janus vs. AFSCME Council 31*, a case that could severely limit workers’ ability to unionize.

Despite a political environment that is particularly hostile to both labor and protest, organizers remain committed to the struggle for a prosperous working class.

“If the state wants a fight,” Dalto declared, “we’ll give them a fight. We survived the Palmer Raids, we survived McCarthy, and we’re going to survive this too.”

17 Apr - DAPL Protester Vic Lancia Arrested and Fined 1 Year After Wells Fargo Lockdown

Update on Vic Lancia, who locked down to a Wells Fargo branch in Connecticut over a year ago against the Dakota Access Pipeline.

MORE:

by Dragonfly Climate Collective (*It’s Going Down*)

This an update and thank-you message for those who have supported our friend Vic Lancia. Almost one year after Vic shut down a Wells Fargo branch in Middletown, CT in April 2017, Vic was arrested in February 2018 and fined in March 2018.

On April 7 of last year, Vic, then about to turn 77 years old, locked himself to concrete barrels blocking the entrance to a Wells Fargo branch in Middletown during a protest against the bank’s funding of the Dakota Access Pipeline (DAPL) and other fossil fuel infrastructure. Vic’s lock-down shut down the branch for

nearly two hours. Meanwhile, 9 Wesleyan University students blocked the drive-through ATM. Police were unable to extract Vic from the barrels and made no arrests.

At the time, Vic offered the following statement:

“Wells Fargo is a major funder of the Dakota Access Pipeline. It’s full speed ahead for fossil fuels even as the destructive consequences of their use become more and more evident by the day. Their ONLY concern is profit! This is corporate tyranny! We, the people, will not continue to ignore this to the peril of the young, our planet, and its inhabitants. And that’s why I am here today disrupting business as usual at Wells Fargo. I am here to say no to profiting from climate destruction. We are part of a worldwide movement TAKING A STAND against greedy and parasitic people. We need to get in their way and tell them: ‘NO!’”

The demonstration was organized by Wesleyan Coalition for Divestment and Transparency, Students Against the Fossil Fuel Industry, and Dragonfly Climate Collective.

According to Vic’s attorney, Wells Fargo appears to have requested police action, and this explains why almost a year later on February 20, 2018, a police officer approached Vic on the street, pulled out a badge, and arrested him. The arrest warrant found probable cause for four violations of Connecticut General Statutes: Breach of Peace in the Second Degree, Disorderly Conduct: Obstructing Free Passage, Trespass in the Second Degree, and Interfering with a Police Officer.

Ultimately, the state attorney chose to charge Vic with the first three of these violations. As a result, Vic faced a maximum penalty of 9 months in jail and \$2000 in fines. At Vic’s first court appearance on March 1, 2018, the state attorneys said they would get in touch with the so-called “victim,” Wells Fargo.

At Vic’s second court appearance on March 26, the State offered Vic two non-criminal infractions as a plea deal, which he accepted: A non-criminal trespass (fee: \$90) and a non-criminal Creating a Public Disturbance (fee: \$90) with costs and fees imposed (amounting to a total of slightly over \$200).

Vic has raised just enough to be able to cover his fines. Anyone who was looking to contribute might instead donate to a number of ongoing sites of resistance against fossil fuel infrastructure. For example, at this link you can donate to the L’eau Est La Vie (Water is Life) Camp resisting the Bayou Bridge Pipeline: bit.ly/nobbp

27 Apr - Anarchy of Colored Girls Assembled in a Riotous Manner

WHAT: Symposium Keynote

WHEN: 6:00-7:30pm, Friday, April 27th

WHERE: 20 Cooper Square, 4th Floor, New York

COST: FREE

MORE:

In this keynote, Saidiya Hartman will share a piece entitled “The Anarchy of Colored Girls Assembled in a Riotous Manner” (abstract below). She will be introduced by Jennifer Morgan and Tao Leigh Goffe will be the discussant.

The Anarchy of Colored Girls Assembled in a Riotous Manner

This speculative history of the wayward is an effort to narrate the open rebellion and beautiful experiment produced by young Black women in the emergent ghetto, a form of racial enclosure that succeeded the plantation. The narrative utilizes the reports and case files of the reformatory, private investigators, psychologists and social workers to challenge the primary tenets of these accounts, the most basic of these

assumptions being that the lives represented required intervention and rehabilitation and that the question—who are you?—is indistinguishable from one's status as a social problem. The method is critical fabulation. State violence, surveillance and detention produce the archival traces and institutional records that inform the reconstruction of these lives; but desire and the want of something better decide the contours of the telling. The narrative emulates the errant path of the wayward and strives to convey the aspiration and longing of riotous colored girls.

29 Apr - May Day in the Park

WHAT: Meet up

WHEN: 1:00-6:00pm, Sunday April 29th

WHERE: Tompkins Square Park, East 10th Street, New York

COST: FREE

MORE:

Join radicals and anti-fascists from across the city for a fun, sunny day of food, talks, games, crafts, sunbathing, zine-reading, face-painting, daydreaming, hand-holding and more as we celebrate May Day, community, radical life and the dream of a world where we can one day enjoy the commons every day!

Free food for all in collaboration with Lower Manhattan Food Not Bombs, and talks, workshops and propaganda presented in collaboration with all our comrades! The schedule of activities will be a living document made the day of, so reach out with ideas in advance or just tack 'em up on the board!

29 Apr - Make May Day signs & buttons, screen prints

WHAT: Crafts day

WHEN: 2:00-6:00pm, Sunday, April 29th

WHERE: Interference Archive—314 7th Street, Brooklyn

COST: FREE

MORE:

Join us on the Sunday before Mayday for a Propaganda Party featuring militant 1968 graphics revamped for contemporary struggles. We'll be screenprinting, block-printing, sign making, and button making. Bring ideas, shirts, fabric for patches, and anything else you want to contribute.

Screenprinting and blockprinting organized by our friends at Shoestring Press.

The graphics, materials, and printing activities will also be presented on Mayday proper at the New School.