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Updates for November 26th

11 Nov - Help project FANG Support Climate, Eco, and Animal Liberation Prisoners

project FANG organizers direct support for ecological and animal liberation prisoners and needs your solidarity. Donate at fundrazr.com/project_FANG

MORE:

via It's Going Down

The climate crisis, and ongoing destruction of landscapes and wildlife, are provoking a deepening sense of urgency in an increasing number of people. It can be a serious struggle to care for a world that is being plundered for profit, but there are more and more people turning their grief into resistance in defense of nature and other animals. From water protectors to pipeline protestors, and wildlife and caged animal defenders – good people who care for our world are standing up for all of us. Unfortunately taking such a stand can result in arrest, court, jail, and prison time.

Background:

In 2016, project FANG was established by the NYC ABC as a much-needed attempt to fill a gap in the ongoing support work for the growing number of eco and animal rights prisoners in the United States. The focus of project FANG funding is to help pay for prison visitation costs for friends and family of these prisoners.

Why are visits so important?

Visits from friends, family, and loved ones are repeatedly identified by prisoners as one of the most important life lines that exist for them. Without visits, the crushing isolation of life inside a prison becomes unbearable. However, visits can often be prohibitively expensive. Travel costs might include not only an expensive plane ticket, but also lodging, a rental car, and meals. These quickly add up to hundreds of dollars.

How you can help:

Currently, project FANG has committed funding of \$5,000 per year, but due to the increase in eco and animal rights prisoners, and requests for visitation funding, we need to increase our available funds. With your support we are aiming to double the fund's annual budget for 2019 and 2020 by raising \$10,000. Can you help us reach our \$10,000 goal?

11 Nov - The U.S. Military Is Monitoring Interfaith Group and Anarchists, Leaked Document Reveals

U.S. military forces deployed to the southern border are monitoring domestic protesters, including anti-border wall groups, according to an internal Pentagon document obtained exclusively by The Young Turks and The Intercept.

MORE:

by Ken Klippenstein (*The Intercept*)

The military, the document reveals, has focused particular attention on an interfaith group peacefully protesting the Trump administration's child separation policy.

The document includes what's called a "threat estimate," an assessment detailing the risk of perceived border threats. Among those threats are protests by members of religious groups against "the detention of families and children," as well as anti-ICE protests and protests by "anti border-wall extremists."

Asked why they were monitoring an interfaith group, Defense Department spokesperson John Cornelio replied, “DoD works closely to support Federal law enforcement agencies along the Southwest border. Law enforcement agencies share information regarding migrant caravans and protestors with DoD consistent with applicable laws and policies for DoD force protection purposes.”

Jake Laperruque, senior counsel for the Constitution Project at the Project on Government Oversight, said of the document: “The ‘threat estimates’ focused on protesters are highly disturbing. Cataloging individuals protesting government policy creates serious risk of abuse, and even without misconduct, monitoring protesters is likely to chill the exercise of First Amendment rights.”

“‘Make America Great Again’ shouldn’t mean returning to J. Edgar Hoover-style surveillance,” Laperruque wrote in an email.

The “Commander’s Update Briefing,” dated August 1, 2019, enumerates three “events of interest.”

The first event of interest is described as “anti-border wall extremists” who “made threats to law enforcement and border wall construction projects.”

“The extremists belong to a known anti-border wall group alleged to have direct action camps in the McAllen, TX area,” the document states. The group in reference appears to have been the Rio Bravo Action Camp, a training camp hosted by the Democratic Socialists of America’s Rio Grande Valley Chapter, the Carrizo Comecrudo Tribe of Texas, along with several activist groups, according to its website. The action camp’s training appears to focus on nonviolent forms of resistance, including civil disobedience and street protests.

The threat estimate says of the second event of interest: “An identified group plans to protest the detention for families and children at Fort Sill. An identified religious group in St. Louis, MO, sponsors the group and is subsidizing travel expenses for protestors. The group is charging a 65.500-225.00 USD as a donation to ride a bus to Lawton.”

A number of religious groups based in St. Louis — about half of them Jewish — met in September to organize opposition to the mistreatment of migrants crossing the U.S.-Mexico border. This meeting gave rise to the creation of Heartland for Human Justice, an interfaith group that on August 1 — the same date as the “Commander’s Update Briefing” — went to protest Fort Sill, which had recently announced that it would detain about 1,400 migrant children.

The threat estimate regarding the religious-backed protest also includes notations for the number of individuals believed to be attending the demonstration, as well as changes to that number — possibly data culled from Facebook events, which collect such information.

“As of 1 Aug 19, 11(-1) individuals are attending and 18 (+1) are showing interest,” the threat estimate states. The “-1” and “+1” notations appear to refer to changes in the number of individuals attending or showing interest in the event.

Laperruque said of the data, “I don’t know why some of this information is needed – some of the activities (where protesters are coming from, sponsors, other activities outside the border, etc) have no connection to ensuring safe interactions. I can’t think of any reason for cataloging that information other than to monitor protesters activities more broadly, and potentially identify them.”

The third event of interest is a 10-day “Border Resistance Convergence event,” which, the report notes, “has been scheduled for El Paso, Texas. The Border Resistance Convergence social media event is promoting rhetoric calling for the end of migrant detention and the termination of the current immigration policy.”

While news media reports on the Border Resistance Convergence event appear limited to right-wing media outlets like *The Blaze* and *Big League Politics*, *It’s Going Down*, a left-wing group that describes itself as a “digital community center for anarchist, anti-fascist ... movements” interviewed the organizers of the event in July. The event was supposed to have taken place from July 21 and September 1.

“This was solely a call for people to protest against what was happening in ICE facilities in El Paso. This had nothing to do with antifa or violent actions,” a representative for *It’s Going Down* told *TYT* and *The Intercept*.

In reference to the Border Resistance Convergence event, Texas Lt. Gov. Dan Patrick issued a stern warning: “You know, I was looking at a story recently ... where Antifa is posting, you know they want to come down to El Paso and do a 10-day siege. Clear message to Antifa: Stay out of El Paso.”

It does not appear that the event ever took place. On September 3, right-wing media figure Andy Ngo tweeted that the event had been canceled, citing a website apparently created for the event.

The threat estimate echoes Patrick’s concerns about antifa, asking, “WHEN AND WHERE WILL PROTESTORS OR ANARCHISTS POSE A THREAT TO T10 FORCES IN THE JOA?”

However, the document also characterizes the threat of “protests/anarchists” as “LOW” in each of the border regions, which included California, Arizona, New Mexico/West Texas, and South Texas.

Even in the case of transnational criminal organizations/gangs, an accompanying assessment notes that a “MODERATE” threat level is “consistent with historic norms.”

The document also includes an assessment about the migrant caravan, which states that there is “no indication of caravan infiltration/exploitation” by transnational terrorists, homegrown violent extremists or foreign intelligence and security services. This contrasts with President Donald Trump’s assertion last year that there were terrorists among the caravan. Vice President Mike Pence has also said that it was “inconceivable that there are not people of Middle Eastern descent.”

13 Nov - Call to Support Comrades Attacked by Cops at Rojava Solidarity Rally

On November 12th, 2019 a group of approximately 60 demonstrators in the city of Richmond, Virginia took to the streets in support of Rojava.

MORE:

by Richmond IWW (*It’s Going Down*)

This was a coordinated action that was part of a global-scale call for expressions of solidarity with the people of Rojava as Turkey relentlessly bombs their cities.

After an hour long peaceful demonstration the Richmond Police violently attacked the group of marchers and arrested multiple people on trumped up charges.

Please help us defend these workers!

The individuals who were targeted by the police are citizens of Richmond and are working class people who were attacked by the police for interrupting a busy Saturday night in the hip and heavily gentrified part of town.

Thus, the Richmond IWW is resolved to use any and all resources at our disposal to defend these workers from yet another entry in the long tale of state repression of those fighting for a better world. We ask you to join us in this effort by pitching in anything you can or even just sharing this fundraiser.
chuffed.org/project/rva-rojava-defense

14 Nov – Into the lion’s den: visiting animal, land, and water defenders in prison

Please take time to read this great article about visiting loved ones in prison.

MORE:

Lilia Letsch (*Anarchist Agency*)

The first time visiting a friend in prison was a deeply conflicting experience, and one not easy to put into words. The joy of being able to hug them, hold their hands (in a vice-like grip, as if someone was trying to tear us apart), and see their expressions instead of just hearing their voice on the phone – it was a priceless and humbling experience of celebrating human connection in an otherwise dehumanizing situation. But the gut wrenching, dagger-through-the-heart experience of witnessing their conditions of incarceration – even if only in the sanitized space of the visiting room – is unfortunately a feeling far too easy to summon. It’s a feeling that hits me like a sledgehammer any time I think of a comrade in prison.

The friend I was visiting was an earth liberation prisoner, and they ultimately spent 10 years incarcerated in the violent and traumatizing environments that exist inside prison and jail walls that are home to 2.3 million people each year in the U.S (1). But before having the opportunity to visit him, I had the experience of being denied access to visiting another earth liberation prisoner due to the difficulties of navigating international borders.

There’s some important background to this story. “Free” was sentenced in the early 2000’s to nearly 23 years in prison for an arson targeting a car dealership selling high-emission light trucks to government and corporate fleets. At the time, such vehicles were the largest cause of greenhouse gas emissions in the U.S. This was before Gore’s book “The Inconvenient Truth,” before climate change was a widely discussed issue, and during a time when there was a covert multi-agency operation to surveil and ultimately incarcerate environmental and animal liberation activists – later colloquially known as the Green Scare.

From across the Pacific Ocean in Australia, I formed a close friendship with Free through letters and international phone calls that cost him more than the average monthly salary of a working prisoner. While attempting to travel to Oregon to visit Free, I applied for and was denied U.S. tourist visas twice. Maybe I was denied because of my prior arrests for old growth forest defense, or because I didn’t have enough money in my bank account. I’ll never know. But by the time my third visa application was finally approved, Free had won his appeal and was out of prison. After spending 10 years in prison, Free is currently celebrating his tenth year of freedom from incarceration. We ended up getting married and are still living together in Oregon, but that’s another story.

Not being able to visit Free while he was in prison was extremely painful for us both. Yes, we had letters and phone calls, but the lack of physical connection can’t be underestimated in adding to a deep sense of loneliness. We both had really rough things happen in our lives during that time – loved ones dying, house fires, betrayals, injuries, and physical threats – and not being able to provide physical comfort to each other really compounded how hard everything felt. Not only were we separated by giant walls guarded with guns

and razor wire, but we also had the injustices of national borders and political repression keeping us physically apart. The costs associated with even trying and failing to visit Free were massive. Now that I can visit friends in prison here in the U.S., I also know how expensive it can be to succeed in visiting people in the carceral system. People in federal detention can end up in prisons on the other side of the country from where their loved ones live. Transportation, accommodation, child care, food, and time off work can add up very quickly, and can make visiting a loved one in prison very difficult or potentially impossible.

The financial burden sits heavily on top of the emotional toll that visiting a friend in prison can take. One of Free's friends and a core prison support team member, Otter, remembers the visitation process he undertook many times:

When my friend Free went down for what we fully expected to be a 23 year sentence, it was very clear how much it helped his spirits to have regular visitors come and see him. This can be a hard thing to do – as activists who regularly face law enforcement officers at protests and demonstrations. Visiting a correctional facility feels like walking into the lion's den. You have to give them your real name and official identification, submit yourself to metal detectors and physical searches, and then walk through clanging gates and steel doors which lock you farther and farther away from the outside world.

However, when you see the face of your friend laughing at stories from before they went in and snickering at the latest gossip from your community, you always know your visit was worth every bit of trouble you had to take. The hardest part is walking back out through all those gates and leaving your friend behind—but not doing it at all is even worse.

In 2016, project FANG was launched to help family, friends, and comrades with the costs associated with visiting earth and animal liberation prisoners in the U.S. The fund was founded by long-term prisoner support and prison abolition activists to deal with a critical need: earth and animal liberation prisoners were missing out on visits from loved ones due to a lack of financial resources. Since its inception, project FANG has been able to fund visits to people incarcerated for actions taken against the Dakota Access Pipeline at Standing Rock, animal liberation activists who sabotaged fur industry targets and conspired to liberate caged animals, and earth liberation activists imprisoned after years of eluding the authorities, among others. It should be noted that all of the prisoners who are provided visitation support by project FANG take a principled stand against cooperating with authorities (i.e., not snitches).

Visits funded by project FANG have a big impact. One recipient of visitation funding shared:

I arrived home late last night from a transcontinental flight funded by project FANG. The visit with my dear old friend Justin, imprisoned for the last decade, was healing and wonderful. Thank you all for making this happen.

There are many other similar stories of joy, relief, and connection.

Unfortunately, there is a rising number of people being incarcerated for taking action in defense of the earth and other animals, especially with the deepening sense of urgency around climate change leading to regular massive actions and strikes, and resulting arrests. But if people who are considering taking a stand on these issues see that solidarity reaches through prison walls, we can build a more inclusive and supportive movement.

Project FANG currently has reliable funding of \$5,000 per year to continue providing this important support to earth and animal liberation prisoners and their loved ones. But due to an increase in funding requests, there is a need to build upon the finances available to recipients. Project FANG is running a donation drive now through to December 3, 2019, with the aim of doubling the funding pool to \$10,000 for

both this year and 2020. If you can help project FANG reach this goal, even with a small donation, please head to their fundraiser page. Supporting project FANG not only helps incarcerated comrades and their loved ones maintain physical connections and overall well-being, but it sends a larger message that prison walls guarded with guns and razor wire cannot destroy our solidarity, and we will not allow those who stand up for the environment and other animals to be forgotten.

Sources:

(1) prisonpolicy.org/reports/pie2019.html

15 Nov - Justice demands Mumia Abu-Jamal's freedom

Mumia Abu-Jamal and his supporters are closer than ever to winning his release after 38 years in prison for a crime he didn't commit (FWIW, NYC ABC doesn't care whether he did it or not—he should be free!).

MORE:

The Fraternal Order of Police, former district attorneys, and other political higher ups who participated in the frame up are now shaking in their boots because an innocent man may be given a new trial in which judicial, police and prosecutorial misconduct will be exposed.

Formerly hidden evidence disclosed by current District Attorney Larry Krasner justifies a new trial and Abu-Jamal's immediate release. That decision is currently in the hands of State Superior Court judges.

Pam Africa, of the International Concerned Family and Friends of Mumia Abu-Jamal and a MOVE member, said "Abu-Jamal should have been released by Krasner on the basis of judicial and prosecutorial misconduct--as many others have been recently. By doing this, Krasner would be following the color of the law."

While Maureen Faulkner/Palkovic, widow of Daniel Faulkner, is being put forward as the face of the opposition in recent court proceedings, the real players behind the scenes are the FOP and their cronies. And they are dangerously worried. It is in the interest of the 6500-member FOP Lodge 5 to bring down Larry Krasner, the popular new DA with an anti-corruption agenda. The FOPs' campaign is nothing less than an effort to terrorize any court official who values justice more than letting an unfair conviction stand.

At a Nov. 12 press conference at the FOPs' lodge, Faulkner claimed "I'm here for justice." In 38 years, Faulkner and the FOP have never fought for justice. In fact, the FOP has a decades-long violent and racist history of defending every cop accused of police brutality and terror against Black and Brown and poor people.

Previous district attorneys were more concerned with getting high rates of convictions against African American and Latinx residents than actual justice. Their policies resulted in the unfair jailing of innocent people like Mumia Abu-Jamal and mass incarceration. "The police at the scene, supported by the FOP, also the prosecution under Edward Rendell knew that Mumia was innocent. The FOP and Faulkners' recent attempt to remove DA Krasner from Mumia's new appeals is just another cover-up " said Rachel Wolkenstein, longtime Mumia supporter.

The FOP wants Abu-Jamal's case to be taken from Krasner's office and handled instead by conservative PA Attorney General Joshua Shapiro, who has staffed his office with several former assistant DAs fired from the Philadelphia DAs office - some of whom were complicit in Mumia's unfair conviction.

DA Krasner says he found potentially damaging evidence about the prosecution's trial witnesses in newly discovered files. He believes that evidence should be aired in court - but hasn't said if Abu-Jamal deserves a new trial.

Abu-Jamal's attorney Judith Ritter contends that the new evidence shows Abu-Jamal's trial was "fundamentally unfair and tainted by serious constitutional violations."

Abu-Jamal was a well-known political activist when he was severely beaten by police and charged with murder in 1981. Questions that have been suppressed and buried for decades could now be made public for the first time during a new trial:

- DA Joe McGill paid off witnesses with favors and cash.
- McGill allowed a cab-driver witness with a suspended license to keep driving. (Photos of the crime scene by the Philadelphia Bulletin prove the cabbies' car was literally not at the scene.)
- Joe McGill illegally removed Black jurors.
- Joe McGill tracked and fixed the outstanding cases of other key witnesses.
- The DA's office for 37 years withheld and suppressed critical information from Mumia's criminal defense team.
- Judge Albert Sabo stated "I am going to help them fry the n*****" in front of Judge Richard Klein and court clerk Terry Maurer Carter.
- Alfonso Giordano--Philadelphia Police Commander -- the highest ranking officer on the scene of officer Faulkner's murder on December 9th 1981 falsely stated that Mumia confessed while he was beating him in the police van.

On December 2nd, Krasner is expected to submit a response to arguments from Abu-Jamal's lawyers for a new trial-- taking a stand for justice against FOP intimidation.

The current FOP attack on DA Krasner is part of the 38 year effort to silence Abu-Jamal once and for all. We who believe in justice will not allow that to happen.

18 Nov - New Statement from Chelsea Explains Why She Must Resist

Chelsea explains the serious problems with Grand Juries and why she cannot, in good conscience, participate in them, in her new statement for this year's Aaron Swartz Day & International Hackathon, which took place at the Internet Archive, in San Francisco, on November 9, 2019.

MORE:

I wish I could be there in person, but I appreciate this opportunity to summarize for you my letter to the court that ordered me to be confined, explaining why grand juries are so dangerous. I am not alone in objecting to the grand jury as a dangerous relic that has evolved in ways that increase its power without increasing its protections. I refuse to participate in a process that has clearly transformed into something that violates the spirit, if not the letter of the law.

I am certainly not alone in thinking that the grand jury process, which at one time acted as an independent body of citizens along the lines of a civilian police review board, has slowly transitioned into an unbridled arm of the police and prosecution in ways that run contrary to its originally intended purpose.(1)

Early grand juries acted independently, as investigations by citizens, ostensibly to protect citizens, not only from unjust indictments, but from unjust laws. In 2019, the federal grand jury exists as a mockery of the institution that once stood against the whims of monarchs. It guts the Fourth Amendment's protections

against unreasonable search and seizure, and the Fifth Amendment's guarantees of due process. Today's grand juries do not safeguard such fundamental rights and are easily subject to abuse.

The tradition of using grand juries to jail political dissidents and activists is long. The ability of grand juries to be abused or used for political ends is entrenched and perpetuated by the fact that jeopardy doesn't attach with a grand jury, so prosecutors can repeatedly bring the same charges.

Despite laws that require prosecutors to show new evidence or that it is in the public interest to extend or reconvene a grand jury, this is hardly an obstacle. For instance, Thomas Jefferson had to convene three separate grand juries in order to indict Aaron Burr for sedition – but he was able to continue to convene those grand juries until he obtained his desired indictment.

During the McCarthy era, when people were publicly interrogated about their beliefs and associations, the public was eventually outraged, and the McCarthy hearings are widely seen as a disgraceful episode of modern history. However, these kinds of interrogations have now returned, and happen routinely, under the modern grand jury system.

The investigative grand jury as we know it was developed during the Nixon years, purportedly to battle organized crime, although it was promptly used to subpoena members of anti-war groups, the women's movement, and black liberation groups. Prosecutors issued subpoenas in conjunction with grants of immunity in order to compel testimony, and routinely had resistant activists imprisoned for contempt. In 1968, a San Francisco Grand Jury was asked by Mayor Alioto to investigate the Black Panther Party. Although they refused, and the foreman even gave a press conference about political overreach, just a year later, in 1969, a new grand jury began an investigation.

The grand jury subpoena, combined with compulsory immunity, gives unrestrained powers to U.S. prosecutors to oppress activists and their communities. Although, generally, people have no obligation to cooperate with law enforcement investigations, in the context of a grand jury subpoena, people who refuse to talk about their first amendment beliefs and associations can be locked away, or fined, as sanctions for their principled refusal.

The concept of a grand jury in which prosecutors subpoena activists and jail them for refusing to comply with the subpoena stands in stark contrast to the institution contemplated in the Constitution. The drafters of the U.S. Constitution, despite their many flaws, did not set out to short-circuit due process protections.

The drafters never intended the grand jury to function as it does today. The grand jury imagined by the drafters of the fifth amendment did not involve a prosecutor and bears no resemblance to what we see today, where more than 99.9% of indictments sought are granted. Consider that it is more than six times as likely that you will be struck by lightning than that a federal grand jury will decline to indict.

In 12th through 18th century England, grand jurors who even allowed a prosecutor to come into the grand jury room were seen as having violated their oath.(3) Now, the grand jury process means the prosecutor decides what the grand jurors see – and what they don't see. A prosecutor's presentation of a case is shaped by their own ideas and goals. There does not need to be any misconduct or bad intent on the part of a prosecutor to influence the grand jurors in a way that destroys their independence.

A grand jury's secret proceedings lend unearned legitimacy to prosecutorial decisions that protect the powerful from accountability and over-punish the marginalized. Because prosecutors can compel people to show up and testify or produce documents to the grand jury without having to show probable cause, their

unmonitored subpoena power functions to let them side-step the Fourth Amendment's protections against unreasonable searches and seizures.

The very threat of the secret proceeding is in itself terrifying to people. The secrecy of grand jury proceedings fuel paranoia and fear, running contrary to our ideals of open courts. When people learn about the secrecy of grand juries, they are often surprised that they are constitutional and compare them to the Court of Star Chamber, which existed in England from the 15th to 17th centuries. Surprisingly, apart from the fact that the grand jury itself does not impose punishments, the biggest difference between the grand jury and the Court of the Star Chamber is that the Star Chamber proceedings were in fact largely open to the public.

Another, more sinister thing about grand juries is that they don't indict law enforcement. For example, in Dallas over a stretch of several years, more than 80 police shootings came before grand juries. Only one returned an indictment.(2) Grand juries have protected police officers since the slave patrols. They were used to indict abolitionists, but not people capturing and re-enslaving people seeking freedom from bondage. They were used to indict reconstructionists, while actively protecting lynch mobs. Additionally, in the Antebellum South, grand juries routinely indicted anti-slavery activists for sedition, while those in the North sometimes refused — but charges would re-presented to new grand juries until they stuck.

Grand juries can also be used to coerce defendants to give up their trial rights and take pleas, both by threatening to indict for more severe charges than are warranted (which we know can be done easily), or by threatening to call a defendant's loved ones before a grand jury as witnesses.

The fact that grand jury subpoenas are a source of community trauma is widely known, and this fact was certainly known to Aaron. It is simply unreasonable to think he was not conscious of the specter of a grand jury investigation, intruding into the lives of his friends, family, and professional community, as just one of the many ways in which his life might be disrupted by a runaway prosecutor.

Although prosecutors will claim that grand juries are necessary and just simply because they are described in the constitution, the truth is that there were many flaws and indefensible compromises in the Constitution that we have since remedied. Human slavery, subordinate civil status for women, segregation, and the disenfranchisement of those who were not land owners, are all identified in the Constitution, and have since been addressed accordingly. Many of these practices might have continued to be seen as "normal" or "necessary," had not been challenged by the tireless work of millions of people taking bold and dangerous action to make them obsolete.

There are several alternatives to grand juries that can be used for prosecuting people that are already in use by most other countries around the world. In fact, the United States and Liberia are the only two countries still using them. In countries that used to have grand juries, including England, (which abolished them entirely by the 1940s), Scotland, Ireland, Canada, Australia, New Zealand, South Africa, France, Belgium, Japan and Sierra Leone, grand jury proceedings have been replaced by an open and adversarial "preliminary" or "committal" hearing system. Even in the United States military, the Uniform Code of Military Justice, 10 U.S.C. §801 et seq, sets forth procedures for preliminary hearings, rather than grand juries, providing service members with significantly more protections than the average person.

Preliminary hearings throw open the doors to the best of all disinfectants: sunshine. Nearly every country that used grand juries replaced it with these hearings, which save time and expense, don't criminalize refusal to comply with prosecutorial whims, and better equip all parties to prepare for fairer and more balanced inquiries into the truth of matters. There exists no shortage of due process and nothing prevents a witness who wishes to remain anonymous from speaking to law enforcement or the prosecution.

I believe in due process, freedom of the press, and a transparent court system. I object to the use of grand juries as tools to tear apart vulnerable communities, and I object to this grand jury in particular as an effort to frighten journalists and publishers, who serve a crucial public good.

Thank you all so much for listening, as always, for your wonderful letters and messages of support. Letters mean so much for those of us in jail, cut off from the ones we love and depend on. They let us keep a continuity of feeling like we are still part of a community out there.

19 Nov - The Pope and Catholic Radicals Come Together Against Nuclear Weapons

As sentencing of the Kings Bay Plowshares 7 nears, more articles are coming out. This one from New Yorker magazine is worth the read.

MORE:

By Paul Elie (*New Yorker*)

“When something difficult is attempted,” Daniel Berrigan said, “it is like trying to break a rock with an egg.” Berrigan, a Jesuit priest and social radical, who died in 2016, at the age of ninety-four, spent the last third of his life doing something difficult: trying, through protest, civil disobedience, and a steady stream of books and articles, to persuade the nuclear powers to abolish their arsenals. For his efforts, he was frequently called an out-of-touch extremist who changed nothing. But now, when the jousting of Donald Trump and other would-be political strongmen on the world stage are making the nuclear threat appear particularly urgent, there are signs that the Catholic Church has come around to the position that Catholic activists such as Berrigan have resolutely maintained for the past four decades.

Pope Francis has drawn attention to the dangers posed by environmental degradation, income inequality, and the “culture of waste.” He will turn his focus to nuclear weapons later this month, when he visits Hiroshima and Nagasaki—the cities where, in 1945, the United States dropped atomic bombs—killing, by some estimates, a hundred and fifty thousand people and seventy-five thousand people, respectively. Nagasaki has been the historic center of Japan’s Catholic community since the sixteenth century, and on Sunday, November 24th, Francis will give a public address at the ground-zero site of the nuclear attack on the city. Echoing past Popes, he will doubtless denounce nuclear weapons as a threat to humanity, and their ongoing development as a grave misallocation of wealth and resources. Then he’s expected to go further. Twice in 2017, in diplomatic contexts, Francis made remarks that moved the Church away from its support of nuclear deterrence and toward advocating for the abolition of nuclear weapons and condemning their “very possession.” In Nagasaki, according to Cardinal Pietro Parolin, the Vatican’s secretary of state, Francis will place the authority of the papal office, along with his immense personal authority, in support of that objective and call for the “the total elimination of nuclear weapons.”

A few weeks after the Pope delivers his address, seven Catholics affiliated with Plowshares, a nuclear-abolition movement formed in the nineteen-eighties, will be sentenced for breaking federal laws while carrying out a symbolic action devoted to the same objective. The action took place at the Kings Bay Naval Submarine Base, in St. Marys, Georgia, where six Trident submarines, which carry missiles tipped with nuclear warheads, are berthed. On April 4, 2018—the fiftieth anniversary of the assassination of Martin Luther King, Jr., a native of Georgia—the Kings Bay Plowshares Seven, as they are now known, cut a hole in a security fence and entered the base, singing and praying, and recorded the action with body cams. They hung banners and crime-scene tape, spray-painted slogans, pounded a display of a Tomahawk missile with a hammer, and poured human blood on an official seal of the base, depicting a missile crossed with a submarine. One of them left an indictment against the United States; another left a copy of Daniel Ellsberg’s 2017 book “The Doomsday Machine.” A third read Pope Francis’s statement denouncing the

possession of nuclear weapons. They were all arrested, jailed, and charged with conspiracy, destruction of government property, depredation of a naval installation, and trespassing. Four were released on bail after two months; the others remained in jail for more than a year.

On October 21st, the seven went before a jury in a U.S. District Court in Brunswick, Georgia. They pled not guilty, maintaining that they had entered the base not to commit a crime but to prevent one: “omnicide”—the destruction of the human race—by nuclear weapons. Three days later, the jury found them guilty on all counts. They will be sentenced early next year.

In many ways, the Kings Bay Plowshares action was unremarkable. The tactics were typical of the movement’s previous actions: all have involved intended damage to property (a symbolic “disarming”); none have involved injury to people. The purpose, too, was the same: to bear witness to the existential peril posed by nuclear weapons. And, like the others, this action had no direct effect other than to get the participants arrested. Yet, as L. A. Kauffman, an activist and a historian of protest movements, told me, the Kings Bay break-in, which was approximately the hundredth Plowshares action since 1980, reflects a remarkable fixity of purpose. Plowshares (alongside the United Nations, the War Resisters League, and religious movements such as Pax Christi and the Fellowship of Reconciliation) has helped keep the nuclear-abolitionist position visible and, in the process, has rendered it tenable, enabling others—including now, perhaps, the Pope—to embrace it.

Plowshares is often described as an offshoot of the Catholic Worker movement, which was founded by Dorothy Day and Peter Maurin in 1933, on May Day, and took shape as a loose aggregation of radical newspapers, houses of hospitality, and self-sustaining farms, then gradually became a base for nonviolence and anti-war efforts; Day herself was arrested and jailed a number of times for acts of civil disobedience, such as, in the nineteen-fifties, refusing to take part in mandatory civil-defense drills, which she considered acts of preparation for war. (She died in 1980, at the age of eighty-three, and the Church is currently considering her for sainthood.)

Plowshares is also seen as a carrying forward of the Catonsville Nine action of May, 1968, in which a group that included Daniel Berrigan and his brother Philip, who was also a Catholic priest, poured gasoline and soap—homemade napalm—on hundreds of draft files at a Selective Service office outside Baltimore, and set them alight, as an act of witness against the war in Vietnam. (After their sentencing, in April, 1970—members were given between two and three and a half years—four of the nine went underground. Daniel, whom the F.B.I. put on its “Ten Most Wanted” list, remained at large until August. Philip and Daniel ended up serving about thirty months and eighteen months, respectively.)

Plowshares is a movement without a leader, a formal structure, or a base of operations. The closest thing it has to a spiritual center is Jonah House, a community that collects and distributes food to people in Baltimore and advocates for nonviolence, resistance to war, and peacebuilding, which was founded in 1973, by Philip Berrigan and Elizabeth McAlister, a nun with whom he had secretly exchanged marital vows in 1970. (The two left their orders and married in a civil ceremony, in 1973. Philip died in 2002.) Plowshares emerged amid the Cold War imperatives of the nineteen eighties—the arms race and the surging popular movement for a “nuclear freeze.” It has remained focussed specifically—obsessively, some would say—on nuclear weapons.

The movement takes its name and its modus operandi from a direct action that was carried out in September, 1980, when eight activists, the Berrigan brothers among them, entered a General Electric plant in King of Prussia, Pennsylvania, and hammered two nose cones for nuclear warheads. Their aim was to carry out a biblical prophecy, from Isaiah, and “beat swords into plowshares.” According to Art Laffin, an activist and Plowshares historian who lives in Dorothy Day House, a Catholic Worker house in

Washington, D.C., there were nine more actions during the arms buildup of President Reagan's first term, and more than twenty in his second. Nearly half the actions since then have been in other countries, including England, Scotland, Germany, Holland, Sweden, Australia, and New Zealand. Twenty-one have been directed against the Trident submarine missile program. All but six have led to prosecutions. In 1984, Helen Woodson and Carl Kabat, a Catholic priest, participated in the Silo Pruning Hooks action, at Whiteman Air Force Base, in Missouri, and were sentenced to eighteen years in prison—the longest sentences passed on Plowshares activists. (Neither served the full sentence.)

The Catholic Church's position on nuclear weapons was evolving in the same period. In 1983, the National Conference of Catholic Bishops published a pastoral letter titled "The Challenge of Peace." The document, which was overseen by Cardinal Joseph Bernardin, the Archbishop of Chicago, exposed a divide in the American Church between progressives, whose views were framed by the liberal internationalism of the Popes of the nineteen-sixties, John XXIII and Paul VI, and those steeped in the anticommunism of John Paul II and the unapologetic militarism of Reagan-era neoconservatives. During John Paul's twenty-seven-year pontificate—he died in 2005—the Church maintained provisional support for deterrence, but Vatican policy inched toward abolition, and continued to do so under John Paul's successor, Benedict XVI.

In an address in the spring of 2010, Archbishop Celestino Migliore, who served as the Holy See's permanent observer at the United Nations, deplored a post-Cold War situation in which nuclear weapons "have become entrenched in the military doctrines of the major powers." Earlier that year, in a message for the World Day of Peace, Pope Benedict had encouraged international efforts to "insure progressive disarmament and a world free of nuclear weapons, whose presence alone threatens the life of the planet." In the language of Vatican policy, Benedict's reference to "presence alone" reflected movement toward abolition.

John Paul and Benedict tolerated deterrence "as a step on the pathway toward progressive disarmament," Robert McElroy, the Bishop of San Diego, told me. McElroy, who holds a doctorate in political science from Stanford, took part in a Vatican conference on disarmament in 2017. There, he said, "Pope Francis surprised us by rejecting this toleration of nuclear deterrence and saying, 'If we also take into account the risk of an accidental detonation [of nuclear weapons] . . . the threat of their use as well as their very possession is to be firmly condemned.' This moved the Church from a limited toleration of deterrence to a mandatory ethic of progressive disarmament."

The United States' nuclear arsenal is nominally less powerful than it was during the Cold War, having been reduced through two START treaties with Russia (committing to mutual "strategic arms reduction") and subjected to the regulations of the Nuclear Non-Proliferation Treaty. Nuclear-arms security is more robust than it used to be, too, but the nature of the threat remains the same. This is Daniel Ellsberg's contention in "The Doomsday Machine." Ellsberg is best known for the Pentagon Papers; while working as an analyst for the RAND Corporation, consultants to the Department of Defense, he surreptitiously photocopied several thousand pages of classified documents about the Vietnam War, including some that contained top military officials' misgivings about the conflict, and released them to the press. Less well known is that, in the same period, he photocopied several thousand pages of classified documents about the worldwide nuclear arsenal. For safekeeping, he gave those pages to his brother, Harry, who buried them first in a compost pile and then in a dump, where they were later destroyed in a storm. "The Doomsday Machine, which is subtitled "Confessions of a Nuclear War Planner," is based on the same material, much of which was subsequently declassified or was obtained through Freedom of Information Act requests.

In 1961, Ellsberg was shown a top-secret briefing paper drafted for the Kennedy White House, warning that nuclear stockpiles could bring about the destruction of the planet many times over, and that the slightest miscommunication could trigger their use. Sixty years later, he says that this is still the case. The

United States and Russia, and by extension the other nuclear powers, each maintains a “Strangelove”-like “doomsday machine”: “a very expensive system” of manpower and weaponry that “under conditions of electronic warning, external conflict, or expectations of attack, would with unknowable but possibly high probability bring about the global destruction of civilization and of nearly all human life on earth.”

Through small-scale human actions, Plowshares has underscored the vast scale of the nuclear danger. By undertaking actions at military facilities, it has dramatized the disconnect between the secrecy of the U.S. nuclear program and its prominence in the federal budget. By trespassing, the movement has highlighted the vulnerability of the nuclear arsenal—as was the case in the Transform Now Plowshares action, at the Y-12 nuclear facility, in Oak Ridge, Tennessee, in July, 2012, which was the subject of a report in this magazine.

Plowshares activists stress that nuclear weapons are an existential threat regardless of who is President. Still, the threat feels particularly un-hypothetical at present. The United States is undertaking a trillion-dollar “refurbishing” of its Cold War nuclear arsenal (first authorized by President Barack Obama) under a President who appears as reckless when it comes to the nation’s nuclear capabilities as he is about everything else. In 2016, as President-elect, Donald Trump tweeted that “the United States must greatly strengthen and expand its nuclear capability until such time as the world comes to its senses regarding nukes.” He also told MSNBC, “Let it be an arms race. We will outmatch them at every pass and outlast them all.” Since entering the White House, he has threatened North Korea with a nuclear strike, telling reporters that any threat from Pyongyang “will be met with fire and fury like the world has never seen.” In February, he withdrew the United States from the Intermediate-Range Nuclear Forces (I.N.F.) Treaty. In October, as he hastily cut off U.S. support for the Kurds in Syria, he broke with longstanding practice by seemingly confirming the location of U.S. nuclear warheads in the region, making them vulnerable to sabotage or to takeover by nonstate actors, such as ISIS.

Daniel Berrigan’s funeral, on May 6, 2016, brought dozens of Catholic radicals to New York City, and, in the days that followed, some Plowshares activists undertook a process of discernment in preparation for what became the Kings Bay action: reading, talking, praying, planning. The eldest of them is Elizabeth McAlister, who turned eighty last week. She has participated in dozens of acts of resistance to war, including a Plowshares action at the Griffiss Air Force Base, in upstate New York, in 1983. Martha Hennessy, sixty-four, is a granddaughter of Dorothy Day; this was her first Plowshares action. Steve Kelly, seventy, entered the Jesuit order in 1990 and has spent close to ten years in prison since then, for various anti-nuclear actions. (Almost half that time has been spent in solitary confinement, because Kelly considers himself a political prisoner and maintains a stance of full noncoöperation.) Patrick O’Neill, sixty-three, raised a family of eight children in a Catholic Worker house that he and his wife, Mary Rider, founded in Garner, North Carolina, in 1991. Mark Colville, fifty-eight, has raised six children with his wife, Luz Catarineau, at the Amistad Catholic Worker house, in New Haven, founded in 1994. Clare Grady, of the Ithaca Catholic Worker, joined the Griffiss action when she was twenty-five. Carmen Trotta, fifty-seven, has been a stalwart at the two Catholic Worker houses in the East Village since the eighties; he became particularly close to Daniel Berrigan, who lived in Jesuit residences in Manhattan and the Bronx.

Together, the group has a broad understanding of the science, politics, and international law surrounding nuclear weapons. Shortly before their trial began, however, the judge, Lisa Godbey Wood, following a precedent set in past Plowshares and other civil-disobedience cases, excluded material on those topics from evidence. Judge Wood also rejected the traditional “necessity” defense—that the activists had to take direct action because other means of protest had been exhausted. A new defense brought forward by the group’s attorneys, which sought to establish that their actions are protected under the Religious Freedom Restoration Act, was also rejected. At the trial, the seven were limited to personal testimony about their “subjective” reasons for doing what they did. These ranged from straightforward revulsion toward nuclear

weapons to fully “woke” social criticism. Grady characterized the Trident missile as a tool of the state used to enforce white supremacy, maintain the oppression of poor people and people of color, and degrade the environment. O’Neill told the jury, “I came to Kings Bay to deliver a message. I want my children and grandchildren, and yours, to grow up in a world free of the nuclear threat. I came to save creation from being obliterated by nuclear weapons.” Hennessy spoke of Martin Luther King’s legacy and the “giant triplets of racism, excessive materialism, militarism.” The defense showed video of O’Neill reading Pope Francis’s words denouncing the “very possession” of nuclear weapons. The defendants saw this as a small victory: it entered the Pope’s warning about the nuclear threat into the court record.

The prosecutor, in his summation, accused the seven defendants of acting as a “law unto themselves.” The jury delivered the guilty verdicts two hours later. The sentences, if run consecutively, could result in terms of twenty years or more for each defendant. Federal guidelines allow for sentences of eighteen months or less, which is in line with sentences handed down for previous Plowshares actions. The group’s attorneys will cite mitigating factors and seek sentences of time served.

Last week, I spent part of an afternoon with three of the seven at Maryhouse, the Catholic Worker house of hospitality on East Third Street, in Manhattan, where Dorothy Day lived and died. The neighborhood has been gentrified several times over since those days. (In March, one of the Catholic Workers’ neighbors on the block, the Hells Angels, closed down the clubhouse that had served as their headquarters since the sixties.) Nevertheless, the Catholic Worker meal programs and soup line serve more than a hundred people a day, five days a week. “Would ya be lookin’ for some lawbreakers?” a bearded man who opened the door said, by way of greeting, when I arrived. I joined Hennessy, Grady, and Trotta at an oval table in the library.

What had led them to undertake the Kings Bay action? “Our goal, as committed Roman Catholics, I’d say, is to proclaim the good news and to affirm that the Church has condemned nuclear weapons,” Hennessy told me. Grady described the action as “an enfleshing of the gospel.” Trotta said, “God bless Pope Francis, who recognizes what the U.S. military is and does. We aided and abetted the Dirty War, in Argentina, and he saw it: he was there.”

I asked what impact prison terms might have on their families. Hennessey spoke about her many “children, grandchildren, nieces, nephews” who would be affected, and said that she hadn’t discussed it with them. Grady coolly observed that she and her four siblings have all previously served time for civil disobedience—no small thing for their mother, although she had raised them in the tradition of nonviolent resistance. Trotta said, “Pulling away from family goes for every one of us, and there have been a lot of tears in the process.”

I first met Trotta twenty years ago, while reporting an article about Dorothy Day’s legacy. He had been engaging in lawful protests against nuclear weapons for several years at that point, and was well versed in the history of Catholic resistance. Now he told me that he had held back from joining a Plowshares action for a long time, declining three invitations to do so. “The main reason,” he said, was “that my elderly mother wouldn’t be able to comprehend it.” She died ten years ago, and, three years later, Megan Rice, a nun who was planning to take part in the Oak Ridge action, asked him to seek Daniel Berrigan’s blessing for it. Her request drew Trotta closer to the movement. He was asked to join the discernment process for the Kings Bay action, and eventually felt ready to take part in it. The decision was as much personal as ideological. “I found that the Plowshares activists were some of the best people I knew,” he said. So he participated, knowing that he would likely receive a prison sentence, and even though his father, who lives on Long Island, and whom he visits every week, is now ninety-one.

“The moral obligation of all Catholics is to press for nuclear disarmament,” Bishop McElroy told me. “There are numerous pathways toward this goal: voting, public discourse, peaceful action, and dialogue. The Kings Bay Seven represent a pathway of civil disobedience toward this end, and a personal commitment, of enormous cost, that arises from a desire to witness to the Gospel.” Pope Francis’s anticipated call for the abolition of nuclear weapons will be a similarly dramatic act for the Church, one taken after several decades of reflection and deliberation, involving three Popes and their advisers. It will follow a path set by, among others, the Plowshares radicals.

20 Nov - US border activist found not guilty of harboring immigrants

No More Death activist Scott Warren is acquitted on charges he illegally harbored two undocumented migrants in Arizona.

MORE:

A US border activist was acquitted on Wednesday on charges he illegally harbored two Central American men who had sneaked across the border into Arizona.

The verdict by a jury in United States District Court came after jurors deliberated for just hours in what was the second trial for Scott Warren. A mistrial was declared last June after a jury deadlocked on harboring charges.

Warren was stoic after the verdict was read. His supporters were crying at the news of the decision.

Warren, 37, testified that neutrality guides his work near the border and denied he has ever helped migrants hide or instructed them how to avoid authorities.

The border activist was arrested in January 2018 by US agents who were staking out a humanitarian aid station in Arizona known as "The Barn", where two Central American men had been staying for several days.

Prosecutor Nathaniel Walters said the men did not need medical attention and questioned the authenticity of Warren's claim that he was "orienting" them before they left the camp.

The camp is run by a group that tries to prevent immigrants from dying in the desert.

"What they needed was a place to hide, and that's what the defendant gave them, and that is an intent to violate the law," Walters said.

Warren, a member of the group No More Deaths, said the group's training and protocol prohibit advising migrants on how to elude authorities. He said his interest is in saving lives.

"We need to work within the spirit of humanitarian aid and within the confines of the law," Warren said.

He and his supporters say President Donald Trump's administration has increasingly scrutinised humanitarian groups that leave water in the desert and conduct search and rescue operations when they are asked to help find a missing migrant.

The federal judge overseeing the trial barred Warren from mentioning the president.

'Humanitarian aid is never a crime'

No More Deaths celebrated the verdict on Twitter, saying it was a "validation of what we have always known: that #HumanitarianAidIsNeverACrime".

The group added that it will "continue to provide food, water, and medical aide to all those who need it, until the day that no one dies or disappears while crossing the deserts and oceans of the world".

The Border Patrol had been investigating The Barn for months, according to documents released after news outlets sued to obtain them.

The documents show that in April 2017, an anonymous Arizona resident told Border Patrol officials that he suspected members of the group were harbouring immigrants in Ajo. About three months later, officials detained members of the group No More Deaths on suspicion of vandalising a camera at Cabeza Prieta National Wildlife Refuge, where they regularly left water jugs.

In November 2017, agents interviewed residents who said they had noticed more traffic and littering outside The Barn.

Agents eventually encountered a man who said he had travelled across the desert with two other men who were picked up by a van.

Suspecting they might be at the No More Deaths building, agents began watching it on January 17, 2018, arresting Warren and the two migrants. The men were deported after providing video testimony.

Thousands found dead since 2001

More than 3,000 undocumented migrants have died since 2001 trying to cross a stretch of land where temperatures can exceed 46 Celsius (115 Fahrenheit), according to Pima County Office of the Medical Examiner data. Pima County is in Arizona.

Warren was arrested the same day that No More Deaths published a video showing US Border Patrol agents destroying water supplies the group left for migrants.

Warren's lawyers argue the arrest was in retaliation for the video.

20 Nov - Wisconsin Governor signs bill making it a felony to trespass on pipelines

Governor Tony Evers has signed into law a bipartisan proposal making it a felony to trespass or damage oil or gas pipelines in Wisconsin. As always, read corporate news with a critical eye.

MORE:

Evers signed the measure Wednesday, despite complaints from opponents that it would violate free speech rights and disproportionately affect American Indians whose lands are often affected by pipeline projects.

Evers says even though he signed the measure, he wanted to reaffirm that tribal nations "deserve to have a voice in the policies and legislation that affect indigenous persons and our state."

The new law builds upon a 2015 state law that made it a felony to intentionally trespass or cause damage to the property of an energy provider. The bill Evers signed expands the definition of energy provider to include oil and gas pipelines, renewable fuel, and chemical and water infrastructure.

The Wisconsin measure has broad support from both Republican and Democratic lawmakers and numerous organizations.

22 Nov - DHS and ICE Seek to Issue Subpoena in Asheville, NC

Statement from Asheville Anti-Repression on a recent attempt by DHS and ICE to serve a subpoena.

MORE:

Asheville Anti Racism was recently alerted to the existence of an investigation being conducted by Immigration and Customs Enforcement and the Department of Homeland Security on November 4, 2019. Riseup.net received a subpoena requesting any and all records/information related to names, addresses, phone numbers, email addresses, IP addresses, MAC addresses, payment information for the following email: ashevilleantiracism@riseup.net

Riseup responded to the request on October 21, 2019 indicating that they do not keep records of the information that was requested and that they planned on notifying the account by email after one week of the existence of the subpoena.

ICE is a threat to our communities, regardless of whether you are a citizen or not. We maintain the position that ICE should be abolished and will continue to push back against this investigation. There are no individuals named in this subpoena and we do not know the reason for this request. With the knowledge of the existence of the investigation we bring you a reminder to not talk to agents of law enforcement.

Please take care in the ways that you discuss this investigation as to not endanger yourselves or others: Speculation, gossip, and rumors can only harm yourself and you communities. We do want people to not feel afraid to continue to work together, to act, and to stand up for their ideals for a world without borders. Please take time to make sure you have access to an attorney, and to refresh yourselves on your legal rights, security culture and technological security practices.

If you need access to more resources to a lawyer or if you are approached by an agent, please send an email to AshevilleAntiRepression@riseup.net

Reminder that we are not lawyers, and cannot offer any legal advice. Additionally, please do not disclose sensitive information in an email to us. We will connect you with an attorney so you can confidentially discuss the details of your situation.

22 Nov - David Gilbert has been Moved

David Gilbert was moved to Shawangunk on November 22nd.

MORE:

Sorry for the mass mail but I know you want to know asap. This was a move he requested—but still it's difficult and disruptive. I spoke with him this evening. He said the trip wasn't bad—they are always moved with their hands tightly clamped in a thing called the Black Box and it's very uncomfortable, but he said he's used to it and the main thing was, the guards weren't hostile which gives you a better chance of the ones at the receiving end not being hostile. He was somewhat rattled as he always is with a move -- everything you've so painstakingly learned about how to survive at all the other joints, you have to unlearn and relearn. About whether Shawagunk is much better, it's too soon to tell. The cell is set up somewhat better, but it's noisy, and the phone access is worse than at Wende. He has run into guys he knows, and more who know him. He did not want a visit tomorrow because he is waiting for a callout to get his

property. I am going on Saturday. If you are on his phone list, look for the number to come up as 845.895.1813. If he owes you a letter, it might take a little while. If you want to write him it's fine but maybe you might want to mention that you are in no hurry to get a reply.

22 Nov - Meet the Tucson 12: Protesters Being Hit With Felony Riot Charges

On the night of August 14, a small group of around 20 Tucson, Arizona-based activists and community members stood outside the Pima County Adult Detention Complex, making noise.

MORE:

by Natasha Lennard (*The Intercept*)

They sang, they chanted, they banged drums and pans loud enough to reach the ears of those caged behind the facility's beige concrete walls. Standing on a sidewalk, some lit small, handheld fireworks; others held up a large banner bearing the famed prison abolitionist refrain, "Fire to the prisons." The message to those inside, as with most every noise demonstration held outside a prison: "You are not alone."

Noise demonstrations are a well-established practice, held all around the country, for showing solidarity with incarcerated people. They are a gesture of community, against the prison system's brutal enforcement of isolation. In Tucson that August night, according to one attendee, the inmates could be seen dancing and waving in response.

The demonstration wound down on its own, without any police intervention; the participants rolled up their banner, packed up their instruments, and began to disperse. Yet the police were waiting in the wings: A mile away from the facility, along a river path, a dozen sheriffs in patrol cars surrounded and arrested a group they believed had taken part in the protest.

The Tucson 12 — so named by their supporters — now face the charge of felony riot, a statute that hasn't been used by Arizona prosecutors in years and, until Donald Trump's presidency, had been rarely invoked anywhere in the country. In the weeks and months following Trump's 2017 inauguration, a wave of repressive anti-protest laws were pushed onto statehouse agendas nationwide. Republicans in Arizona attempted to pass some of the most heavy-handed legislation. The state's Senate Bill 1142 — dubbed an "anti-rioting" bill by its supporters — aimed to dramatically expand the state's existing rioting statutes; the law would have significantly lowered the bar for what counts as participation in a riot, and protesters who were deemed "rioters" would face hefty racketeering charges. The bill passed the state Senate but died in the House. Yet, as the Tucson 12 case demonstrates, the bill wasn't necessary for prosecutors to come down hard on protesters.

The demonstrators' prosecution is not the harshest contemporary instance of state repression against social justice struggle in the border region. Humanitarian Scott Warren, for example, was just found not guilty in his second trial on felony harboring charges for the crime of feeding two migrants and offering them beds after an arduous, death-defying journey through the desert. Yet the Tucson 12's case sits at the intersection of some of the most troubling recent patterns toward the persecution of dissent: the repression of those who protest the integrated systems of mass incarceration and deportation; the targeting and demonization of left-wing organizing; and the government's effort to reframe protests as "riots" to justify crackdowns.

"Authorities in the borderland region are feeling emboldened and, as national anger around the border heats up, they will do whatever they can to make it seem impossible for resistance to exist," said Brittany Johnson, a social worker and one of the 12 defendants. "If the simple act of making noise outside a prison or detention facility — or giving food, water, and respite to a traveler in need — can get you charged with felonies and wrapped up in a legal battle, this narrows the ability to imagine, much less take risks, to bring about a world where people can move freely and with dignity."

Pima County Jail has been the site of a number of protest actions in recent years. In August 2018, immigrants' rights advocates gathered outside the complex to call for an end to its collaboration with U.S. Immigration and Customs Enforcement; in 2017, ICE officials were granted use of their own office space inside the jail. Pima County Sheriff Mark Napier removed the federal agents' desk from the detention center a few months after the summer protests, but not in order to halt cooperation with ICE. Napier ejected the agents in an effort to encourage county supervisors to restore a \$1.8 million federal grant to his department, specifically dedicated to supporting cooperation between local law enforcement and border agents. At the time, Tucson-based American Civil Liberties Union attorney Billy Peard told reporters that, while the physical removal of ICE from the jail was welcome, "it doesn't reduce the cooperation, collaboration or communication between the agencies regarding the roughly 70 (undocumented) inmates in jail at any given time." Pima County sheriffs continue to check the immigration status of all inmates and, as Arizona law dictates, inform ICE of all those without sufficient documents.

The noise demonstration this August was a protest against the carceral system, not just the aspects of it dedicated to harming immigrants. And while the case against the Tucson 12 should be seen in the context of brutal law enforcement of the border region, it should also be understood in relation to crackdowns on leftist resistance more broadly around the country. These are not necessarily coordinated or directly Trump-inspired responses — the Pima County district attorney, for example, is a Democrat — but a climate of overzealous protest policing and prosecution has nonetheless settled in.

"These charges are clearly part of a troubling pattern," said Glen Frieden, spokesperson for the Tucson 12's support committee. "Increasingly, police and prosecutors are levying accusations of 'rioting' against any political activity that challenges the existing state of affairs. It happened at Standing Rock, it happened at the protests against Donald Trump's inauguration, and now we see it here in Tucson."

In another instance, 10 protesters in Utah also currently face felony riot charges following a July protest against the development of an environmentally destructive inland port. Riot charges, even when they fail to stick, have consequences: When simple acts of First Amendment-protected protest are deemed riots by prosecutors, all types of protest participation appear as a legal risk. Lowering the bar for what gets considered a riot curtails the possibility of genuinely riotous protest — a warning that serves only as a boon for the powers that be.

The government's most notable, and notably failed, recent attempt to charge a protest group with felony riot was the prosecution of more than 200 demonstrators who were arrested en masse on inauguration day in Washington, D.C. The protracted, bogus cases collapsed, with all charges against the "J20" defendants dropped.

By a stroke of grim luck, aided by widespread anti-protest crackdowns, two of the Tucson 12 were also J20 defendants, who had traveled to D.C. to march against Trump's inauguration. "I was surprised by our charges in the Tucson 12 case because the nature of our protest was a fairly routine noise demo," said Jayram Toraty, a member of the Tucson 12 and former J20 defendant who recently moved to Arizona. "But otherwise I wasn't surprised to see the state leverage riot charges against protesters." The riot charges are costly to Toraty: "It puts part of my life on hold, costs myself and my communities resources, and instills anxiety into my life."

With or without riot convictions, the government disrupts movements, and lives, through heavy-handed prosecutions. "It makes people distrust each other and begin to think that the other people at the protest are the biggest threat to their own freedom, rather than placing blame on the police," said Friedman, the spokesperson. "It takes away the autonomy of different people to make choices as to whether or not they want to engage in a certain action."

There does not need to be an explicit top-down political strategy in place for policing and prosecutorial patterns to emerge. And there is little denying that the Trump presidency has seen an uptick in what Michael Loadenthal, a professor of sociology and social justice at Miami University in Oxford, Ohio, calls the “felonization and riotization” of protests. A scholar of social movements, Loadenthal was himself a J20 defendant and has noted a shift since 2016 in the way protest actions have been “re-coded” as riots by law enforcement. “The term ‘riot’ implies an opaque or semi-opaque, unidentifiable, fluid, temporary, spontaneous, and amorphous mass,” wrote Loadenthal in a 2019 paper, noting how the “riot” label invokes a nefarious subject — the riotous mob — above and beyond describing a specific event or even a specific illegal activity.

The designation of a protest as a “riot” by politicians or the media is not new and has historically been used to dismiss the vigorous and necessary political street action of black people as senseless, apolitical violence, from civil rights unrest to the uprisings in Ferguson and Baltimore. What is new, or at least renewed, is the police and prosecutors levying mass riot charges. Loadenthal makes particular note of the fact that, although there had been approximately 2,000 Black Lives Matter demonstrations prior to 2016 — a number of which were popularly described as “riots” — the hundreds of related arrests led to charges from “unlawful assembly” to assault and theft. Yet, as Loadenthal wrote, “In July 2016, during the blocking of a Minnesota highway following the murder of Philando Castile, 40 individuals were charged with ‘rioting.’ Only two months later, Glo Merriweather was arrested in Charlotte, NC, at a demonstration following an officer-involved shooting, and charged with felony ‘inciting a riot.’” He added, “While one may have expected such actions during the Ferguson, Missouri uprising (\$4.6 million in damages) or those in Baltimore, Maryland (\$13 million), it is shocking to see the use of such rioting charges when the actionable offense resembles nonviolent civil disobedience — the unarmed blocking of vehicular traffic.”

In a legal context allegedly committed to determining the guilt or innocence of an individual, the “riot” label invokes the juridically slippery notion of collective group liability. In this sense, riot charges sit at odds with the supposed tenets of U.S. jurisprudence and individualized responsibility. “If the assembly can be deemed a riot, then the individuals present are rioters and since rioters are understood to be apolitical, irrational, amoral, criminal, and sociopathic,” Loadenthal noted in an interview last year, “they can be repressed and attacked outside of the liberal rights-based debate on freedom of assembly, chilling of speech, and so on.”

The Pima County District Attorney’s Office declined to comment on the pending Tucson 12 cases. But Dan South, the office’s bureau chief for community protection, said that he “can’t recall” another felony riot case brought by the county. “Admittedly, I have not come across very many Riot charges,” South wrote to *The Intercept* by email.

Civil rights lawyer Paul Gattone, who is representing Toraty, told me that the government has “a weak case.” He noted, “It’s pretty outrageous. They were all on the sidewalk, no one told them to leave, and they were walking away.” According to Gattone, felony riot charges are “pretty unusual in Arizona. It’s hard to find one in the state for many years.”

Under Arizona law, a person can be said to commit a riot if, “with two or more other persons acting together, such person recklessly uses force or violence or threatens to use force or violence, if such threat is accompanied by immediate power of execution, which disturbs the public peace.” The idea that the noise demonstration rose to such a level of threat is, for Gattone, “ridiculous.” The Pima County Sheriff’s Office alleged at the time that the demonstrators were being “disruptive” and throwing fireworks at the jail, although no individualized evidence against any one defendant has been provided.

On November 18, the defendants attended a pretrial conference and were told that prosecutors were working on a new plea deal. A previous plea offer to admit to attempted rioting, a Class 6 felony carrying a possible two-year prison sentence, was roundly rejected by all members of the Tucson 12. “We’re pushing forward,” Gattone told me.

Unlike the J20 defendants, who were threatened with decades in prison, each of the Tucson 12 face a presumptive sentence of two years if found guilty. It’s nonetheless an intolerable potential cost for taking part in a small noise demonstration. As Friedan put it, “Anyone who thinks protests and political demonstrations are valuable and necessary tools should be concerned.”

6 Dec – Certain Days: Freedom For Political Prisoners Launch Party

WHAT: Calendar Release

WHEN: 7:30pm, Friday, December 6th

WHERE: 168 Canal Street, 6th floor, Manhattan

COST: FREE

MORE:

With Release Aging People in Prison (RAPP), Vikki Law and other calendar contributors!

We will have calendars on sale at this event and will hear from people involved in making the calendar and artists and authors that have donated their work to this year’s calendar.

Our calendar is a fundraising project that donates proceeds to a host of social justice and prison focused organizations and campaigns. We donate proceeds every year to Release Aging People in Prison, Addameer and other organizations supporting people in prison. Last year, we also donated to the Amistad Law Project, Women’s Wellness Within and release funds for political prisoners. Every calendar you buy helps us do this and we appreciate your support.

8 Dec - WW3 illustrated Release Party for Issue #50—Shameless Feminists

WHAT: Magazine Launch

WHEN: 4:00pm, Sunday, December 8th

WHERE: Printed Matter, Inc.–231 11th Avenue, New York 10001

COST: FREE

MORE:

Celebrating the 192-page new issue of World War III Illustrated: Shameless Feminists, in Stores in December.

Expect readings and talks by the artists and contributors.