



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for July 3rd

16 Jun - Debbie Africa Released on Parole!

We are very happy to announce that Debbie Africa was released on parole Saturday, June 16, 2018. She is now back in Philly with her MOVE family.

MORE:

You can donate to Debbie's post-release fund at [patreon.com/move9](https://www.patreon.com/move9)

June 18th - 'This is huge': black liberationist speaks out after her 40 years in prison

by Ed Pilkington (*The Guardian*)

The first member of a group of black radicals known as the Move Nine who have been incarcerated, they insist unjustly, for almost 40 years for killing a Philadelphia police officer has been released from prison.

Debbie Sims Africa, 61, walked free from Cambridge Springs prison in Pennsylvania on Saturday, having been granted parole. She was 22 when with her co-defendants she was arrested and sentenced to 30 to 100 years for the shooting death of officer James Ramp during a police siege of the group's communal home on 8 August 1978.

She emerged from the correctional institution to be reunited with her son, Michael Davis Africa Jr, to whom she gave birth in a prison cell in September 1978, a month after her arrest.

"This is huge for us personally," Sims Africa told the Guardian, speaking from her son's home in a small town on the outskirts of Philadelphia where she will now live.

Davis Africa, 39, who was separated from his mother at less than a week old and has never spent time with her outside prison, said they were coming to terms with being reunited after almost four decades.

"Today I had breakfast with my mother for the first time," he said. "There's so much we haven't done together."

The release of Debbie Sims Africa is a major breakthrough regarding the ongoing incarceration of large numbers of individuals involved in the black liberation movement of the late 1960s and 1970s who are now growing old behind bars. At least 25 men and women belonging to Move or the former Black Panther party remain locked up, in some cases almost half a century after their arrests.

Sims Africa's release also addresses one of the most hotly contested criminal justice cases in Philadelphia history. The nine were prosecuted together following a police siege of their headquarters in Powelton Village at the orders of Philadelphia's notoriously hardline mayor and former police commissioner, Frank Rizzo.

Move, which exists today, regarded itself as a revolutionary movement committed to a healthy life free from oppression or pollution. In the 1970s it was something of a cross between black liberationists and early environmental activists. Its members all take "Africa" as their last name, to signal that they see each other as family.

Hundreds of police officers, organized in Swat teams and armed with machine guns, water cannons, teargas and bulldozers, were involved in the siege, which came at the end of a long standoff with the group relating

to complaints about conditions in its premises. Two water cannon and smoke bombs were unleashed. The Move residents took refuge in a basement.

Sims Africa was eight months pregnant and was carrying her two-year-old daughter, Michelle. “We were being battered with high-powered water and smoke was everywhere,” she said. “I couldn’t see my hands in front of my face and I was choking. I had to feel my way up the stairs to get out of the basement with my baby in my arms.”

Shooting broke out and Ramp was killed by a single bullet. Prosecutors alleged that Move members fired the fatal shot and charged Sims Africa and the other eight with collective responsibility for his death.

Eyewitnesses, however, gave accounts suggesting that the shot may have come from the opposite direction to the basement, raising the possibility that Ramp was accidentally felled, by police fire. After the raid was over, weapons were found within the property. None were in operative condition.

In 1985, Philadelphia authorities carried out an even more controversial and deadly action against the remaining members of Move. A police helicopter dropped an incendiary bomb on to the roof of its then HQ in west Philadelphia, killing six adults including the group’s leader, John Africa, and five of their children.

That incident continues to have the distinction of being the only aerial bombing by police carried out on US soil.

At Sims Africa’s trial, no evidence was presented that she or the three other women charged alongside her had brandished or handled firearms during the siege. Nor was there any attempt on the part of the prosecution to prove that they had had any role in firing the shot that killed Ramp.

Sims Africa has had an unblemished disciplinary record in prison for the past 25 years. The last claim of misconduct against her dates to 1992.

Her attorneys presented the parole board with a 13-page dossier outlining her work as a mentor to other prisoners and as a dog handler who trains puppies that assist people with physical and cognitive disabilities. The dossier includes testimony from the correctional expert Martin Horn, who reviewed her record and concluded it was “remarkable”.

Horn said Sims Africa had “chosen to be a rule-abiding individual with the ability to be a productive, law-abiding citizen if she is released. I see a record of growing maturity, improved judgment and the assumption of personal responsibility. I do not believe that Debbie Sims is today a threat to the community.”

Sims Africa’s lawyer, Brad Thomson, commended the parole board for “recognizing that she is of exceptional character and well-deserving of parole. This is a storied victory for Debbie and her family, and the Move organization, and we are hoping it will be the first step in getting all the Move Nine out of prison.”

The release of Sims Africa comes less than two months before the 40th anniversary of the siege. Commemorative events are being held in Philadelphia, organised by Move, on 5 and 11 August.

The release of Sims Africa is bittersweet, however. Two of the nine have died in prison – another female inmate, Merle Austin Africa, in March 1998, and Phil Africa in January 2015.

Also bittersweet is the fact that Sims Africa went up for parole at exactly the same time, and on exactly the same terms, as the other two remaining Move Nine women – Janine Phillips Africa and Janet Holloway Africa. They were both denied parole and will have to wait until May 2019 to try again.

Thomson said the disparity in the parole board’s decision was “very surprising”, given that the Philadelphia district attorney’s office that carried out the original trial prosecution had written letters supporting parole for all three. The parole board gave what the lawyer said were “boilerplate justifications” for the denial of Phillips Africa and Holloway Africa, saying they displayed “lack of remorse”.

Debbie Sims Africa’s husband also remains behind bars. Mike Davis Africa Sr is next up before the parole board, in September. The other Move Nine prisoners are Chuck Sims Africa, Delbert Orr Africa and Eddie Goodman Africa.

Debbie Sims Africa told the Guardian the remaining prisoners were constantly in her mind and that she planned to devote much of her time campaigning for their release.

“Having to leave them was hard,” she said. “I was torn up inside because of course I want to come home but I want them to come with me. I was in shock when it didn’t happen that way.”

Asked if the two Move women with whom she had shared a cell in Cambridge Springs would be a threat to society if released, she said: “Absolutely not. They would not be a danger as I’m not.

“Nobody from the Move movement has been released from prison and ever committed a crime, going back to 1988. We are peaceful people.”

June 20th - Baby-Snatching Practice Blocked Motherhood For 20-million Seconds

by Linn Washington, Jr. (*This Can’t Be Happening*)

The piercing, bone-deep pain for a parent from having their child forcefully snatched away by authorities is a hurt Debbie Sims Africa knows in horrific ways.

The immense suffering some immigrant parents currently experience -- triggered by the child-snatching/family separation anti-immigration policies pursued by the Trump Administration on America’s southern border – is something that impacts Africa very personally.

On August 8, 1978 authorities in Philadelphia, literally snatched Africa’s two-year-old daughter from her arms.

A few weeks later when Africa gave birth to her son, Philadelphia authorities snatched him away also.

For more than 39-years Africa could not do what she wanted to do all her life: be a lovingly embracing, nurturing and protective mother.

Those 39-plus years Africa lived with that agony of unfulfilled motherhood are more than 467-months: more than 14,200-days, more than 341,640-minutes and more than 20.5-million seconds.

On August 8, 1978 Philadelphia police arrested Africa following a shootout between police and members of the radical MOVE organization where a policeman was killed. Africa is a member of MOVE – in fact, a niece of MOVE founder John Africa. (All MOVE members utilize Africa as their last name.)

Africa and eight other MOVE members (five men and three women) were convicted for that Philadelphia policeman's death and sentenced to identical prison terms of 30-100-years.

Recently Debbie Africa, now 62-years-old, won parole release from a Pennsylvania prison – the first MOVE member convicted for that 1978 shootout to leave prison...alive. (Two of the MOVE 9 died in prison.)

Africa, during a press conference following her release, said seeing the cruel separations on the southern border "brought back emotions" for her.

"When I saw that immigration separation on TV, I had a familiar feeling," Africa said, sitting beside her son Michael 'Mike' Africa Jr. during that press conference. "It is totally wrong what Trump is doing. The child did nothing wrong regardless of the parent. It pulls at the heart strings."

The emotions Africa felt watching Trump's immigration enforcement practices paled in comparison to the emotions she felt arising from the reality that she had to leave her MOVE colleagues in prison, including the two surviving MOVE women who shared a prison cell with her.

"I was happy to go home but hurt that they are still in prison," Debbie Africa said, describing how her MOVE member cellmates, Janine and Janet, helped her pack to leave prison. One of the still imprisoned MOVE 9 men is Debbie's husband, Michael.

Debbie Africa said she did maintain contact with her daughter and son (who was born in a prison cell) throughout her 39-plus-year imprisonment. Yet, she noted that sharing a few hours with her children in a prison visiting room is not the same as full-time, real-time mothering.

Debbie's son Mike said life was "hard" for him growing up without his mother and father, not having their "guidance" at times when he needed it. Mike said that when he went to wake up his mother the morning after her release from prison he saw her feet for the first time in his life.

"Things people take for granted like just talking to your parents -- I never had," Michael said. "Fortunately I had the support of my parent's family, other MOVE members and MOVE supporters. It helped a lot.

"I can't wait to see my dad come home."

The arbitrary and often abusive practices of authorities that drove clashes between MOVE and Philadelphia City authorities was evident in the parole release of Debbie Africa – a parole granted after eight previous parole rejections.

Debbie and fellow MOVE members Janine and Janet each saw the Pennsylvania Parole Board on the same day. Each had similar unblemished prison records, each were credited with positively mentoring other inmates, each were praised for helping keep calm in the prison and each – for the first time ever – had a release recommendation from Philadelphia's new District Attorney.

But the Parole Board rejected Janine and Janet while that Board released Debbie during a process that is completely secret even from lawyers representing inmates.

One reason given by the Parole Board for the rejection of Janine and Janet was they received a negative recommendation from Philly's DA – a claim that is factually inaccurate according to Brad Thomson, the lawyer who represented Debbie, Janine and Janet during that parole proceeding.

"It is shocking that Janet and Janine were denied parole. Their circumstances and institutional records are nearly identical to Debbie's," stated Thomson, who attended the press conference with Debbie and Mike Jr.

"The decision to deny Janet and Janine appears arbitrary and it is difficult to understand how the Parole Board could justify it based on the facts that were presented," noted Thomson of the People's Law Office in Chicago.

Then again, arbitrariness and abuse riddled the MOVE 9 trial. The judge who convicted and sentenced the MOVE 9 during a non-jury proceeding said he meted out identical sentences because they "were a family" and that he therefore would sentence them as a family – a stance that made a mockery of the so-called maxim of prison time fitting the crime.

Police testimony during that long trial was that only the four MOVE men were armed and the MOVE women, including Debbie Africa, were merely holding children while huddled inside the basement of the then MOVE compound in Philadelphia's Powelton Village during that 1978 shootout.

(Evidence furthermore indicates that police gunfire accidentally killed the policeman. Police experts could not match the bullet removed from the slain officer to any of the weapons recovered from the MOVE compound.)

The arrest and imprisonment of the MOVE 9 unleashed a chain of events that culminated in the horrific May 13, 1985 incident where Philadelphia police bombed another house occupied by MOVE members and deliberately allowed an inferno sparked by that bomb to burn, preventing fire fighters from trying to put it out.

That bomb-triggered blaze incinerated 11 MOVE members including five children. That police blaze also destroyed 61 adjacent homes and left 250 people homeless.

Police snipers drove some MOVE members who tried to flee their burning building back into the inferno where temperatures reached 2,000-degrees. Only one MOVE adult and one child escaped that deadly firestorm.

One of the MOVE members murdered by police action during that 1985 clash was MOVE founder John Africa. The five youth deaths included the children of Janine and Janet, Debbie's now former cellmates. No Philadelphia police officer or City official faced prosecution for that incident where an FBI agent supplied the main component for that bomb that Philadelphia police dropped from a State Police helicopter.

Debbie Africa said she is looking forward to strengthening bonds with her children and grandchildren. She will adjust to life outside prison like learning how to use a cell phone, a now ubiquitous device that didn't exist at the time of her arrest in 1978. And she said she would work for the release of her imprisoned MOVE family members.

June 21st - Pennsylvania Parole Board Must Grant Janet and Janine Africa Parole

On Saturday, June 16, MOVE member Debbie Africa was released on parole from State Correctional Institution (SCI) Cambridge Springs after 39 years and 10 months of incarceration.

Fellow MOVE members Janet and Janine Africa, however, were denied parole despite having virtually identical Department of Corrections records as Debbie. [Information on how to take action below.]

Janet, Janine, and Debbie all:

- Have gone more than 20 years without a misconduct for any rule violation
- Were recommended for parole by the Pennsylvania Department of Corrections
- Were recommended for parole by former PA DOC Secretary Martin Horn
- Were recommended for parole by the Philadelphia District Attorney's Office
- It is beyond dispute that Debbie, Janet and Janine present zero threat to public safety

The Parole Board has denied them the opportunity to return home based on unlawful factors. Claiming the two minimized the offense and did not express remorse, the Board ignored the only relevant assessment under Pennsylvania law: that the two do not present a threat to public safety.

The Parole Board also lied, claiming that Janet and Janine received the negative recommendation of the prosecuting attorney, when in truth Philadelphia's District Attorney, Larry Krasner, recommended all three women – Debbie, Janet, and Janine – for parole, his office stating that it “was “confident” that Janet and Janine “will not pose a threat to the Philadelphia community” and that their “continued incarceration does not make our city safer.”

Take Action – Call the Pennsylvania Board of Pardons and Parole Chairman Leo Dunn:

Pennsylvania Board of Probation and Parole: 717.787.5699 (Ask for Chairman Leo Dunn's office)

Send Email message: ra-pbpopc@pa.gov

Talking Points:

- Janet and Janine have not had any rule violation in more than 20 years
- Each has the support of the DOC, former DOC Secretary and nationally-renowned corrections expert Martin Horn, and the Philadelphia District Attorney's Office
- Janet and Janine do not present a threat to public safety and should be released just like Debbie
- The Board must stop making political decisions in the MOVE cases: when judged on their record in the DOC and community support Janet and Janine have a right to be released

Demand:

- That Leo Dunn agree to have the Board reconsider its denial
- Grant Janet and Janine Africa release on parole

June 22nd - Delbert Africa Statement For Debbie Africa Press Conference

I Have to say Long Live JOHN AFRICA FOREVER !!! Yeah, because that is where I lay credit for Sister Debbie finally coming home! It is indeed a joyful moment to realize that one of my fellow MOVE 9 members has gotten this revolutionary activity over with, but make no mistake about it; this episode of systematic b.s. got me angry as hell! How dare these bastards try and create division and chaos by playing games with the women that Debbie left behind! I know there are people worldwide that rejoice in the fact that Debbie is home, just as The MOVE family does, but I'm telling y'all not to relax, don't even think about giving this foul ass system breathing room.

Now is the time to come at them even harder with conviction and determination! Make these suckas explain why Janine and Janet were not released along with Debbie! For everyone that has signed a petition, sent an email, made a phone call, written a letter, marched or however you raised protest over this unjust wrong imprisonment of The Move 9, I'm urging you to increase your righteous activities! Celebrate the release of Debbie, but understand that this system has never done anything with or to MOVE out a sense of Justice, Fairness, or for right reasons! We are not gonna spend a lotta mental energy trying to figure out

what these demons are up to. Rather the Remaining MOVE 9 pledge to stay committed and resolute in walking the revolutionary path that will lead to freedom for all political prisoners, will free the earth of pollution, stop the abuse of animal life, and eliminate this diseased oppressive system once and for all!!!.

Do not let these system demons appease your righteous indignation behind the release of Debbie! Let em know you resent and rebuke this half ass measure. Tell them you want all The Move 9 released RIGHT NOW!

19 Jun - Prisoners Endure A Nightmare 'Gulag' In Lower Manhattan, Hidden In Plain Sight

Half a block behind Manhattan's federal courthouse, two blocks from City Hall, three blocks from the Brooklyn Bridge, and less than a mile from the hustle-and-bustle of Wall Street, sits a detention center that has been condemned by a United Nations human rights expert for exposing its inmates to conditions akin to torture.

MORE:

by Aviva Stahl (*Gothamist*)

While reports of the horrendous conditions on Rikers Island helped spur Mayor Bill de Blasio's pledge to shutter the jail's violence-plagued facilities, far less attention has been paid to the environment inside the Metropolitan Correctional Center, the federal jail which mainly holds people who have been charged but not yet convicted of crimes, who in the eyes of the law are still presumed innocent.

Yet those locked up at the MCC are subject to their own indignities and rights violations, say those who have spent time there on both sides of the bars. These include filthy conditions, vermin infestations, substandard medical care, and violence and abuse at the hands of guards. Interviews with a dozen people who have spent time locked up there as recently as 2017, as well as with attorneys who have represented clients at MCC, human rights groups, and others with direct knowledge of the prison, confirm that those incarcerated at MCC often endure a rat-infested, high-rise hell just yards from the federal courts that send them there.

"I thought there was nowhere worse than Rikers Island," Melvin Rodriguez, who spent three weeks at MCC, told *Gothamist*. In October 2016, Rodriguez was arrested in the Bronx on federal charges for selling drugs to a confidential informant, as part of the largest gang raid in New York City history.

Rodriguez said the bug and rodent infestation at MCC was particularly horrifying. "The cells [are] very small and at nighttime you hear the mouses, see waterbugs in the shower," he told *Gothamist*. At least one former MCC prisoner said the mice would find their way into commissary boxes, and gnaw away at their food.

"You asked about the conditions," wrote Ricardo Stewart, another young man indicted as part of the Bronx gang raid. "We saw rats so big it seemed like they could only be in the sewer."

"But they wasn't in the streets or the sewers," Stewart added. "They were more like roommates."

In a special jail-within-a-jail called 10 South, alleged terrorists, mobsters and drug kingpins are subject to some of the most brutal conditions of solitary confinement in the nation. This extreme isolation, reserved for those charged with the most heinous crimes, was described as "a punitive measure that is unworthy of the United States as a civilized democracy," according to a former special monitor on torture and punishment for the United Nations who investigated the case of one prisoner held there for three years.

Hundreds of people indicted in the Southern District of New York, as well as many individuals indicted in the Eastern District, based in Brooklyn's federal court across the river, end up at the jail awaiting trial for federal offenses including drug-related crimes, fraud, bribery, and sex offenses. Defendants facing terrorism charges have spent more than three years at the facility, attorneys say. But even those facing less high-profile charges generally spend at least one or two years there before their criminal cases are resolved.

The MCC is one of two federal pretrial facilities in New York City; Metropolitan Detention Center, located on the waterfront in Sunset Park, Brooklyn, is the other.

They are part of a network of eleven such facilities run by the federal Board of Prisons, with nine spread across the continental U.S. and two others in Honolulu and Guaynabo, Puerto Rico. Many others awaiting trial on federal charges are detained in local jails.

This past February, a British appeals court blocked the extradition of alleged hacker Lauri Love to the United States, where he would have most likely been held at either MCC or the federal jail in Brooklyn, the Metropolitan Detention Center.

The court determined that Love, who has been diagnosed with Asperger Syndrome and depression, would be at high risk of suicide if he were extradited, in part because of the poor mental health care available at the facilities. MDC and MCC share a single psychiatrist and each have only a handful of psychologists on staff, according to court documents, raising questions about whether the two facilities could adequately treat the nearly 500 inmates suffering from significant psychiatric illnesses.

New York attorney Joshua Dratel, who has represented clients at the notorious U.S. facility at Guantanamo, says in some regards, MCC—particularly 10 South — is worse. Dratel said he has represented nearly a dozen people who have served time on 10 South, and countless others in MCC. He describes the prison as “soul-negating.”

“It’s physically, mentally, psychologically, emotionally—as unaccommodating to the idea of being human as any place I’ve been,” Dratel told Gothamist.

Because MCC is a federal prison, the accountability mechanisms that have helped bring change to Rikers and, to a lesser degree, to New York’s state prisons, cannot be applied. Conditions at MCC may only worsen in the age of Trump and Sessions, who have vowed to step up federal prosecutions while signaling their disdain for the rights of individuals in custody.

Jeanne Theoharis is a Distinguished Professor of Political Science at Brooklyn College who has written extensively about conditions at MCC.

“If I described these conditions to you—filthy, freezing, no natural light, isolation so extreme that you’re punished for speaking through the walls, absurd rules like prisoners not getting to see the newspapers unless they’re 30 days old, secrecy so deep that people are force-fed and lawyers can be punished for describing the conditions their clients are experiencing—you’d be forgiven for thinking that this was Iran or Russia,” she said.

“But in fact this gulag exists right here in lower Manhattan.”

When MCC first opened in 1975 as part of the broader renovation of New York’s downtown civic center institutions, the move was praised as an important step towards prison reform. “[T]he new Metropolitan

Correctional Center at Foley Square will bring to New York City its first piece of advanced - and humane - prison design” hailed The New York Times in an article published just before the facility’s completion.

The cells were designed to be single occupancy, with a total rated capacity for the facility of 474 inmates. But today the prison population at MCC is almost double that number—just shy of 800. Although the vast majority of individuals held at the facility are men, a few dozen women are also detained there.

On residential floors, the north and south wings each contain six groups of eight rooms, arranged in a two-tiers clustered around what the Times story termed “a double - height lounge space” designed to allow prisoners a sense of privacy while ensuring they could be observed from the common space.

But the “lounge” hardly resembles a college dorm suite, and by all accounts the overcrowding at MCC leaves little room for comfort. In the dormitory units on the 11th floor, dozens of men are expected to share one toilet, one sink, and one shower. According to one 2015 pro se lawsuit against the BOP filed by a prisoner named Levit Fernandini, when the toilets broke down men were given bags to defecate in, which were then not removed from the unit. Some men used the shower as a toilet.

In his lawsuit, Fernandini describes the presence of rat and mice droppings throughout the floor, and states that he has “found rats in his bed and seen rats crawling on inmates while they slept.” When he was bitten by a rodent in January 2014, “the counselor for the unit was far from surprised, if anything in light of the infestation, the only surprise is that not every inmate is bitten,” he wrote. Fernandini maintains that medical staff ignored his requests for treatment for several days, even after the bite became infected.

Medical care at MCC was also condemned by former prisoners and defense attorneys. “Unless it’s life or death there’s no immediate medical care,” prisoner Marlon Roberts wrote *Gothamist* in a letter. “[I]t can take 2 months to answer your sick call request.”

Andrew Laufer, a civil rights attorney who has filed several lawsuits challenging conditions at the BOP’s two federal jails in New York City, recalled suing the BOP on behalf of a prisoner at MCC who had had his fingertip chopped off by a cell door. Rather than being placed in an ambulance, alleges Laufer, the man was chained at his ankles and wrists and brought to the hospital by correctional officers, bleeding profusely.

“I think it’s a human rights violation,” Laufer says of the medical care at MCC. “I think it’s an Eighth Amendment violation—deliberate indifference.”

There are also claims of extreme brutality by those who are held at the MCC. In September of 2017, Laufer filed a lawsuit alleging that after 35-year-old Roberto Grant was beaten to death at MCC in May 2015, the prison staff tried to cover it up, by telling his Grant’s family he’d died of an overdose.

Gothamist reviewed a copy of the autopsy performed on Grant by the New York City Medical Examiner, which stated the father of two had suffered “blunt force injuries of the head, neck, torso, and extremities” and had no detectable traces of drugs in his system.

“You have someone who’s beaten to death in MCC, and there are cameras everywhere,” Laufer said. “There’s not an inch of that facility that is not surveilled. No one cares.”

The case is ongoing, and Laufer recently lost a motion to compel the government to release documents and other materials relevant to Grant’s death. In court filings, the Department of Justice has denied wrongdoing.

The Bureau of Prisons did not respond to written inquiries about this incident or other allegations laid out in this story. A spokesperson for the BOP also declined to comment.

Several prisoners told Gothamist that they had been physically assaulted by staff. “I ended up catching a new charge in MCC for defending myself,” said Fabian Morrison in a letter. “A crazy officer... attacked me and I defended myself, I’m the seventh inmate he put hands on. He is really fucked up in the head from the military.”

In the past fifteen years, at least one correctional officer at MCC has been convicted of beating an inmate, and at least three guards have been found guilty of sexually assaulting prisoners. In 2016, a former correctional officer at MCC was sentenced to seven years behind bars for raping a woman detained at the facility. “Even in my dreams, I am suffering flashbacks where I’m repeatedly raped,” the woman told the court. And this past April, a guard was arrested for taking bribes to smuggle food, alcohol and cellphones into the facility.

When individuals held by the Bureau of Prisons are charged with disciplinary offenses, they wait in what is called the Segregated Housing Unit (SHU) for a Disciplinary Hearing Officer (DHO) to review the allegations. That process can take weeks, sometimes months, explained Sarah Kunstler, a New York City-based civil rights and criminal defense attorney who has extensive experience working with clients locked up at MCC. Prisoners don’t get credit for that time towards their eventual punishment, creating a substantial incentive for them to just accept the charge.

Moreover, at the hearing, the DHO is often evaluating the prisoner’s word against that of the officer, so challenging the allegations can feel pointless. “There’s an impunity that the officers [at MCC] have to enforce discipline without any recourse, which allows a kind of arbitrary scheme,” said Kunstler. “There’s no test of the allegations, ever.”

While the BOP does release broad statistics documenting violent incidents across the federal prison system, it does not publicly release data on how rates of violence vary in individual facilities. However, a September 2012 Government Accountability Office report on overcrowding in federal prisons noted that “more inmates are sharing cells and other living units, which brings together for longer periods of time inmates with a higher risk of violence and more potential victims.”

Sally Butler, another attorney who has represented individuals locked up at MCC, says she encourages her clients do whatever they can to stay out of the crosshairs of correctional officers. “If the officer says jump, you jump,” she said.

Butler noted that in state court, it makes no difference if a prisoner is charged with disciplinary infractions pretrial. But those tickets can make a huge difference as to what facility federal prisoners are sent to post-conviction.

The recreation yard at MCC is on the roof, and prisoners told Gothamist they are brought up for a brief period of exercise about once every three days. The rest of the time they’re locked up in their units with little to do and no access to fresh air or sunlight.

Meanwhile, for prisoners held on 10 South, recreation is taken in what essentially amounts to a double cell, with a narrow, barred window, which looks out onto the street and lets in just a tiny bit of fresh air. They are never let outside.

In January 2017, after escaping from two Mexican high-security prisons, alleged Mexican drug kingpin “El Chapo,” whose legal name is Joaquín Guzmán Loera, was extradited to the US to face charges as the head of the Sinaloa cartel, and locked up in 10 South.

After months, Guzmán’s sanity started to unravel, according to legal motions filed by his attorneys over the spring and fall of 2017. Auditory hallucinations, depression, paranoia, the inability to remember people, places and events, the client “repeating himself often and sometimes forgetting what the discussion is about,” were the symptoms described by his attorneys in a letter submitted to federal judge Brian Cogan in October 2017. “It is plain to the defense team that something is not right with Mr. Guzman.”

But Guzman is just one of the most recent arrivals there. For the last two decades, Muslim men facing terrorism charges have been held on the unit for up to four years before the resolution of their criminal case.

Wali Khan Amin Shah said that he was moved onto 10 South right after it was built, in February 1997. The year prior, he and two codefendants were convicted of conspiring to simultaneously blow up about a dozen planes over the Pacific. Shah was held in 10 South until September 1998, when he was transferred to a different part of the facility.

“I been around in this world, almost a decade in a war zone...seen my part of torture and bad prisons, I was in jungles and deserts,” Shah wrote in an email from a federal prison in Indiana. “But the time I spent in 10 South took a large chunk of my soul, it is a very bleak place by design.”

The lights in 10 South are left on 24 hours per day, according to several former residents. There is a window flap in each cell door, which only the guards can open. The cells are about 17 feet by 8 feet, with two cameras fixed on each cell at every moment. Defense attorneys said there were only about six or seven cells on the unit.

Ali Yasin Ahmed was transferred to MCC in September 2014, and spent about a year there while he faced charges for providing material support to al-Shabaab. “It’s another thing if someone is at a black site, or all the way in Gitmo,” he told Gothamist, when asked what it was like to experience such austere isolation in downtown Manhattan. “But it is happening [right] next to you, and people don’t realize it.”

Like everyone else in the unit, while in 10 South Ahmed was placed under additional restrictions called Special Administrative Measures (SAMs). SAMs came into being in 1996, soon after the Oklahoma City bombing, and give the U.S. Attorney General sole discretion to limit a prisoner’s communication if a determination is made that there is “substantial risk” the prisoner’s contact with others could pose a security threat. (Guzmán is currently under SAMs).

During his time at MCC, Ahmed was only allowed to communicate with his attorneys and immediate family members, including his parents, siblings, wife and son. He was permitted one non-legal phone call each month along with one letter per week. But since the letters were first analyzed and copied by the FBI before being sent out, they often took one to two months to reach his loved ones. Communicating with the media was also strictly prohibited.

Former 10 South residents told us that prisoners are also not allowed to share books. If a guard brings a book out to the tier and one person reads it, the book must then be destroyed. SAMs generally prohibit prisoners from speaking to each other. At least one individual on 10 South lost his meager family phone privileges for months after greeting another detainee with the Arabic words “A-Salaam-Alaikum.”

A September 2017 report published by Yale Law School's Allard K. Lowenstein's International Human Rights Clinic and the Center for Constitutional Rights raised concerns that Muslims were disproportionately targeted by the measures. "It appears that a major criterion for deciding whom to place under SAMs was not the prisoner's demonstrated capacity to communicate dangerous information, but rather the prisoner's religion."

In a 2011 letter to then-Attorney General Eric Holder, Amnesty International expressed concern that conditions on 10 South "fall short of international standards for humane treatment" and "appear incompatible with the presumption of innocence." The brutal nature of life on the unit, including its extreme conditions of isolation, were also documented in a 2014 Human Rights Watch report about human rights abuses in US terrorism prosecutions.

During his six-year term as the UN Special Rapporteur for Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which ended in October 2016, the BOP prevented Juan Méndez from speaking to suspected or convicted terrorists. Méndez was able to investigate the conditions at 10 South by interviewing family members of the incarcerated and contacting the State Department about the allegations. He ultimately determined that international human rights protections had been violated.

"Prolonged or indefinite solitary confinement—that is, solitary confinement that is prolonged beyond a few days—inflicts mental pain and suffering consistent with the definition of cruel, inhuman or degrading treatment," Méndez told Gothamist. "And as I said, in some cases is consistent with the definition of torture."

Public accountability has played a key role in Mayor de Blasio's plan to shutter Rikers Island over the next decade and create borough-based jails for the 10,000 people held there. Even New York's often brutal upstate prisons have come under increased scrutiny by the press and grassroots activists in recent years. New York State legislators voted last spring to stop automatically prosecuting 16 and 17 year olds as adults (although Raise the Age has yet to be fully implemented), and a bill sharply curtailing the use of solitary confinement has gained considerable ground.

But when it comes to federal facilities like MCC, the primary responsibility for oversight falls to Congress, which has a long track record of dereliction, according to Amy Fetting, Deputy Director for the ACLU's National Prison Project.

"Congress has so much going on, that for them to oversee the Bureau of Prisons in a systematic and effective manner is almost impossible," Fetting said.

Her words were echoed by Phil Fornaci, the Director of the DC Prisoners' Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs, an organization which has sued the BOP. "There's no oversight unless there's a [Congressional] hearing called," he said.

Fornaci says the Department of Justice has investigated prison conditions on the state and local level. When it comes to the BOP, however, not only does the DOJ not provide oversight, but they actually defend the BOP in litigation. Both he and Fetting agreed that there needs to be an agency established external to both Congress and DOJ if the BOP is to be properly monitored.

The Justice Committee within the House of Representatives—and more specifically the Subcommittee on Crime, Terrorism, Homeland Security and Investigations—holds jurisdiction over prison issues.

No members of the subcommittee, which include 7 Democrats and 10 Republicans, responded to repeated requests for comment.

While there has been increasing advocacy for reforms to local jail and prison conditions, federal prisons remain a kind of political orphan, a situation compounded in the Trump era. “Rikers is a good example of the power of people in a democracy to hold their elected officials accountable,” said Fetting, “but in the federal context—federal facilities house people from all around the country, and so there’s no natural constituency in the state, city, county they’re located in” to express concern about what’s happening on the inside.

As a result, for people locked up at MCC, there’s little hope that conditions will improve anytime soon.

That could be exactly the way jailers and prosecutors want it. Pre-trial detention, which often lasts years, can become not only unsafe, but coercive; as a result, individuals are pressured to provide information to prosecutors or accept plea deals in their desperation to be released, say former prisoners.

“You want to plead guilty and get out of this dump to a prison,” said Nicky, the former inmate. “The feds have a 98% conviction rate for a reason,” Melvin Rodriguez, another former prisoner said. “They mentally break you.”

Asked why he thought MCC has received so much less coverage than Rikers, Rodriguez replied, “I think [MCC] went unnoticed because people think just because it’s the feds the conditions are better. There are certain things that go on in these places that the government covers so the public would never know.”

21 Jun - NSA Whistleblower Reality Winner Will Accept Plea Agreement

National Security Agency whistleblower Reality Winner, who was charged with violating the Espionage Act when she released an NSA report on alleged Russian hacking of voter registration systems, will accept a plea agreement.

MORE:

by Kevin Gosztola (*Shadowproof*)

Winner is scheduled to formally change her plea to guilty on June 26 in a federal court in Augusta, Georgia.

“Given the time and circumstances and the nature of the Espionage [Act] charge, I believe that this was the only way that she could receive a fair sentence,” Billie Winner-Davis stated. “I still disagree strongly with the use of the Espionage [Act] charge against citizens like Reality.”

Her mother suggested the Espionage Act charge prevented Winner from explaining her actions to a jury, which made it difficult for her to “receive a fair trial,” as well as fair treatment in court.

Winner was a contractor and linguist who worked for the NSA. She was arrested on June 3, 2017, after several FBI agents raided her home in Augusta, interrogated her, and obtained what the government saw as a confession that she disclosed the report to The Intercept.

Her attorneys filed a motion in court that argued her rights were violated because the agents never informed her she had a right to remain silent.

Winner has been held in pretrial detention since her arrest, with prosecutors, a federal judge, and appeals court all contending she “hates” America so she must remain in jail.

A federal appeals court argued, “Winner may have a reason to flee, as she does not have any confidence in the government which has accused her of serious criminal conduct.”

NSA whistleblower Thomas Drake and CIA whistleblowers John Kiriakou and Jeffrey Sterling were not held in pretrial detention, even though they were each initially charged with violating the Espionage Act.

“It’s disgraceful that she’s been kept in prison for more than a year,” Kiriakou told Shadowproof. “It’s actually unprecedented in cases like this. Every other national security defendant who has been identified as a whistleblower in the last decade was either released on their own recognizance or released under very favorable bail terms. The fact that she was kept incarcerated for a year is unfair and was unnecessary.”

Keeping her in jail was a way for the government to apply pressure so that she would accept a plea agreement and not go to trial in October.

It was well-known that Winner would have an uphill struggle to defend herself in court. Under President Barack Obama’s administration, leak prosecutions intensified the government’s ability to wield the Espionage Act as a strict liability offense, which means there is very little the government has to prove beyond the fact that an unauthorized disclosure occurred.

Prosecutors typically insist that they do not have to prove the disclosure of “classified intelligence reporting” could threaten or did threaten “national security.”

One avenue Winner’s defense had available to challenge the Espionage Act charge was to force prosecutors to prove it related to “national defense information” or that the information was “closely held,” as these are elements of the offense. However, the judge rejected 40 out of 41 subpoenas for records from states and cybersecurity companies, which greatly hindered her potential defense.

Winner could face anywhere from a 13 months to 57 months in prison when sentenced. However, she has already been in jail for more than 12 months and that would likely count as time served.

She faced up to ten years in prison if she did not accept a deal.

Kiriakou contended, “Reality Winner had no choice but to take a plea deal. The criminal justice system is so stacked against defendants that almost no defendant can afford to risk a long prison sentence knowing that the federal government wins more than 98 percent of its cases. She took this plea to mitigate damage as best she could.”

This is the second plea deal obtained by President Donald Trump’s administration. Former FBI agent Terry Albury pled guilty to violating the Espionage Act in April.

President Barack Obama’s administration prosecuted more individuals with the Espionage Act than all previous presidential administration combined. Trump’s administration seems committed to continuing and expanding this tactic used to clamp down on the free flow of information.

“The Trump administration has signaled its clear intent to continue the Obama-era practice of aggressively punishing low-level leaks that embarrass the government with Espionage Act charges, while allowing top officials to leak with impunity when it serves their interests,” argued Nathan Fuller, a campaigner with the Courage Foundation, which has supported Winner. “Without a plea, Reality could have faced a decade in prison in the prime of her life.”

“Reality’s case and forced plea highlight the urgent need to overhaul or do away with the Espionage Act, a World War I-era law meant for spies and traitors, not journalists’ sources,” Fuller added.

“I do believe that whatever Reality did or did not do she acted with good intentions,” Winner-Davis concluded. “I know that she will accept full responsibility for any wrongdoing and that she is ready and willing to face the consequences.”

“I ask for continued support for her. She will need your continued support and belief in her as she continues this battle.”

21 Jun - Fourth Annual International Day of Solidarity with Antifascist Prisoners

Since the last July 25th International Day of Solidarity with Antifascist Prisoners, the worldwide struggle against the nightmare of fascism and the far-right has grown and intensified.

MORE:

The news bulletins steadily report the racist and bigoted attacks, the harassment of journalists, the demonization of refugees and migrants, and the increasing presence and violence of organized fascist and far-right groups. While the bigoted, nationalist imagination reproduces itself on a global scale, it also attempts to turn us all into prisoners of the border.

Originating in 2014 as a Day of Solidarity with Jock Palfreeman—an Australian man serving a 20-year sentence in Bulgaria for defending two Romani men from an attack by fascist football hooligans—the International Day of Solidarity with Antifascist Prisoners aims to break down the borders and build an international response against fascism. By having an event, raising money, or dedicating an action to these comrades, we can simultaneously strengthen our local movements by ensuring that those who have acted to protect our communities against the fascist threat are never forgotten, as well as create the links of a powerful international solidarity which can transcend both the prison and the border wall.

This July 25th, we call on antifascists worldwide to act in solidarity with antifascist prisoners—the comrades who have been behind bars for many years, the friends who have just begun their sentences, the mates still awaiting trial—because they are in there for us, and so we must be out here for them!

25 Jun - Urgent Alert on Political Prisoner Seth Hayes

A comrade from NYC Jericho got a call from Seth's friend Floyd at 6:20pm Monday, June 25 informing them that Seth fell out in his cell.

MORE:

A code blue was called and Seth was taken to an outside hospital. Floyd did not have any more information. The comrade from NYC Jericho will go to see him on Sunday along with others.

27 Jun - Three Water Protectors Found Not Guilty – Eight More Have Charges Dismissed

Eleven Water Protectors have had all charges dismissed because their cases were substantially the same as three who went to trial and were acquitted last week.

MORE:

All 14 were accused of obstructing law enforcement's efforts to clear the Oceti Sakowin camp on February 23, 2017, pursuant to Governor Burgum's executive order declaring the camp hazardous to people and the environment.

On Friday, June 22, Anthony Provenzano, Cindy Lou Eyerly-Santo, and Bradley Duquette were found not guilty of Physical Obstruction of a Government Function after bench trials before Judge Daniel Narum in Morton County Court.

The government argued at trial that the presence of each of these Water Protectors at Oceti was an intentional act; that it was a violation of the governor's order, whether or not they knew about that order; and that their presence slowed law enforcement's efforts to clear the camp. Testimony from officers as well as the three Water Protectors, however, suggested that they had not been given notice of the executive order, nor been given any warning or opportunity to leave the camp. In finding the Water Protectors not guilty, Judge Narum pointed out that the state had failed to present facts that would show how any of the three had intentionally obstructed a government function.

Bradley and Cindy Lou were represented by volunteer attorney Melinda Power, and Anthony was represented by Water Protector Legal Collective Staff Attorney Moira Meltzer-Cohen.

Today, the prosecutor filed two separate Motions to Dismiss the charges against 11 additional Water Protectors from the same arrest date who were scheduled for trials this week, because their cases are "substantially the same." There are nearly a dozen similar cases from the camp clearing that remain scheduled to proceed to trial in the coming weeks.

30 Jun - Benefit Comp for International Day of Solidarity with Eric King

Page One announces a brand new musical compilation to benefit anarchist political prisoner, Eric King.

MORE:

Page One, a small Brooklyn based collective, put out a compilation EP on Goodfriend Records in celebration of International Day of Solidarity with Eric King on June 28th! The comp EP is available for donation and all of money goes to EK and his family. Thank you to the bands who donated songs!

Check out and get the EP for EK at goodfriendrecords.bandcamp.com/album/people-and-power-solidarity-comp-for-eric-king

More about Page One: Page One is a small collective based in Brooklyn, New York that focuses on spreading the word/s of and about political prisoners past and present. Our collective's name comes from the Bureau of Prisons' (BOP) justification for rejecting a letter sent to a U.S. held political prisoner: "Page one calls for solidarity."

15 Jul - NYC Jericho Barbecue

WHAT: BBQ

WHEN: Sunday, July 15th

WHERE: Marcus Garvey Park—Manhattan

COST: FREE!

MORE:

Please join NYC Jericho for a fun and relaxing family day in the park! Bring your family, toys and games! There will be vegan and non-vegan food for all to enjoy. Please bring a dish to share with friends!