



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for September 7th

22 Aug - Report: Lore Elisabeth's "shocking" charges aimed to disrupt and suppress a movement

A sweeping new report by the Movement for Black Lives (M4BL) and the Creating Law Enforcement Accountability & Responsibility (CLEAR) project at the City University of New York calls Lore's prosecution particularly "shocking" but it is not unique.

MORE:

Struggle for Power: The Ongoing Persecution of the Black Movement by the U.S. Government introduces the legal tools that the U.S. government uses to disrupt and suppress racial justice movements like the nationwide uprisings of 2020.

These cases demonstrate how the government charges people selectively and excessively in order to intimidate the communities around them into compliance with a white supremacist social order: The federal government reached beyond its jurisdiction to upgrade charges equivalent to state-level charges in 92.6% of cases. 88% of those cases carry significantly more severe maximum sentences than the state charges. Black defendants generally faced more severe charges than white defendants. Fewer than 1% of federal criminal defendants win their cases at trial.

It's a difficult read, but a necessary one. The report's authors don't mince words. They expect flagrant abuses of power to continue, so we must learn to recognize the tactics and prepare to protect each other. Please share this report with your community. Share it on Instagram and Twitter.

The government did not anticipate our strength when it targeted Lore. Thanks to you, she has already raised a legal defense, beat COVID, and recouped the losses of a violent raid. We will continue to beat the odds and reign in an out-of-control prosecution that has already failed its disgraceful purpose.

22 Aug - New compilation from Lowell ABC coming soon

Lowell Lawrence Anarchist Black Cross is glad to announce that we will be releasing a 16 track CD compilation with Mutual Aid Records on September 10th.

MORE:

All proceeds will be going directly to the ABCF warchest for political prisoners. Please feel free to message them about this at @LowellABC on Twitter.

23 Aug - Why Is Biden's DOJ Continuing This Trump-Era Witch Hunt?

As part of a push to present police reform protesters as the "real terrorists," federal prosecutors made an example via a very local crime. Biden's team is standing by it.

MORE:

by Kali Holloway (*The Daily Beast*)

As of this writing, Colinford Mattis and Urooj Rahman are scheduled to go on trial in March 2022, and to face a jury tasked with deciding whether they will spend the next 45 years—the mandatory minimum in their case, with life being the maximum—behind bars in a federal jail.

The crime committed by the two New York City lawyers that warrants such a draconian sentence, according to the U.S. Department of Justice? In May 2020, amidst raging protests over the murder of George Floyd by police, Rahman allegedly threw a lit Molotov cocktail through the already broken window

of an empty New York City police car, then left the scene in a mini-van driven and owned by Mattis. Cops who arrested the pair—the criminal complaint and DOJ press release state the crime was documented by "an NYPD surveillance camera" and on-site witnesses—claim Mattis and Rahman's van cargo included another unlit homemade explosive, a lighter and a tank of gasoline. As for the tossed Molotov cocktail, it failed to fully ignite, causing minimal damage to the already vandalized, unoccupied squad car.

Typically, a case like this—which former federal public defender and law professor Lara Bazelon described to me as "a very serious form of vandalism and property destruction, which is normally very much a state court issue"—would be handled by local Brooklyn prosecutors. Instead, following their arrest, Mattis and Rahman were sent to the Brooklyn Metropolitan Detention Center, a federal prison recently criticized for its "disgusting, inhuman" conditions by one New York federal judge, and government attorneys took over the case. On paper, Trump DOJ lawyers justified this unorthodox upcharge by asserting that the NYPD is "an institution and organization receiving federal financial assistance" and that its squad cars are "used in interstate and foreign commerce." But as Bazelon told me, that still makes the alleged offense "a federal crime in the most attenuated way," and suggests "a politically motivated power move" by the Trump administration "to have the federal government step in and take over a case that by all rights should be in state court."

To put that in a way that Trump himself bandied about, the ongoing federal case against Mattis and Rahman is a witch hunt.

"It's a remarkably aggressive assertion of federal jurisdiction that can only be read as the expression of a will to chill protest activity for racial justice. That's the only way to read that decision," says Ramzi Kassem, a law professor at the City University of New York and founder of the Creating Law Enforcement Accountability & Responsibility Project. "When you look at the offenses underlying what these two people are alleged to have done, you would expect them to be charged in state court under state law, if at all, and I want to emphasize that. Because prosecutors have a great deal of discretion, and it would be perfectly reasonable for a prosecutor in this context to use her discretion not to charge at all. But if that conduct is charged, you'd expect to see those charges brought at a state court. For the government to make a federal case out of it, literally, bespeaks an intention to send a chilling message to anti-racist protesters nationwide who were part of this historically unprecedented Black-led movement for racial justice."

The Justice Department under Trump—a president who retweeted footage of his supporters proudly shouting racist mantras and who once threatened to indiscriminately shoot Black Lives Matter protesters—made no secret of its intent to target BLM protesters. Attorney General Bill Barr's response to 2020's racial justice protests was to create a Task Force expressly dedicated to aggressively prosecuting violent "anti-government extremists," whom the administration dramatically suggested might be aligned with "foreign entities seeking to sow chaos and disorder." Since 2015, American intelligence agencies have known that the majority of anti-government extremist threats to national security are made by American white supremacist groups; less than a year before Barr's memo, the Department of Homeland Security issued a report identifying right-wing extremists as the "most persistent and lethal threat" to the country; and mere weeks before Mattis and Rahman were arrested, Trump applauded mobs of armed white anti-COVID lockdown terrorists who stormed the Michigan statehouse.

But the government focused its punitive efforts on anti-racist protesters like Mattis and Rahman, whom the DOJ slapped with a staggering seven felony charges—"use of explosives, arson, use of explosives to commit a felony, arson conspiracy, use of a destructive device, civil disorder, and making or possessing a destructive device"—and dialed up the scaremongering rhetoric by turning a dud explosive that charred a police dashboard into "an incendiary device" used in "a crime of violence."

Rahman, a first generation Pakistani-American human rights lawyer who works for Bronx Legal Services, providing legal counsel for low-income folks facing eviction, is the caretaker of her elderly mother. Mattis, whose parents immigrated from the Caribbean, after graduating Princeton and attending New York University Law school, worked in corporate law, and was given an award in 2019 for his pro-bono efforts on behalf of an indigent client. He took over parenting duties for three children whom his mother had been fostering, all under the age of 11, after her death in 2019.

Neither Mattis nor Rahman had been arrested before. But federal lawyers argue that the contents of the mini-van the two were arrested in proved they planned to undertake more attacks, and to "incite others" to the same. They've also suggested the two attorneys' support networks, careers and educational backgrounds are reasons to keep them locked up. At one bail hearing, Assistant U.S. Attorney Ian Richardson told the court that Mattis was not "a rational person" because despite having "attended prestigious universities" and possessing "extraordinary career," he had "risked everything, everything, to drive around in a car with Molotov cocktails attacking police vehicles." When a federal magistrate on June 1 released the two attorneys, after two days in jail, on \$250,000 bond to home confinement with GPS monitoring, lawyers for the government twice appealed the decision, ultimately succeeded in having a three-judge panel of Trump appointees remand the two to confinement.

In response, 56 former federal prosecutors signed an amicus brief noting the government "appears to take the novel legal position that any facts that existed prior to a defendant's alleged criminal conduct (and failed to prevent it)—such as strong family and community ties, stable employment, a stable address, and a lack of criminal history—are insufficient to assure the safety of the community and thus cannot support a bail order. This argument, offered without any reasoning that would limit its application to this particular case, amounts to a per se rule that runs contrary both to the law and to our collective decades of experience as federal prosecutors and should be rejected."

Rahman and Mattis were finally rereleased on June 30, meaning they served nearly three weeks in jail, more time than many of the terrorists who waltzed into the U.S. Capitol on Jan. 6, viciously beat up police, and threatened the lives of various lawmakers. Clearly, the administration's "tough on crime" stance was pointedly weaponized solely toward Black and other anti-racist protesters, with the end result that Mattis and Rahman now face nearly half-a-century behind bars.

"Any fair-minded person thinks that there was overcharging here in order to send a message about the toughness of the federal government at the time," Paul Shechtman, Rahman's lawyer at Bracewell LLP, told me. "Wanting to be tough is not an excuse for exercising poor judgment."

Last week, The Movement for Black Lives, in partnership with with the CUNY Creating Law Enforcement Accountability & Responsibility Project—the group founded by Kassem—released a report that confirms the Trump administration "deliberately targeted supporters of the movement to defend Black lives during the summer of 2020 uprisings in order to disrupt and discourage Black organizing." After studying 326 criminal cases brought by the feds against anti-racist protesters between between May 31 and Oct. 25, 2020, researchers found "the drive to use federal charges against protesters" like Mattis and Rahman "stemmed from "top-down directives from" Trump and Barr, and that the administration "greatly exaggerated the threat of violence," leaning into rhetoric that would paint BLM protesters as "violent radicals." Most anti-racist activists arrested and charged with federal crimes committed "non-violent offenses or offenses that were potentially hazardous but were restricted to property destruction," and in fact, "the only two violent charges related to murder were brought against counter-protester members of the Boogaloo Bois, a far-right paramilitary faction that includes many white supremacists."

The government's hyper-prosecutorial stance resulted in federal charges in 93 percent of cases where "there were equivalent state level charges that could have been brought," and in those cases, "88 percent of the federal criminal charges carried more severe potential sentences than the equivalent state criminal charges for the same or similar conduct." In just over a quarter of the cases studied, federal prosecutors "stacked charges" against defendants, bringing "multiple redundant charges... arising from the same facts—leading to far more severe potential sentences against defendants." (Numbers on race were only available for 27 percent of defendants, but in those cases, 52 percent of those charged were Black; within that majority, 91 percent were Black men.) As with Mattis and Rahman—a Black man and Pakistani-American Muslim woman—22 percent of federal charges carried mandatory minimum sentences. And in one fifth of those prosecutions, "the defendant is alleged to have attempted, conspired, or aided and abetted an underlying crime without having actually committed the underlying criminal conduct." Federal arson charges were the most commonly imposed.

"The way that the charges were brought in these cases was deliberately calculated, in my view, to send two messages to two different audiences," Kassem told me. "The first message, of course, was to the defendants. The charges were structured to carry a 45-year mandatory minimum. And that creates incredible pressure on any defendant to accept a plea that would yield a smaller number of years behind bars rather than take the risk of going to trial and ending up with the mandatory minimum of 45 years, or maximum of life, in prison under these charges. The other message is the political message that was calculated to be sent to racial justice protesters all over the country that the federal government was going to very aggressively assert its jurisdiction to disrupt this unprecedented movement for racial justice."

"It's the kind of case the Trump administration wanted to take, because it helped promote their narrative that people who participate in Black Lives Matter protests are overwhelmingly violent and dangerous and a threat to national security. It was all about making the face of BLM into the face of scariness and out-of-control crime. The intended message was that what we really needed to be afraid of wasn't white supremacy, but rather the people who were in the streets protesting it."

Plea discussions in Mattis and Rahman's case have slowed, though Shechtman told me that while those "talks have stalled, they are not over." According to the AP, "Assistant U.S. Attorney Ian Richardson gave a Sept. 17 deadline for the lawyers to accept the government's plea offers and warned they faced 'far greater' potential prison sentences if they rejected them and proceeded to trial." I asked Bazelon and Kassem why the Biden administration hasn't reined in the prosecution of Mattis and Rahman.

"You're talking about line prosecutors and they're still there. The same people who brought these charges are still in office, and they're still very, very much invested in this case. So that's the first thing," Bazelon, who also heads the Criminal Juvenile Justice & Racial Justice Clinics at the University of San Francisco School of Law, told me. "The second thing is that the train has left the station. The charges have been filed. The evidence has been gathered. The federal government has all of its ducks in a row. And once that's happened—once those big decisions have been made to exercise jurisdiction to take the case, to file the charges—it's very hard to dial it back without looking like you're doing some kind of huge undeserved favor to two people who many people in the public believe are undeserving of that kind of mercy. I think because this case is so high profile and so polarizing, I doubt that the administration wants to spend political capital intervening. I do think that probably whatever deal is on the table is far better than whatever deal would have been on the table had Donald Trump won reelection."

Kassem offered a similar take. "No reason other than a disappointing lack of political will and vision. What the Biden administration folks are thinking, probably far too timidly, is that to do anything would be to interfere with the Justice Department's workings. But that's not the case. What happened in these cases is itself a distortion of what the Justice Department is supposed to be doing. Biden campaigned in part on a

racial justice platform. And so he owes the voters a course correction here. For the Biden administration to intervene and rein in these overzealous, politically motivated prosecutions of racial justice protesters would be a necessary correction and an intervention that brought the Justice Department back to its normal track. The aberration would not be the Biden administration's course correction. The aberration is the fact that these cases were brought in the first place, and that they continue to be prosecuted along lines that were drawn out by the Trump administration transparently to disrupt organizing by Black folks."

Shechtman, without revealing the substance of the plea discussions, did tell me the talks have "revealed that the government is less wildly aggressive than they were when this case first started" under Trump. He added, "Urooj Rahman is anything but a terrorist. This was an aberrant act in the passion of the moment, and I'm still hoping the government will not treat her as if she were a terrorist."

23 Aug - David Gilbert has sentence commuted for Brinks robbery

David Gilbert, who was serving a 75-year sentence, will now be eligible for parole. As always, read the following corporate media article with a critical eye.

MORE:

by Michael Wilson and Jesus Jiménez (*New York Times*)

In the waning hours of his final day in office, Gov. Andrew M. Cuomo commuted the prison sentence of one of the members of the gang behind the infamous robbery of a Brink's armored car in 1981 that left two police officers and a guard dead, a politically motivated ambush that continues to reverberate 40 years later.

David Gilbert is serving a 75-years-to-life sentence for his role in the crime, in which \$1.6 million in cash was stolen from the armored car outside the Nanuet Mall near Nyack, N.Y. The heist was orchestrated by the Black Liberation Army and the May 19th Communist Organization — an offshoot of the radical left-wing group the Weather Underground.

The decision does not mean he will automatically be released from prison. Mr. Gilbert will be granted a parole hearing in the weeks to come, according to Monday's announcement.

Mr. Gilbert is the second member of the May 19th group — and the Weather Underground before it — to seek relief from Mr. Cuomo. In 2016, the governor commuted the 75-year sentence of Judith Clark, praising her "exceptional strides in self-development" as an inmate. Mr. Cuomo's actions also granted her a parole hearing, and she was eventually released.

Mr. Cuomo cited Mr. Gilbert's work in AIDS education and prevention while in prison, and as a teacher and law library clerk.

"He has served 40 years of a 75-year sentence, related to an incident in which he was the driver, not the murderer," Mr. Cuomo wrote on Twitter on Monday evening.

Mr. Gilbert's upcoming parole hearing follows a campaign for his release that included his son, Chesa Boudin, who was an infant when his mother, Kathy Boudin, and Mr. Gilbert were convicted in the attack, and who in 2019 was elected the district attorney of San Francisco. Ms. Boudin was released in 2003 after receiving a 20-year sentence as part of a plea deal, and went on to become a professor at Columbia.

"I am overcome with emotion," Mr. Boudin said in a statement on Monday night. "My heart is bursting, and it also aches for the families of the three victims. Although he never used a gun or intended for anyone to get hurt, my father's crime caused unspeakable harm and devastated the lives of many separate families. I will continue to keep those families in my heart; I know they can never get their loved ones back."

Killed in the robbery were Sgt. Edward O'Grady, Officer Waverly Brown and Peter Paige, a Brink's guard. The commutation of Mr. Gilbert's sentence, like Ms. Clark's before him, outraged the law enforcement community in Rockland County.

"It's absurd," Arthur Keenan Jr., a retired detective with the Nyack Police Department, who was wounded in the shootout, said on Monday. He said Mr. Cuomo "is stabbing all of law enforcement in the back, and when I say all, I'm talking about federal, state, local—all across the whole country—because he's a traitor."

In a statement, Ed Day, the Rockland County executive, said that Mr. Cuomo, a Democrat, had "debased himself" and the office of the governor.

"As if victimizing 11 women, including members of his own staff, was not despicable enough, his commutation of the 75-years-to-life sentence of David Gilbert is a further assault on the people of Rockland and New York State," said Mr. Day, a Republican. "Andrew Cuomo continues to focus on the well-being of murderers rather than the victims of these horrible offenses."

Also among the five people whose sentences were commuted on Monday — and who, unlike Mr. Gilbert, will all be released from prison without further hearings — was Ulysses Boyd, 66, who was convicted of one count of second-degree murder, and of two counts of second-degree criminal possession of a weapon. Mr. Boyd has served 35 years of a 50-years-to-life sentence for killing Harold Bates during an encounter at a drug house in 1986.

"Times doesn't go by that I don't think of Mr. Harold Bates and his family because I still got my family," he said in a video filmed before the coronavirus outbreak. "I can still see my kids. They don't have that choice no more."

Mr. Boyd said he has an enlarged heart and chronic arthritis, and had pneumonia last year.

"When I wake up in the morning, I'm in pain," Mr. Boyd said in the video. "Basically, I'm waiting to die."

Mr. Cuomo also commuted the sentence of Gregory Mingo, 68, who had been the subject of persistent petitions and legal and public appeals disputing his conviction in the 1980 murders of James Parker and Karen Sheets. Mr. Mingo has maintained his innocence, and his case gained notice following the protests for racial justice prompted by the death of George Floyd.

In an online petition that has accumulated 144,000 signatures, Mr. Mingo's niece, Ava Nemes, wrote that he had been convicted on "thin allegations" that included no physical evidence, and that his defense lawyer had failed to present his alibi. Recently, the CUNY School of Law Defenders Clinic applied for clemency on his behalf.

Mr. Mingo has served 40 years in prison, and Ms. Nemes wrote that his incarceration shaped her life.

"Uncle Greg missed my birth, but when I was four, my parents moved to Westchester, N.Y., so we could be closer to where he was imprisoned," she said. "I've felt his absence in every milestone of my life since."

August 25th - David Gilbert needs parole letters ASAP

*****They are due September 8th.*****

All the info is at friendsofdavidgilbert.org/parole-letter-guidelines

Last week, on his final day in office, Gov. Andrew Cuomo commuted David Gilbert's sentence, making him eligible for parole. Since then, a parole hearing for David has been scheduled for later this month. The Parole Board needs to hear that there is widespread support for his immediate release.

Once again David needs your help. Personal letters to the Parole Board are the best way to show your interest in this case. Time is short. We have only one week to collect letters for the Parole Board members to grant David parole at this hearing. Letters must be submitted by 6pm on September 8th.

If you wrote a letter supporting clemency for David, thank you! Please also consider reworking the letter to urge the Parole Board to grant him parole at this upcoming hearing. Every letter helps!

See below for guidelines for the letters. Note that a hard copy of the letter must be mailed to David's counselor and a digital copy should be submitted to **friendsofdavidgilbert.org/parole**

September 2nd - David Gilbert, convicted of murder in the Brinks robbery, was rightly granted clemency

by Emma Jordan-Simpson, Matt Meyer and Ethan Vesley-Flad (*USA Today*)

We well remember the 1981 Brinks robbery and murders of two Nyack police officers and a Brinks guard that devastated our community. Former Gov. Andrew Cuomo's compassionate announcement of clemency for David Gilbert, in his last hours in office, has reopened some of these old wounds. The grief and loss experienced by the families of Sgt. Edward O'Grady, Officer Waverly Brown and Peter Page lasts to this day. We lift healing prayers for their families who have lived with this loss for so long, and the tenets of our common faiths compel us to work for the end to the violence that robbed them of their loved ones.

And we also believe that Cuomo's action, after a thorough consideration of Gilbert's record of the last 40 years in prison, was the right thing to do. For justice to be made real, we must shift our society's responses to violence from the current approaches that are proven not to work. Healing requires accountability, repair and restoration. From our interfaith-based perspective of reconciliation, we urge our brother and sister New Yorkers to embrace the spirit of forgiveness and the recognition of Gilbert's rehabilitation and remorse. We believe that will allow our community to move beyond hatred and the search for revenge.

Our country stands out globally for its extreme policies of incarceration and sentencing. Too many young people are sent to prison for too long. Once in jail, although our nation and New York State invest resources in rehabilitation programs, people are too often punished for who they were, not who they have become. We are reminded of last October's Papal Encyclical that called for rethinking social charity and justice approaches and "forgiving not forgetting." Long prison sentences are designed more for punishment and revenge than for rehabilitation and remorse. If we can move beyond the rage we feel for even the worst criminal acts, experience shows that lives can be saved, families reunited, and transformative behavior rewarded. Otherwise, the cycle of violence continues.

Gilbert, 76, is but one example. His remorse for the crime is well known. His work as an AIDS peer counselor with his fellow inmates saved lives inside and outside of prison. As an anti-violence teacher, he developed a record of encouraging younger men in prison to embrace faith and hope. Outside of prison, that work can continue, while sending the message to others inside that we, as a society, will recognize and respect real change. From our perspective — as leaders of the Fellowship of Reconciliation, an organization with long ties to Nyack and Rockland County that has been based here since the mid-1950s — we believe that Cuomo's last clemency was thoughtfully considered and well-deserved.

24 Aug - Ag-Gag Laws Suppressing Whistleblowers Experience Defeat As Iowa Expands Law To Target Video Recording

Laws intended to suppress journalism, whistleblowing, and speech on the food and agriculture industry continue to experience defeats in the United States court system.

MORE:

by Kevin Gosztola (*Shadowproof*)

Known as “ag-gag” laws, the Tenth Circuit Court Of Appeals ruled against the ag-gag law in Kansas, which became the first state to pass such a law in 1990.

The Eighth Circuit Court of Appeals ruled on August 9 that a coalition of organizations proved they could be targeted by the ag-gag law in Arkansas and may proceed with their lawsuit. It also ruled on August 10 that Iowa’s 2012 ag-gag law was partly unconstitutional.

In all three states, the Animal Legal Defense Fund (ALDF) was one of the plaintiffs challenging the manner in which these laws threaten freedom of speech under the First Amendment.

“Kansas has hindered the ability of whistleblowers to expose inhumane conditions associated with factory farms for more than three decades while infringing on First Amendment rights,” ALDF executive director Stephen Wells declared. “The Tenth Circuit’s decision is a victory for animals throughout the state, who are forced into industrial animal agriculture and suffer in secret behind closed doors.”

According to ALDF, “Kansas is a major agricultural producer with the third-most cows of any state, and until being struck down, its ag-gag law had successfully prevented whistleblowers from investigating the conditions that millions of pigs, cows, and chickens endure.”

The defense fund maintains it will be criminalized by ag-gag laws because the organization plants investigators as employees of animal facilities. As the Tenth Circuit summarized, once employed the investigators document animal abuse and then publicize the evidence.

“Because investigators would be willing to lie about their association with ALDF, ALDF fears its investigators would run afoul of the [law].”

“Kansas may not discriminate between speakers based on the unrelated issue of whether they intend to harm or help the enterprise,” the Tenth Circuit stated. “But that is the effect, and stated purpose, of the provisions at issue.”

The Tenth Circuit acknowledged the ag-gag law in Kansas punishes entry to facilities with the “intent to the tell the truth on a matter of public concern.”

‘A Tool That Can Be Used’ Against Animal Rights Activists

When the law passed in Kansas in 2012, it was openly hostile toward ALDF. “In some states, animal rights activists with an anti-agriculture agenda have lied on job applications in order to gain access to farms or ranches and take undercover video, some of which is believed to be staged. This amendment is a tool that can be used against people using fraud to gain access to farms.”

“This confirms what the text of the law alone demonstrates: the act places pro-animal facility viewpoints above anti-animal facility viewpoints,” the Tenth Circuit added, which is viewpoint discrimination that violates the First Amendment.

The Eighth Circuit’s decision on the Iowa ag-gag law was less of a victory. It found nothing unconstitutional about prohibiting the accessing of agricultural production facilities through “false pretenses.” However, it rejected the employment provision because it allows for the prosecution of individuals, even if those false statements do not influence an offer of employment.

The majority suggested Iowa could “fix” the law by targeting “false statements that are material to a hiring decision.” (It’s unclear if that would be supported by ALDF and other plaintiff organizations.)

In Arkansas, ALDF, along with Animal Equality, the Center for Biological Diversity, and the Food Chain Workers Alliance, sued Peco Foods, Inc. and Jonathan and DeAnn Vaught, a member of the Arkansas House of Representatives who is part of Arkansas Farm Bureau, Arkansas Cattlemen’s Association, and Arkansas Pork Producers.

The groups allege that they plan to investigate Peco Foods’ chicken slaughterhouse and the Vaughts’ pig farm, but they cannot do so without facing criminalization under Arkansas’ ag-gag law, which allows civil suits to target undercover investigators who may seek employment. It also permits the criminalization of anyone who collects information “by personal observation or use of unattended recording devices.”

DeAnn Vaught apparently sponsored the legislation, and the plaintiffs believe this stemmed from a desire to conceal the conditions for animals on their farm. They additionally maintain that Peco Foods uses a “high-speed slaughter” line at their facilities, as well as a “live hang” method for slaughtering the animals.

The Eighth Circuit examined ALDF’s allegations related to what would happen to them under the ag-gag law if they investigated Peco Foods or the Vaughts’ farm and determined their “fear of enforcement” was “objectively reasonable.”

Their lawsuit will return to the lower court and challenge the constitutionality of the law.

Iowa Makes Audio Or Video Recording A ‘Trespassing’ Crime

Iowa lawmakers recently escalated their attacks on journalism or whistleblowing around animal abuse in the food industry, passing a law that explicitly designates audio or video recording as “trespassing” crimes.

ALDF argues “the law threatens increased penalties for recording even in public places and locations advocates have long used for public advocacy, such as in open areas of legislators’ offices and parts of businesses in which other members of the public regularly come and go.”

“After repeated attempts by the state of Iowa to thwart animal advocates’ efforts to document the inhumane treatment of animals on factory farms, the legislature has enacted a new and broader law that deceptively impacts a broad range of industries while still maintaining its original — and unconstitutional — purpose of suppressing speech about industrial agriculture,” according to Wells.

ALDF and others in a coalition of groups filed a fresh lawsuit in Iowa on August 10.

Each expansion of measures aimed at suppressing journalism, whistleblowing, and speech around animal abuse serves agribusinesses and their lobbyists who are threatened by transparency and accountability. It also defies federal courts throughout the country, which continue to strike down these laws.

Laws were found unconstitutional in Idaho, North Carolina, Wyoming, & Utah. North Carolina appealed.

Though Judge Leonard Gras, who is part of the Eighth Circuit, backed the decision that upheld part of the Iowa ag-gag law, he commented, "At a time in history when a cloud of censorship appears to be descending, along with palpable public fear of being 'canceled' for holding 'incorrect' views, it concerns me to see a new category of speech which the government can punish through criminal prosecution."

Most of the lawmakers, who back these laws that protect agribusiness interests by criminalizing speech, are the same elected politicians constantly prattling on about "cancel culture."

"Ultimately, the Supreme Court will have to determine if such laws can be sustained or if they infringe upon the 'breathing room' necessary to effectuate the promise of the First Amendment," Gras concluded.

24 Aug - Black police groups call for ex-Black Panther to be released

A coalition of current and retired Black police officers is calling for the release on parole of Sundiata Acoli, a former Black Panther member who has been incarcerated for 48 years.

MORE:

by Ed Pilkington (*The Guardian*)

Four Black law enforcement groups have joined forces to press the case for Acoli's parole almost half a century after he was arrested. In an amicus brief filed with the New Jersey supreme court, they call his continued imprisonment "an affront to racial justice" and accuse the parole board of violating the law by repeatedly refusing to set the prisoner free.

"Mr Acoli has spent more than half of his life in prison cells the size of a parking space, including nearly 20 years as a senior citizen ... He should be granted parole," the groups write.

Acoli is one of at least 11 former members of the Black Panther Party and its armed wing, the Black Liberation Army, who are still in prison for acts of violence committed largely in the late 1960s and 1970s. Many of the prisoners are approaching their half-century behind bars.

At 84, Acoli is the oldest of the former Black radicals still languishing in prison. He contracted Covid-19 last year from his cell in FCI Cumberland in Maryland, and is suffering from physical and mental impairments including gradual deterioration of his memory.

In a written communication with the *Guardian*, Acoli said that he was struggling with chronic degeneration of his hearing, eyesight, and mental and muscular capacity yet was receiving "little or no medical treatment" in prison.

"I am an 84-year-old man who's been imprisoned since age 36 for almost 50 years, who now poses a threat not even to a flea, let alone public safety," he said.

Acoli added: "My sentence is obviously too long. I am disintegrating before my family and friends' eyes."

When asked about the amicus brief, Acoli said: "The Black associations are simply expressing their opinion on what everyone already knows: that it's time, actually past time, that I should be released."

The intervention of the Black groups underscores a rift within police officer organizations. Powerful white-dominated law enforcement associations have been at the forefront of the battle to keep former Black Panthers incarcerated for decades.

In Acoli's case, the New Jersey State Troopers Fraternal Association has called for him to remain "locked up and away from civil society for the rest of his life".

Acoli, who was born Clark Edward Squire, was given a life sentence in 1974 for the murder of New Jersey state trooper Werner Foerster the previous year. Acoli had been driving along the New Jersey Turnpike together with two other members of the Black Liberation Army, Assata Shakur (born JoAnne Chesimard) and Zayd Malik Shakur (James Costan) when they were stopped by a state trooper, James Harper, over a defective taillight.

In the ensuing melee, shots were fired. Foerster was struck and died, and Zayd Malik Shakur was also killed. Harper was wounded, and both Acoli and Assata Shakur were arrested after a police chase.

Shakur escaped and fled to Cuba, where she was granted asylum by the Cuban government. In 2013 she became the first woman to be put on the FBI's "most wanted terrorists" list, and at age 74 she faces a \$2m reward for information leading to her capture.

In the amicus brief, the four Black police officer groups make powerful arguments against Acoli's continuing imprisonment. They point out that New Jersey has the greatest disparity in the nation between the incarceration rate of Black and white people – a gap of 12 to 1, according to the state's Criminal Sentencing and Disposition Commission.

Almost two thirds of New Jersey prisoners serving life sentences are Black.

They also point out that prisoners on life sentences, like Acoli, tend to have the lowest recidivism rate of all classes of prisoner – and the rate falls further with age. Yet over the past 40 years the rate of prisoners granted release by the New Jersey parole board has plummeted – from 42% in the 1980s to just 7% between 2012 and 2019.

The Black groups accuse the parole board of obsessively focusing on whether Acoli has changed his radical political views rather than on the only issue they are required to consider – whether he poses a threat to the public should he be freed. The amicus brief says the board's approach amounts to "extralegal punishment".

Acoli first came up for parole in 1993, and on that occasion was not only denied but told he would have to wait another 20 years before he could reapply to the board. In 2014 he came close to walking free when a three-judge panel of the state appeals court ordered his release on grounds he posed no threat at all – only to have that ruling overturned by the state supreme court.

After a further round of parole board and court hearings, he is now appealing again to the New Jersey supreme court, which is expected to consider the case later this year or early next.

The four groups that have jointly written the amicus brief are: the National Association of Blacks in Criminal Justice, Blacks in Law Enforcement of America, the Black Police Experience and the Grand Council of Guardians.

Ronald Hampton, who served for 24 years as a police officer in Washington DC and who is now with Blacks in Law Enforcement of America, said that prolonged prison terms for the former Black Panthers highlighted racial distortions in the criminal justice system. "These long sentences are absurd. The system is meant to rehabilitate – prisoners who complete their sentences should be sent home, but that hasn't worked for Black folks."

24 Aug - Patrick O' Neill released to halfway house

Another of the Kings Bay Plowshares 7 has been released to a halfway house!

MORE:

The anti-nuclear activist from NC has been in federal prison since January and is sitting in a cafe with his wife Mary and some family friends who live nearby and a friend from NC. He could be heard laughing.

He has been given 10 hours from the prison door to report to a halfway house in Raleigh 550 mi away. He is scheduled to be there until November 19. He's been denied permission to attend Holy Mass on Sundays.

Patrick wrote yesterday that he expects to have PTSD from his experience in one extremely loud room with 115 men since January and then 35 days in pre-release isolation with 30 other men and 27 loudspeakers blaring announcements that reverberate against the walls.

But right now he is laughing and eating Breyers chocolate chip ice cream, homemade chocolate chip cookies, grape juice and coffee. "We are getting ready to eat asparagus and mashed potatoes!" Mary texted.

25 Aug - It's time to free Black revolutionaries from US prisons

Since 1979, the Black August holiday has honored Black freedom fighters. Today, we can celebrate the occasion by demanding the release of prisoners.

MORE:

by Akin Olla (*The Guardian*)

While the rise of the Black Lives Matter movement has increased the profile of holidays like Juneteenth and Black History Month, there is one important Black celebration that remains at the margins of American popular consciousness. Black August is a month-long commemoration dedicated to freedom fighters lost in the struggle for Black liberation, particularly those killed by US authorities or who perished behind bars.

Celebrants of Black August view crimes committed by some of these revolutionaries as acts of war against a system already at war with them. With the release of movies like Shaka King's biopic of the assassinated Black Panther Party leader Fred Hampton and data showing that a large number of Americans now see individual acts of police violence as part of a larger racist system, the politics and culture behind Black August are becoming increasingly mainstream. If new generations of Americans can understand the war that was waged against Black radicals, and against Black Americans as a whole, they should honor Black August by demanding the release of the radicals still incarcerated in a racist system.

Black radicals within the California prison system created Black August in 1979. While it partly commemorates events like Nat Turner's 1831 rebellion against slavery and the beginning of the Haitian Revolution, it primarily honors the legacies of Black freedom fighters who were imprisoned or killed in the 20th century while working toward revolution in the United States.

On 1 August 1978, Jeffrey Khataru Gauden, a Black radical imprisoned since 1967 for assault with a deadly weapon, was seriously injured during a football game at San Quentin state prison. The prison staff

did not provide fast enough emergency care, and Gaulden died what witnesses considered a preventable death. His death was the immediate impetus for the creation of Black August, but the tradition was also created to celebrate other 1970s Black radicals such as the Jackson brothers.

The elder Jackson brother, George Jackson, was a Marxist-Leninist theorist and organizer who was killed by guards while leading a prison uprising. The younger Jackson, Jonathan Jackson, was shot and killed while trying to kidnap a judge and prosecutor from a California courthouse. Other revolutionaries that Black August sought to honor included WL Nolen, a comrade of George Jackson who was killed by guards after getting caught in a prison fight between Black leftists and neo-Nazis. Two other Black men were also shot and killed in the same incident.

Mama Ayanna Mashama, a founding member of the Black August Organizing Committee, explained how participants observed the first Black August:

... the brothers did not listen to the radio or watch television, additionally, they didn't eat or drink anything from sun-up to sundown; and loud and boastful behavior was not allowed ...

Today the tradition – spread by one of Mashama's other organizations, the Malcolm X Grassroots Movement – is celebrated inside and outside prisons. Observants engage in reflection, political education, physical exercise and other means of sharpening their bodies and minds to honor the work done by those who came before them. But Black August is also a time to escalate the fight to release inmates who many activists and organizers consider political prisoners.

Mumia Abu Jamal, often just called Mumia, is one of the best-known Black political prisoners in the United States, but far from the last still behind bars. Mumia is a journalist and former Black Panther convicted of the murder of a Philadelphia police officer in 1981. The evidence and witness testimonies against him have long been disputed, and an international movement has sprung up in his defense. The movement challenged his initial death sentence and continues to fight for an end to his current life sentence. Many organizations, like the Coalition to Abolish Death by Incarceration, view the life sentences of Mumia and other imprisoned radicals as long, drawn-out, deliberately cruel de facto death sentences.

Russell "Maroon" Shoatz, another former Black Panther, was sentenced to life imprisonment in 1972 after being convicted of murdering a police officer. He spent 22 years of his imprisonment in solitary confinement, sitting in a small cell for 23 hours a day, with lights shining above him at all times.

A third former Panther, Albert Woodfox, was released in 2016 from a Louisiana prison after spending 43 years in solitary confinement. While these punishments may seem just for the alleged crimes, casting judgment on them without reflecting on the context in which the prisoners were incarcerated would do a disservice to reality itself.

It is easy for Americans to understand and support Black revolutionaries in other contexts, whether foreign or cinematic. Nelson Mandela, for example, is revered by many Americans. Yet Mandela was hardly different from his American counterparts. He co-founded uMkhonto we Sizwe (Spear of the Nation), an armed group that engaged in bombing campaigns and targeted attacks across South Africa, killing dozens of police, soldiers and civilians in the process. Despite the efforts of the US government, which tried to prop up the apartheid government of South Africa for much of its history, most Americans now understand that the regime was indefensibly premised on segregation and racial violence.

How difficult is it to understand the same for the US for most if not all of the 20th century? George Jackson witnessed the murder of his friend by prison guards for the crime of fighting white supremacists. Mumia had long been targeted by Philadelphia police for his reporting on Move, a Black leftist organization with a

compound in the city. A few years after Mumia's arrest the Philadelphia police dropped explosives on the Move home, killing 11 people, five of them children. The Black Panther Party was harassed, infiltrated and attacked, and law enforcement agents murdered an early Panther leader, 19-year-old Fred Hampton, as he slept in his bed.

These imprisoned leaders were striving to build a better society for their people at a time when their friends and compatriots were being murdered in their homes. And it is inhuman to let former radicals who are now elderly and sick die behind bars so many decades after they were initially convicted.

Yet this is not an issue solely for Black elders; a new generation of Black political prisoners, such as Joshua Williams, languish in prison cells for the crime of engaging in resistance against the modern state of mass incarceration and police violence, a system that allowed police officers to evade responsibility for killing 12-year-old Tamir Rice in a park, and seven-year-old Aiyana Stanley-Jones while she slept in bed. Williams, arrested at 18, received an eight-year prison sentence for setting fires in and around a convenience store while protesting against the death of Antonio Martin, an armed 18-year-old Black man killed by a Missouri police officer a few months after Williams protested against the killing of Mike Brown by another Missouri police officer.

In the same way mainstream America has tended to embrace Black art while rejecting Black people, mainstream American culture has belatedly embraced the iconography and achievements of Black radicals while leaving them to die. As Levi's celebrates Black Power with a line of jean jackets, Democrats mimic a style popularized by Black radicals, and Beyoncé's Black Panther-themed Super Bowl still lingers in the public imagination, we must face the truth.

Black radicals have helped clarify the reality of the systemic and direct violence of the American state, and for that clarity, the nation owes the likes of Sundiata Acoli, Joseph Brown, Veronza Bowers, Mutulu Shakur, Imam Jamil Abdullah Al-Amin, Ed Poindexter, Fred Burton and many others their freedom.

30 Aug - Support Jessica Reznicek

In 2016, Jessica took action to stop the construction of the Dakota Access Pipeline but dismantling machinery as well as pipeline valves.

MORE:

via *Unoffensive Animal*

In 2021 she was sentenced to eight years in prison, aided by the application of a terrorism enhancement to her action to save the water and show solidarity with indigenous communities. Without that terrorism enhancement, she would've served three years instead. She has also been asked for restitution of \$3,198,512.70 paid to Energy Transfer LLC.

She reported to prison on August 11th and she could do with letters of support and love. She likes nature, camping, swimming, hiking, theology, music, gardening, laughter and eco-sustainability. Keep up to date with her case and with all other ways to support her whilst incarcerated on the support website: supportjessicareznicek.com

3 Sept - Fundraiser for Giant Mumia Abu-Jamal Puppet Commission

Jacqueline Wade has designed an 18' puppet in support of Mumia and to bring it to as many protests as possible, supporters are raising funds.

MORE:

Puppets change the world. They help to bring about love, understanding, compassion, transformation, and support. Your support is very important. We want to bring the giant 18ft Mumia puppet that Jacqueline Wade, designed, sculpted and was lead builder on, to as many events as possible. This is in support of political prisoner Mumia Abu Jamal. However, we need your help. We would like you to support the fundraising for the giant Mumia puppet by making a donation and helping to spread the word. Any amount donated, big or small, is highly appreciated. Please go to the gofundme.com/f/fundraising-for-giant-mumia-puppet

6 Sept - From One to Another

We are grateful to include a recent letter sent to NYC ABC by Virgin Islands III political prisoner Malik Smith, in support of Sundiata Acoli.

MORE:

To NYC ABC

I want to honor and pay tribute to all the PP/POW's who are still in prison now seeking their release. I want to particularly address the article written by Rev. Lukata Mjumbe in the June 28, 2021 [NYC ABC] newsletter entitled "It's Time to Release Sundiata Acoli," because I know Sundiata personally and have had the opportunity to learn a lot from him while serving time with him at Allenwood Federal Penitentiary in Pennsylvania during late 1994 to early 1996. Though I am also going through similar treatments as Sundiata, being locked up over 48 years myself, it grieves my heart to read year after year how Sundiata has been denied his release from imprisonment even now at 84 years of age. I mean even after "He has expressed deep remorse and regret and has taken full responsibility for his actions that fateful night almost 50 years ago," and I know for a fact that he lived an upright honest life in prison, so what makes him ineligible to get his release, when government and public officials always talking about education is the key to success and religious preachers say, "The truth shall set you free." So Sundiata has fulfilled those requirements and still he is not granted what he deserves. What about all the love and forgiveness government officials always preaching? Like I said, I am also experiencing similar treatments and I have some health problems myself, but I am just 70 years of age, so at 84 Sundiata's release is warranted now. RELEASE SUNDIATA ACOLI NOW. It's really good to see the support he is getting and I pray he gets out soon. Jaan Lamaan and Kazi Toure, a shout out to both of you personally also. Sundiata, remember no matter what, never give up or surrender. Much thanks to all those who are supporting Sundiata.

Your friend and comrade,
Field Marshall-Malik (V-I-3)

P.S. I have been imprisoned since September 7, 1972 and I have never been given a parole hearing in all that time, so I truly understand how they dealing with Sundiata.

11 Sept - RAPP BBQ!

WHAT: Barbecue

WHEN: 1:00pm, Saturday, September 11th

WHERE: Riverside Park (at 151st street and Riverside Drive)

COST: FREE!

MORE:

In case you missed it, the New York State Legislature reconvened this week for a special session to primarily extend the eviction moratorium. We joined them in Albany to add that the crisis of aging and death in New York State prisons also needs to be addressed through passing Elder Parole and Fair &

Timely Parole. Help us share the press we received from it using this social media guide:
tiny.cc/RAPP_Guide

To celebrate our collective work to free our elders and pass parole justice this year, we are hosting the RAPP BBQ. The BBQ will be potluck style so bring a dish and a friend! We'll supply some friends and dishes too. We look forward to seeing you there!

12 Sept - Running Down the Walls!

PLEASE DONATE AND SIGN UP TODAY: paypal.me/nycabc | venmo.com/nycabc

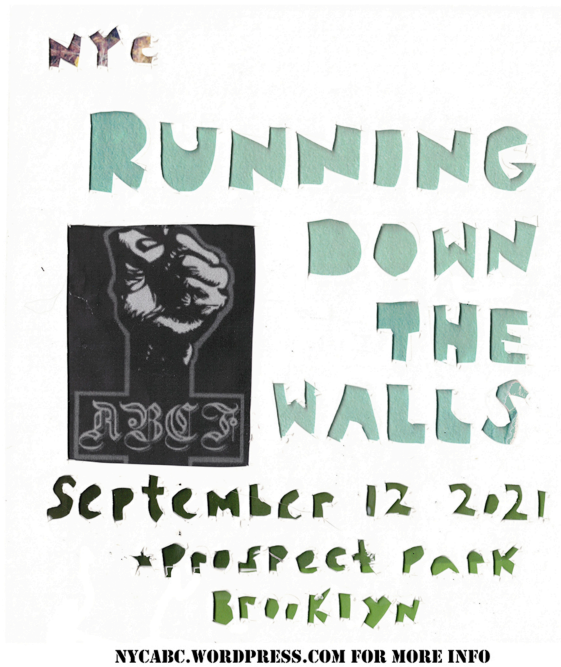
MORE:

WHAT: Running Down the Walls – 5k Run/Walk/Jog/Bike/Hang

WHEN: 2:00-7:00pm, Sunday, September 12th, 2021

WHERE: Prospect Park– Lincoln Road/East Lake Drive, east of the Terrace Bridge (see the below map for exact location)

COST: \$10 registration (if COVID permits, will include food/drink afterwards. TBD)



We're excited to announce Running Down the Walls 2021, COVID permitting. After making the difficult decision to not hold last year's event in person, we are very much looking forward to gathering as a community for the first time in a long time. Please stay tuned to our website, sign up for our newsletter, and follow us on tweeter (@nycabc) for updates.

Every year, prisoners and supporters of political prisoners organize solidarity events with Running Down the Walls. In previous years, we've had runs in Albuquerque (NM), Arcata (CA), Ashland (OR), Bellefonte (PA), Boston (MA), Buffalo (NY), Chico (CA), Denver (CO), Elmore (AL), Inez (KY), Los Angeles (CA), Marion (IL), Minneapolis (MN) New York (NY), USP Navosta (TX), Pelican Bay (CA), Phoenix (AZ), Tucson (AZ), Seattle (WA), and Toronto, Ontario. This year we hope to expand the amount of runs in prisons and other cities, as well as increase the amount of

funds raised for community projects. NYC ABC's goal with this year's run is \$4,000. You can donate online by going to paypal.me/nycabc or venmo: @nycabc

This year's run will take place on Sunday, September 12th, 2021 at 2:00 pm in solidarity and conjunction with runs that will take place in cities and prison yards across the country at the same time.

REGISTER AS, OR SPONSOR, A PARTICIPANT

To raise our goal of \$4,000, we need your support:

- * Promote – print and distribute flyers to friends and local businesses, your doctor's office, laundromat, food co-op, wealthy benefactor, et cetera.

- * Run/walk/bike/roll in the 5k – We need participants who can run/walk/bike/roll the 5k and are able to collect financial pledges to offer as donations to the run. Download the brochure, complete with registration and sponsor form right at tiny.cc/RDTW21_Form

* Volunteer for the run – We need folks who are willing to hand out water, bike the route as street medics, and help chalk the route beforehand.
* Donate online at [paypal.me/nycabc](https://www.paypal.me/nycabc); venmo @nycabc
* Donate to the run/sponsor a participant – If you are not able to attend, but want to support this fundraising effort, please mail donations to:
NYC ABC
Post Office Box 110034
Brooklyn, New York 11211

Your donation of \$10 or more entitles you to the celebratory picnic after the event.

Each year, we split proceeds between the Anarchist Black Cross Federation's Warchest Program and a local organization. This year, local funds are going to recently released New York state political prisoners.

The Warchest Program:

The Anarchist Black Cross Federation (ABCF) has initiated a program designed to send monthly checks to those Political Prisoners and Prisoners of War who have been receiving insufficient, little, or no financial support during their imprisonment. The Warchest program was initiated in November 1994. Its purpose is to collect monthly funds from groups and individual supporters, and send that money to Political Prisoners and Prisoners of War (PP/POW) via monthly checks. Over the last twenty five years, the ABCF warchest has dispensed over \$100,000 to political prisoners in the United States. Currently, there are 18 imprisoned comrades who receive a monthly stipend as part of the program; they are Abdul Azeez, David Gilbert, Doug Wright, Ed Poindexter, Eric King, Hanif Bey, Jamil Al-Amin, Joseph Bowen, Kamau Sadiki, Leonard Peltier, Malik Smith, Mutulu Shakur, Oso Blanco, Ronald Reed, Ruchell Magee, Sundiata Acoli, Veronza Bowers, and Xinachtli (FKA Alvaro Luna Hernandez). For more information, visit: abcf.net/warchest-program

We will be starting just inside Prospect Park, near Lincoln Road and Ocean avenue (map at event link above).

From the Q train, get off at the Prospect Park stop. Walk to Lincoln Road and turn right into the park. We'll be about 700 feet away.

The event will be one lap around what is known as the Main Loop, and will total five kilometers.

18 Sept - PP Letter writing event with Certain Days and Jericho NYC

WHAT: Political Prisoner Letter Writing Event

WHEN: 2:00pm, Saturday, September 18th

WHERE: The People's Forum, 320 West 37th Street (between 8th & 9th Avenues)

COST: FREE

MORE:

If possible, can you invite nyc people to this event using the facebook event invite feature. This is how you do that: facebook.com/help/mobile-basic/213851145302199 and the event page is at facebook.com/events/345049243870565

Join NYC Jericho and the Certain Days collective in writing political prisoners at this free event. We will be giving short presentations and writing political prisoners: Leonard Peltier, Sundiata Acoli, Jessica Reznicek and Xinachtli. Materials will be provided. Contact: nycjericho@gmail.com info@certaindays.org