



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for September 8th

11 Aug - Am I Allowed to Breathe?

The appearance of the following poem in Hard Crackers, a journal of examining ordinary people striving to improve the world.

MORE:

Am I allowed to breathe?
Is that a punishable offense?
Am I allowed to feel
Is that a shot?
Are my thoughts read
like my letters
scanned and stored
to be used against me later
My dreams dissected and distorted
Tearing apart the meanings
Digging for something
anything
Does my firing neuron
Have sinister intentions
Yes...

August 29th - Brief update

Lawyers from the Civil Liberties Defense Center (CLDC) in Eugene, Oregon entered an appearance in Eric's case last week and will be aiding in his representation and defense. They are working up a federal civil rights lawsuit on his behalf regarding cruel & unusual conditions of confinement and failure to follow the laws and procedures of the Bureau of Prisons (BOP). More updates soon!

22 Aug - 'People Are Still Putting Their Bodies on the Line to Stop this Pipeline'

A court found that the Dakota Access Pipeline was built unlawfully. These water protectors are still in prison for trying to stop it.

MORE:

by Joseph Bullington (*In These Times*)

Michael Markus, known as Rattler, had mixed emotions when he heard the news. A federal judge had ruled that the Dakota Access Pipeline was built unlawfully and ordered the pipeline to stop pumping oil pending an in-depth environmental review.

"We have, and are, going through a lot, but this would heal," Markus wrote to Rural America *In These Times*. At the same time, he wrote, "it's hard not to be heart-broken." Markus sent the message from Sandstone federal prison in Minnesota, where he is serving a three-year sentence for trying to stop the pipeline from being built in the first place.

Markus, who is Oglala Lakota, grew up on the Pine Ridge Reservation. He served in the U.S. Marine Corps and saw combat. In 2016, when the NoDAPL movement gained momentum and resistance camps formed near the Standing Rock Reservation, he made supply runs to the camps. When pipeline security guards unleashed attack dogs against water protectors in early September of that year, Markus moved into the camps to stay.

“Well I have been around a few years... lol, and I have been on a search to where I belong and what I need to be doing,” Markus wrote. “When I first went to camp I knew that I have found where I need to be and what I need to be doing.” He took on the traditional Lakota role of *akicita*, which in camp meant keeping the peace between water protectors and on the front lines meant watching “for infiltrators and instigators to protect people from getting hurt.”

In February 2017, as the pipeline neared completion and police prepared to clear the main Oceti Sakowin camp, Markus was one of a handful of people, all Native, hit with federal felony charges for crimes allegedly committed more than three months earlier. Markus was charged with Civil Disorder and Use of Fire to Commit a Federal Felony Offense, a charge that carries a mandatory minimum 10-year prison sentence. In 2018, he accepted a non-cooperating plea agreement in part because, as he wrote in to *RAITT*, “we were told we would not get a fair trial right from the get go.” In exchange for a guilty plea to the Civil Disorder charge, the prosecution agreed to drop the Use of Fire charge and recommend a 36-month sentence.

This experience left Markus skeptical the court system can deliver justice. “I don’t think it will be stopped [immediately],” he wrote in his mid-July message of the pipeline and the court order to shut it down. “Because these people have so much money that they can pay the pocket change fines and keep making millions.”

His words turned out to be prescient: Energy Transfer LP, the company behind the pipeline, challenged the ruling and on Aug. 5 a federal appeals court paused the shutdown order. The pipeline will continue to operate while the environmental review is conducted, pumping half a million barrels of oil per day out of North Dakota’s Bakken formation and under Lake Oahe on the Missouri River, just upstream from the Standing Rock Lakota (Sioux) reservation.

Meanwhile, Markus remains in prison—an increasingly dangerous place to be as the pandemic rages on. Covid-19 outbreaks have already swept through many prisons and detention centers and a recent report revealed that U.S. Marshalls are shipping Covid-positive inmates all over the federal Bureau of Prisons (BOP) system. As of this writing, Sandstone prison had three confirmed cases.

According to Olive Bias, a member of the NoDAPL Political Prisoner Support Committee, Markus has filed a request for release to home confinement, as provided for in the CARES Act in response to Covid-19, but has so far been denied release. A group called Loved Ones of Indigenous Federal Prisoners, which grew out of an effort by the Bismarck-Mandan Unitarian Universalist Church to support incarcerated water protectors, has petitioned for the immediate release of all federal prisoners with less than one year remaining in their sentences regardless of their offense, among other demands.

Bias, who uses they pronouns, says the BOP’s response to Covid-19 has “pretty much been to be puni-tive.” When the pandemic hit, Bias says, the BOP started putting prisons on lockdown. They read me Markus’s account of what that means on the inside: “Prisoners cannot leave their bunks. Guards designate shower time and potentially even bathroom breaks. No ceremony, no rec time ... no TV room, no exercise.” Bias also read me a later report from Markus: “While being on lockdown we have no social distancing.... There are 62 men sharing three toilets, one urinal, three showers and five sinks.... We are a tinder box waiting for a spark and the guards are the spark.”

Bias works on Markus’s case as a para-legal but, like him, has little faith in the courts—in either their ability to keep prisoners safe from Covid-19 or to stop the pipeline.

“He’s going to stay in lock up for a pipeline we’ve been saying for over four years is illegal,” Bias says. “It’s a prime example of how deadly bureaucracy can be.”

When they first heard that the court had ruled the pipeline’s construction unlawful, Bias says, “I was happy, but it was like ‘What else is new?’ This is some more paper-pushing stuff.”

To Bias, “paper-pushing” was never going to be enough to stop the pipeline. “That’s why we went out and put our bodies on the line,” Bias says. “We didn’t need the courts to tell us that what we were doing was right.”

Bias grew up in Chemical Valley, West Virginia, where they learned that there is no guarantee of clean rivers or safe drinking water—a truth to which many of us in the West are dangerously naïve. In 2014, as Evan Osnos recounts in his *New Yorker* article “Chemical Valley,” a storage tank spilled industrial coal mining chemicals into the Elk River upstream from the largest water-treatment plant in the state, poisoning the drinking water of some 300,000 people. That one plant served 16% of West Virginia’s population, Osnos writes, in part “because coal mining has reduced the availability and quality of other water sources, prompting West Virginians to board up their wells and tap into the public system.”

These lessons brought Bias, in 2016, to North Dakota to join the Lakota-led water protectors fighting DAPL.

“It’s what I do with my life because I had to grow up with family members who were sick because of extractive industry,” Bias says.

Bias lived in the anti-pipeline camps for five months and got seven state misdemeanor charges of their own. Bias has been dealing with the general legal aftermath of Standing Rock ever since, fighting their own charges and supporting the federal felony defendants.

As people celebrate the court ruling against the pipeline, Bias wants to remind them that the physical part of the struggle is not over.

“We’re still fighting this pipeline, because we still have people incarcerated for the work we did in camp,” Bias says. “People have got to recognize that people are still putting their bodies on the line in prison to stop this pipeline.”

All the federal felony charges stem from Oct. 27, 2016.

In late October, as pipeline construction approached the Missouri River from the west, many pipeline opponents moved a mile north from the main Oceti Sakowin and Sacred Stone camps and set up a front-line camp, where they erected teepees and tents directly in the pipeline’s path.

On “myth vs. fact” webpages, the pipeline company and state police assert that the pipeline does not cross tribal land. This is a deceitful oversimplification. The frontline camp was sited on land that the pipeline company had purchased in September 2016. As the water protectors pointed out, however, the land had been reserved for the Lakota under the 1851 and 1868 Fort Laramie treaties.

In the 1860s, Markus’s ancestor, the Oglala chief Red Cloud, led the Lakota in a war to stop white miners and settlers from moving through their land as reserved by the 1851 treaty. In 1868 the U.S. government capitulated and agreed to remove the forts along the Bozeman Trail. Only then did Red Cloud ride into Fort Laramie and sign the 1868 treaty, which closed the trail to white settlers and established the Great Sioux

Reservation, a vast tract of land that comprised the entire western half of present-day South Dakota. The treaty also defined a massive “unceded Indian Territory,” which “no white person ... shall be permitted to settle upon” or “without the consent of the Indians ... to pass through....” The unceded territory contained large swaths of present-day Nebraska, Wyoming, Montana and North Dakota—including the land south of the Heart River and north of the Cannonball River where, in October 2016, the water protectors were camped in the path of the DAPL.

At around noon on October 27, a hundreds-strong militarized police force approached that camp along Highway 1806 with plans to evict the Lakota and their allies—for trespassing. The force was heavily armored and armed with batons, bean-bag shotguns, pepper spray and assault rifles, and supported by military humvees, snipers, armored personnel carriers mounted with LRADs (Long Range Acoustic Devices), and a surveillance helicopter. To the west, Dakota Access construction equipment and personnel could be seen at work on the pipeline route.

“We planned on sitting in a prayer circle around the camp,” says Bias, who was at the treaty camp that day. “But that’s not how it turned out.” When they saw the level of force aimed their way, Bias says, the group decided they couldn’t just let the police march into camp. Pipeline opponents constructed barricades from logs, tires, pallets, and disabled vehicles. “We needed time to either get our people out or get more people up here,” Bias says.

As police advanced down Highway 1806, blaring the LRAD, the water protectors set the barricades on fire. Miles away to the west, police traveling on County Road 134, where Bias says Markus was serving as police liaison, also encountered a water protector roadblock. That barricade, too, was set ablaze in an attempt to slow the police advance and prevent them from flanking the 1806 roadblock and entering the camp.

As Bias notes, almost all the federal charges relate to the barricades being set on fire.

By night time, the camp had fallen and many people had been injured. Police had arrested more than 140 people and driven the others south along Highway 1806 as far as Backwater Bridge. There, using the narrow bridge as a strategic choke-point, they established a roadblock. Security forces set up a line of floodlights, razor wire, and surveillance points that stretched for miles along the pipeline route—a militarized buffer zone that, for months afterward, made it nearly impossible for water protectors to reach the construction site.

In the days since, as national attention has turned elsewhere, Markus has paid more than most in the battle to stop the pipeline.

“What else is there to understand about being locked up for doing what is right?” he wrote in the message from Sandstone. “I wish I was out there with the people fighting the good fight. But I have been told in a way I am still helping. I don’t always see it but that’s because I’m a frontliner. I just want people to know that if you do go to jail for fighting for future generations, stand tall and be proud that you are on the right side. Don’t be afraid to take the necessary steps.”

23 Aug - Prisoners at “Prison Nursing Home” Say They Can’t Access Medical Care

Governor’s Cuomo’s prison “nursing home” is essentially be used as a warehouse to send older prisoners to die. That’s not hyperbole.

MORE:

by Gwynne Hogan (WNYC)

An 80-year-old man, suffering from osteoporosis, ordered to do manual labor. A 63-year-old with AIDS deprived of a routine blood test. A 64-year-old with chronic lung disease unable to see a doctor.

These are some of the stories from men incarcerated at the Adirondack Correctional Facility, a prison in Ray Brook, New York, just south of the Canadian border. Nearly 100 inmates over the age of 60 were hastily transferred there in June, as COVID-19 was spreading through downstate prisons.

But now some of them say they're denied basic medical care and fear succumbing to treatable conditions.

"We're in a room by ourselves so naturally that would be more protection. But if we're not gonna get the proper medical attention, I'm gonna die of something else," said 80-year-old Claude Holland, who said he has osteoporosis and arthritis. He was told by his previous doctor at Otisville Correctional Facility that he'd need surgery to alleviate the pain. "It's like they sent us to just fade away and die."

In addition to being in chronic pain, Holland told WNYC/*Gothamist* that medical staff at Adirondack didn't approve him to be "medically unassigned," meaning he's expected to do manual labor, like mopping and sweeping around the facility, which he described as "porter's work."

"I refuse," said Holland, who has been in state custody since 1977 for his involvement in the murder of an off-duty police officer during a robbery. Two men Holland knew were convicted in the killing, and while prosecutors said Holland was in the getaway car, he still maintains he was at work at the time. "But they threaten to send me to solitary confinement, you know, the box."

Another man incarcerated at Adirondack Correctional Facility said he has AIDS and has been showing up at the daily sick call asking to see a specialist.

"I've been seeing the HIV specialist in the state facility for over ten years in every facility," said 63-year-old John Cavanaugh, who's serving 12 years to life for attempted burglary.

"How could you tell me you don't have an HIV doctor for me to see? She says, 'Well, we don't,'" he said, describing a recent conversation with a nurse.

Edward MacKenzie, 64, who has chronic obstructive pulmonary disease, wrote a letter to the prison's superintendent, Jeffrey Tedford, on Aug. 16th

"This facility is now...populated with senior citizens 60 years old and older, most of which have serious underlying medical problems," he wrote. "You do not even have a doctor."

A secretary for Adirondack Correctional Facility's superintendent deferred comment to the state. Thomas Mailey, a spokesman for the State's Corrections Department, declined to comment on specific people's cases, but said that all Corrections facilities have medical staff on site and people can request daily care at sick call.

Chronic or terminally ill patients are sent to facilities with special medical units, he said, adding that everyone at Adirondack Correctional Facility is capable of independent living and people can be sent to hospitals if they need additional care.

But Stefen Short, a lawyer with the Prisoners Rights Project at the Legal Aid Society, said his office has been fielding similar concerns about access to medical care for men with chronic issues since they were transferred.

“We’re very concerned. This is now a facility where folks with serious medical needs have been transferred to and yet the department hasn’t evinced any intention to provide the kind of intensive medical treatment that would be needed.”

Leading up its transformation as a facility for older inmates, Adirondack Correctional Facility, which has the capacity for more than 500 people, was housing just ten teenagers who were transferred to the custody of the Office of Children and Family Services, according to the state.

John Roberts, the union representative who oversees the Adirondack facility for the New York State Correctional Officers and Police Benevolent Association, said the threat of closure was a “major concern,” because it would lead to the loss of union jobs.

“OK, we’re changing out to an adult facility,” he said. “Everyone was happy.”

But even before the pandemic struck, Governor Andrew Cuomo had been outlining plans to move adults to the facility. And some inmates question whether the move had anything to do with protecting them from COVID-19 at all. They point to a lack of regular testing for COVID-19 at the facility and the fact that there are around 4,000 more people who are over the age of 55 who remain at other prisons in the state.

“In Fishkill, there were older and feebler [guys] than me, so I don’t really know what their selection process was,” said Bradford Applegate, 61, who has been incarcerated for 32 years for murder. “I think this is more about Governor Cuomo saving correction officers’ jobs than it is protecting us from COVID.”

Some men sent to Adirondack facility said they had to pack their belongings in a matter of hours and still didn’t know where they were headed hours into the bus ride north.

Hector Martinez said he spent the ride reading road signs trying to guess his destination: “When I see that we had passed Lake Placid, where they had done the Winter Olympics, I said, holy crap, we are way up here.”

Advocates on the outside have been urging Cuomo for months to take more sweeping measures to release elderly and medically frail inmates before a likely second wave of COVID-19. During the first wave of COVID-19 in state prisons, at least 17 incarcerated people and five employees with the corrections department died of the virus.

Insha Rahman, a strategic director with the Vera Institute of Justice, noted that elderly inmates pose some of the lowest risks of re-arrest, and cost taxpayers the most to incarcerate. Analysing state data, the Vera Institute found 4,788 people who are scheduled for mandatory release within a year; 3,809 people who are eligible for parole; and 3,735 people who will become eligible for parole in the next year.

“How do we prevent this virus from getting inside our jails and prisons? The most effective way is just simply releasing people,” Rahman said. States like California and Kentucky have moved to release larger percentages of the people in their state prisons, she said. “We need to be prioritizing both public safety and public health.”

John Roberts with the Corrections Officers Union pushed back on that thinking.

“If somebody was sentenced to 50 years to life, do I believe they should be released just because they’re old? Probably not,” he said. “You also would have to remember there’s a family, a victim of some kind, there’s a reason that they’re in there for so long.”

As of mid-August, the Corrections Department said it had released 2,263 people early, most of whom were 90 days away from release or were being held on technical parole violations. Overall, there are 37,398 people still incarcerated, the lowest number since 1986.

Still, some men at Adirondack agree with advocates that the state should be doing more to free elderly people. Martinez, 63, has been in custody since 2003, serving a sentence of 20 years to life for burglary.

“There’s some guys in here that, really, I don’t understand why the State hasn’t released these guys,” he said. “What possible threat could this poor, frail, dried up human being pose to society? Let him go, man.”

24 Aug - Message for the I. W. S. W. A. P.

About the arrests of Monica and Francisco and the destruction of all the cages, from some anarchists in Barcelona, during the week of International Week of Solidarity With Anarchist Prisoners.

MORE:

*With an open horizon that is always beyond,
and that strength to seek it out with tenacity and will.
When it seems closest, it is when it is furthest away.
I have so many brothers and sisters, I can tell you about them.*

Once again the most unpleasant news came, those that are not alien to anarchist circles and that refer to raids and arrests. And once again, they referred to Mónica Caballero and Francisco Solar, who have been singled out and linked again by the state to a series of explosive attacks against Carabineros units and to the former minister of the interior, Rodrigo Hinzpeter. The walls of an infamous Chilean prison envelop the comrades, those who had already been seen during the Bombs Case, those who were not so different from those who held them during their years of captivity in the cages of the Spanish state and those who, throughout the world, hand out punishments and focus on crushing rebellion against authority, but who, in their case, in their constant anarchic journey, have failed in the most beautiful way.

This achievement of words spun together remains infinitely short to capture that revolt of sensations that shakes us when one of our own is captured and that cannot be harmlessly digested, nor passively forgotten. Where words are not enough, gestures, initiatives, solidarity in all its forms can be unleashed, reaffirming the bonds in the most complicated moments, where others more superficial or based on pure interest, would be shattered. And this says something about what we pursue, about who we are and about the way we have to launch ourselves into the world from the path of anarchism.

For those of us who confront domination, the story of power will never speak for us. Both guilt and innocence belong to those who exercise or condone punishment. From our destructive practice with the prison and authoritarian dynamics, we can only despise every categorisation with which the enemy tries to define, distort and separate us, whether as culprits, leaders or prisoners. We prefer to speak of comradeship, of struggle, of offensive, of solidarity, of those practices that are intertwined with each other, blurring the contours that limit where one ends and the other begins. Therefore, for us, the interesting thing, the answer, the proposal, will always go through a question as basic as it is elemental, to intensify the struggle and expand solidarity beyond immediacy. This is how a few words of solidarity are transformed into agitation and how the love and complicity towards our people search for ways to hit back and more.

We know the firmness of their convictions and in it they will find the strength to face this new judicial-police onslaught, depriving repression of the pleasure of bowing to its blackmail and devising ways to continue their contributions against the machine of Capital. For them and for every anarchist-anti-authoritarian-subversive who find themselves treading on the prison holes, all our love, solidarity and comradeship on those stretches of the road we will travel from different sides but pursuing the same goal of total liberation.

How many times throughout our history has the power tried to undermine the impulses of the revolutionaries through murder, torture or imprisonment and how many times have all their intentions been frustrated? It will not be different this time. May their twisted tactics not find fertile ground in our surroundings, may our words be sharpened, our fists be clenched and our praxis be strengthened. Obedience is not for us.

Fire and strength for the imprisoned anarchist-anti-authoritarians.

Fire to the prisons. Freedom for all.

27 Aug - New Sentencing Dates for the Kings Bay Plowshares 7

The 6 remaining plowshares defendants have been given new dates for sentencing on October 15 and 16 in Brunswick, Georgia.

MORE:

There is the good likelihood that sentencing will go forward on these dates after numerous delays. What isn't clear is whether all the defendants will appear in person or if some will choose to appear via video link because of continuing threats from the virus and travel restrictions. We will post further information as is available.

August 28th - Supporter Update

The Kings Bay Plowshares 7 requested a continuance for sentencing because they want to appear in open court in Georgia and the virus situation there is still too out of control to safely allow it.

Steve Kelly has now served almost 29 months in county jails since the action in April, 2018 so has already met the guidelines for his likely sentence. The court may not want to grant him further extensions. (You can send a postcard to Steve to let him know you're thinking of him. Directions on writing at kingsbayplowshares7.org/jail-addresses)

The other defendants are not sure if they would prefer to seek more continuances or choose virtual appearances for sentencing in solidarity with Steve on those dates in October if it appears unsafe to travel to Georgia at that time. Check the website for updates.

September 9 will be the 40th anniversary of the first plowshares action in King of Prussia, PA. Eight activists, known as the Plowshares Eight, entered the GE plant where nosecones for nuclear missile warheads were manufactured. They hammered on several and poured blood on the nosecones and documents.

There will be a virtual Commemoration of the Plowshares 8 on September 9 at 7 pm ET sponsored by Stop Banking on the Bomb and other Pittsburgh based organizations. Molly Rush, Dean Hammer and John Schuchardt (three of the four living members of the group) will participate in a discussion and reflect on the

action which sparked 100 similar acts of disarmament over the years. A summary of the history can be found here: kingsbayplowshares7.org/plowshares-history

Email Joyce Rothermel at <rothermeljoyce@gmail.com> to get the Zoom link for Sept 9. Emile de Antonio's 1983 film, *In the King of Prussia*, is about the trial of the Plowshares Eight. The judge is played by Martin Sheen and the defendants are played by themselves. It's available for viewing on Youtube: youtube.com/watch?v=kUph8GWFupE

27 Aug - Running Down the Walls—and the Clock

A short new update from David Campbell as he faces down the last couple of months of his sentence.

MORE:

Hey everyone, less than 60 days to go now. I just wanna say THANK YOU to everyone who has helped me make it this far by supporting me with letters, books, visits, donations, and trying to get me out of here when it really seemed like we had a shot. It has made and continues to make all the difference—even now, I'm still getting mail from new people! And though it may be disappointing that I wasn't actually released early, even after being approved, it isn't unexpected. I, personally, was a little bummed when it didn't pan out, but not crushed. More than anything, I was awed and humbled by the sheer number of people who came out of the woodwork to show solidarity, and the amount of work you all put in. So thank you! You're awesome!

I'll be running ABC's 5K political prisoner benefit Running Down the Walls on September 6. Will write again shortly after that. Take care out there!

1 Sept - Supreme Court will Rule Soon in Mumia Abu-Jamal's Evidentiary Hearing

The Pennsylvania Supreme Court has put Mumia Abu-Jamal's evidentiary hearing on hold. The case is under seal and is proceeding in secret!

MORE:

by Noelle Hanrahan (*Prison Radio*)

This spring Mumia Abu-Jamal was back in court with a chance for freedom! The Philadelphia District Attorney Larry Krasner had agreed with defense counsel that Mumia deserved a new evidentiary hearing based on the revelation of long-suppressed exculpatory evidence. The new documents — buried in the DA's office for 38 years — call into question the entire prosecution case against Mumia Abu-Jamal. Mumia Abu-Jamal's defense attorney Samuel Spital NAACP LDF and Judith Ritter, Esq. and the Philadelphia DA's office have agreed that a remand to hear the new evidence is necessary. This request is pending on appeal before a Superior Court panel. And if successful will be remanded to the Common Pleas court of Philadelphia.

Evidentiary Hearing and New Trial at Stake

Did Assistant District Attorney Joseph McGill actually promise to pay key eyewitness Robert Chobert in cash for his testimony? In a note found in the new files, Chobert demands "his money" from Joe McGill.

Did the prosecution track the race of jurors?

The newly released files include a list of potential jurors with notes in the margin indicating the jurors' race. The DA's office has a notorious history of racial bias in jury selection, one only need look at the "Jack McMahon training tapes." See Aug. 19, 2020 *Philadelphia Voice* & John Oliver's Aug. 2020 news report.

These notes when discussed under oath in court may prove what Mumia's defense has been arguing for 38 years: that the prosecution was racially biased when it struck Black jurors from the case, violating constitutional law under Supreme Court case Batson v Kentucky.

This train was headed towards freedom!

"We know that with Larry Krasner as DA we cannot prevent Mumia's release from prison. We are just trying to keep him in prison as long as possible" —Maureen Faulkner, 4-23-19

But the Fraternal Order of Police (FOP) Lodge Five — Philadelphia's chapter — saw it too. That's why they backed an extraordinary petition by Maureen Faulkner and her attorney George Bochetto asking the Pennsylvania Supreme Court to kick anti-corruption DA Larry Krasner off the case. Because Krasner upheld his oath to turn over exculpatory buried evidence, the FOP wants him gone.

Pennsylvania Supreme Court Intervenes!

In April 2020, the Pennsylvania Supreme Court reached down from on high and suspended the criminal case. Just stopped it cold. They granted consideration of the Faulkner/Bochetto/ FOP-backed Kings Bench extraordinary relief petition. And folks—the process is all under seal. The "special master's report" and the depositions are all being conducted in secret. (Ironically, the seal was at Krasner's request, and was opposed by Bochetto.)

We have to pull back the curtain and look at who is being protected by whom. Larry Krasner ran for Philly D.A. on an anti-corruption platform and was elected by a 74% popular landslide. If the FOP manages to get him kicked off the case, it will be a blow not just to Mumia but to the people of Philadelphia's clear desire to investigate years of illegal conduct by its police officers, former prosecutors and judges.

The ruling from the PA Supreme Court on the King's Bench petition could come down at any time. Join our email listserve for breaking news reports.

Whether the petition is granted or not — whether the prosecution is led by Krasner or Josh Shapiro from the PA Attorney General's office — the new evidentiary hearing and the new trial will not be a cakewalk. Krasner upheld his oath by releasing suppressed evidence, but he's still fighting to uphold all of Philly's old corrupt convictions. It's likely the documents Krasner asked the Supreme Court to put under seal are a pledge that he will work to maintain Mumia's conviction.

September 1st - The movement against police violence in the United States resonates with the release of Mumia

Interview with French Collective "Free Mumia"

What state of health is Mumia in with the Covid-19 pandemic hitting the United States hard?

Johanna Fernandez American prisons are overcrowded and there is no possibility of social distancing within them. The Covid-19 therefore represents a deadly threat for all prisoners, in particular prisoners over 50 years of age with poor health conditions, as is the case for Mumia Abu-Jamal. The prison's inability to treat his hepatitis C in a timely manner, three years ago, permanently weakened his state of health. Medical examinations determined he had liver damage. Although this damage is latent at the moment, he is among the prisoners who run serious risks if they contract the Covid. Despite these circumstances, Mumia is doing well. As always, he spends his days reading and writing. A year ago, he applied and was accepted for a doctoral program at a major university. He therefore devoted himself to his studies.

How are American prisons dealing with this epidemic?

Johanna Fernandez To limit the consequences of Covid, the Pennsylvania prison department decided, in March, to completely lock down prisons and its prisoners, and suspended all visits. This means that inmates are locked in their cells all day. They can only get out for 45 minutes to get to the common areas of their detention center – no more than twelve at a time – to make phone calls, download emails to their tablets and clean their cells.

Locking up prisoners for more than 23 hours a day is inhumane and worse than the conditions of isolation imposed on death row inmates in the United States. These restrictions are slowly starting to decrease. Unlike other countries, like Iran and Turkey, which have freed more than 50% of their prisoners to avoid massive infections and mass deaths during the pandemic, the governors of the United States have not accepted to release many detainees.

The worst coronavirus crisis in American prisons is the one in San Quentin prison in northern California. This famous prison is now the center of the country's largest coronavirus outbreak, where more than 2,200 inmates have tested positive. In August, at least 24 prisoners died there. San Quentin is not an isolated incident. Between March and June, the rate of coronavirus infection in prisons increased at a rate of 8% per day, compared to 3% in the general population. Across the country, activists and lawyers have protested, and have taken legal action to pressure judges to order prison population reduction by releasing older or sick prisoners. Our efforts and our requests have, alas, remained without result.

Where is the current legal process to challenge the right of appeal that was granted to him last year for the review of his sentence?

Johanna Fernandez Mumia's case was blocked by Maureen Faulkner, the widow of the murdered police officer. As you know, Maureen Faulkner is a major prop used by the Fraternal Order of the Police (FOP), the largest police union in the world. The goal being that Mumia – unjustly accused and convicted – remains permanently behind bars. At a press conference last year, she said Mumia could be released soon, referring to the unprecedented court ruling that had just granted her the right to appeal a series of rights violations. constitutional, which it had previously been denied by the Pennsylvania Supreme Court for almost two decades. The decision to accept these appeals was based on the fact that Supreme Court Justice Ronald Castille had refused to take these proven violations into consideration because of his personal involvement (he was then a Philadelphia prosecutor) in the proceedings against Mumia. Ronald Castille had also shown a constant animosity towards the one he described as "Cop killers". It is on this basis that justice granted Mumia a right of appeal, ruling that Ronald Castille had a conflict of interest in Mumia's case and should therefore have withdrawn from the legal process. On the strength of this new right, Mumia's lawyers filed their brief.

What was Maureen Faulkner's response?

Johanna Fernandez She filed a rare petition known as the "King's Bench" petition, which is unique in that it can only be heard by the highest court in Pennsylvania. This jurisdiction has the capacity to intervene and defend the interests of citizens in cases where the common good is in danger. In her petition, Maureen Faulkner alleges that the current Philadelphia district attorney, Larry Krasner, was biased in favor of Mumia (by not opposing the right of appeal – Editor's note) and that, in fairness, he should therefore not be allowed to continue the case. In other words, when Mumia's allegations of constitutional violations were established by a court, Maureen Faulkner secured a stay of all proceedings by accusing Larry Krasner of the same violation as Ronald Castille. Unsurprisingly, the conservative Supreme Court decided to hear his

claim and tasked a retired judge to investigate his allegations. This judge has completed his investigation, but the course of this petition – which excludes our lawyers and only includes the prosecutor and Maureen Faulkner – has been sealed. This means the findings are not made public, as Mumia's lawyers believe the prosecutor is likely to initiate them for reasons of legal strategy. We are waiting for the Pennsylvania Supreme Court to make its decision known: either validate Maureen Faulkner's petition or reject it.

How do you assess the July 4 mobilization in Philadelphia for the release of Mumia and against police violence?

Johanna Fernandez Despite Mumia's inextricable court case, the last mobilization in the streets of Philadelphia on July 4 was bigger than we've seen in a long time. Protests against police violence across the country have the potential to re-energize the movement to free Mumia Abu-Jamal with the energy of a young generation of people aware of the issues. For nearly forty years, the Fraternal Order of Police (FOP) has used and abused the fear surrounding the Mumia affair to advance its neofascist political agenda, in particular by deploying extreme racist propaganda and by labeling Mumia as a monster, dangerous and cold-blooded cop killer. During these decades, the FOP campaigned to militarize the police and strengthen their powers. Case after case, brutal acts of police violence have increased, with the law and justice covering the increasing number of murders of African-American citizens.

In this context, our most important mission is to link the struggle to free Mumia and other political prisoners with the struggle to dismantle and abolish a police force, including the history of racist violence and terror against blacks. Americans is directly linked to the origin of the police in the United States, as runaway slave hunters and protectors of the institution of slavery.

1 Sept - Prison Break: Take One From Us, Another Appears

The folks from the Certain Days calendar have a regular column with It's Going Down and we're distilling it for you below.

MORE:

So much has happened in the last month. Kenosha, Wisconsin and Lafayette, New Orleans have joined the growing number of cities in ongoing protest against police violence and murder. Renowned anarchists and anti-Franco militants Stuart Christie and Lucio Urtubia have died. Police departments continue to be defunded, while right-wing violence escalates. Meanwhile, two white racists vie for power in the most corrupt and dangerous country on the planet.

COVID-19 continues to wreak havoc in prisons and jails around the continent. The Marshall Project examines how ConAir spreads the virus throughout the Federal system

<themarshallproject.org/2020/08/13/con-air-is-spreading-covid-19-all-over-the-federal-prison-system>. Essence has an ongoing series on how this pandemic is impacting those caught up in the prison industrial complex <essence.com/feature/covid-19-and-mass-incarceration>. While visiting areas are reopening in some facilities, those incarcerated remain fearful that the virus will spread.

As you flip your *Certain Days: Freedom for Political Prisoners* calendar to September you'll notice the vibrant art, courtesy of political prisoner Oso Blanco. The essay for the month, written by artist and activist Christi Belcourt, discusses the role of reconciliation in the ongoing struggle for Indigenous land rights in Canada. In case you missed it, artwork from previous years of the *Certain Days* calendar are featured in "The Art of Liberation – Black August 2020," care of the Center for Constitutional Rights. If you haven't picked up a calendar yet they still are only \$5 at Burning Books!

Here's a look at what went down in August, and a look ahead at September.

RUNNING DOWN THE WALLS

It's that time of year again, when we trade in our black bloc attire for running shoes and political support t-shirts. Running Down the Walls 2020 (RDTW) is scheduled for September 6th. As political prisoner Jaan Laaman stated, "In the midst of this deadly COVID pandemic and the even more deadly centuries-long racist pandemic, we need to come together across the country and on both sides of the walls, this year more than ever."

With many of those incarcerated also on lockdown, and social distancing restrictions in place outside the walls, this year's RDTW will need all the attention and publicity possible. This event is a major fundraiser for political prisoners, and they need our support now more than ever. If you can't run, you can donate to the RDTW nearest you. Donate to RDTW in Los Angeles, Philadelphia, or New York, with more info on the Anarchist Black Cross Federation [here](#).

PAROLES & COMMUTATIONS

On August 4, Jalil Muntaqim, who is recovering from COVID-19 during his 49th year of incarceration, had oral arguments in his Article 78 appeal of his 2019 parole hearing. A de novo parole hearing is scheduled for September. You can sign a petition demanding Jalil's release [here](#).

On August 17, Black Liberation political prisoner Ed Poindexter filed an application for commutation. Poindexter has been imprisoned for 50 years as of August 31, 2020. If you can, write a letter and support freedom for Ed Poindexter now!

FUNDRAISING

As we have seen in the last few months, since the police murder of George Floyd, more and more people are engaging in direct action against the state. Seven protesters in Utah who are accused of splashing red paint on a prosecutor's office are facing life sentences because of trumped up "gang enhancements." A protester in Saint Paul, Minnesota is facing felony charges for supposedly toppling that city's Christopher Columbus statue back in June. Authorities in Portsmouth, Virginia have issued warrants for 14 people who were present when a confederate statue was destroyed in that town.

Support sites are still active for Urooj Rahman and Colinford Mattis in New York, and Margaret Channon in Seattle, all of whom are facing severe charges. Sadly, Lore Elisabeth Blumenthal was recently denied an emergency appeal for release on house arrest. She remains in custody, facing arson charges from protests in May.

While we are currently seeing an influx of political prisoners, we cannot forget those currently incarcerated and those recently released.

Sundiata Acoli (fighting an appeal on a recent parole denial): sfbayview.com/2020/05/fundraiser-to-free-political-prisoner-sundiata-acoli-83-from-47-years-in-prison

Eric King (fighting additional charges carrying 20 more years): fundrazr.com/e1cKo1

Chuck Africa (recently released): gofundme.com/f/help-chuck-africa-rebuild

2 Sept - Months After a Confederate Monument Was Brought Down, Police Are Slapping Protesters With Felonies

Report about ongoing repression of Black Lives Matter demonstrators in Portsmouth, Virginia, following the toppling of a Confederate statue in June of 2020.

MORE:

On August 17, 2020, the Portsmouth Police Department issued warrants for the arrests of fourteen members of the Tidewater community. Local activists, multiple NAACP members, two public defenders, a school board member, as well as a Virginia Senator find themselves facing felony charges over damage to a Confederate monument in Portsmouth, Virginia that occurred during a protest two months prior.

Similar protests in Richmond, VA resulted in protesters taking down two statues. On the heels of these action, members of the Portsmouth NAACP covered their local Confederate monument in sheets and plastic bags on the night of June 9th. At that time, the activists were under the watchful eye of the police with the tepid blessing of Chief Angela Greene, who was herself present at the scene both that night and the following morning, according to members of the NAACP. The next day, the statues were found uncovered around 6 am and NAACP members returned to recover the monument. Portsmouth NAACP President James Boyd and Vice President Louie Gibbs were then arrested and charged with trespassing after attempting to re-cover the statues.

The statues had been uncovered around 6am by a white man claiming to be a descendant of the Confederate men depicted. It is worth noting that the statues themselves were cast from generic molds, and an identical copy to one of the statues resides in Indiana. The Confederate monument began construction in 1876 and was not fully completed until 1893. It was erected by the Portsmouth chapter of the Ladies Memorial Aid Association, which is a group dedicated to memorializing Confederate soldiers and propagating the “Lost Cause” narrative of the South. The monument stands in a very prominent spot in downtown Portsmouth, which has been noted as the historic location of a slave whipping post.

In response to the unwarranted arrests, the monument was vandalized with spray paint on June 10th and a large group of protesters converged around the statue later in the day in response to a call for a “Remove The Stain” rally by the Coalition of Black Americans (COBA). By the evening, the atmosphere was abuzz.

State Sen. Louise Lucas was recorded telling Portsmouth police officers that, “They’re gonna put some paint on this thing and y’all cannot arrest them,” and the result was a very subdued police presence that evening. Indeed, the atmosphere felt more like a much-needed community block party than a protest. A brass band joined the crowd circling the monument, and energy was high. A table with stacks of pizza boxes flanked the sidewalk next to the monument and a DJ pumped out beats whenever the band needed a break. Yellow paint had been flung on most of the 35ft monument, and by sunset, layers of spray paint covered the concrete men with familiar phrases: “No justice, No peace,” “Black Lives Matter,” “Fuck Amerikkka,” “George Floyd,” and “Breonna Taylor,” some of which were also heard being chanted throughout the evening. Crowds cheered as sledgehammers slowly chipped away and eventually knocked off the heads of the symbolic Confederate men, one by one.

The celebration turned to horrific tragedy as one protester was severely injured when a toppling statue fell on him. The crowd parted, and took a knee out of respect for well over five minutes of silence as Chris Green was attended to, carried out on a makeshift stretcher, and taken to a hospital. The community rallied immediately in support for his medical costs. As of August 20th, over \$55K of a \$60K goal has been raised for Chris’s medical and rehab costs.

Months after the protest, seemingly out of nowhere, Portsmouth police issued warrants for Sen. Louise Lucas, 4 NAACP leaders, 3 public defenders and 6 other protesters. At the press conference on August 17th, Police Chief Angela Greene framed the issue as if those protesters had a hand in Chris Green's accident. However, Chris Green's family did not press charges at the time of the injury and has been thankful for the financial and emotional community support, as noted in the updates of Chris Green's GoFundme, organized by an anonymous group of activists in the 757.

Leaders at both state and national levels have been weighing in on the possible political motivations for PPD's aggressive oppression through use of both arcane and common felony charges. The ACLU stated that the charges were a blatant overreach of the police's power since the police went straight to the magistrate rather than being approved by the local prosecutor's office. Sen. Lucas's attorney said of the police's aggression against Lucas and others, "Consequently they're doing what they always do which is weaponize the criminal justice system against black leadership and...we're gonna fight it vehemently..."

Virginia Governor Ralph Northam also expressed his suspicions in a tweet on August 17th. "It's deeply troubling that on the verge of Virginia passing long-overdue police reform, the first Black woman to serve as our Senate Pro Tempore is suddenly facing highly unusual charges," wrote Northam.

Indeed, the timing of these warrants has almost unanimously been seen as political retaliation against Black community leaders. The warrant for Sen. Lucas was served the day before she was set to vote on several police reform bills she sponsored in a special Senate session, referenced in the tweets by Gov. Northam. The two felony charges against Sen. Lucas would forbid her from participating or voting in the special hearing.

Political motivations aside, much less coverage has been given to the remaining individuals not in leadership positions but still facing life-shattering state repression. Injury to a public monument is a class 6 felony and could mean up to 5 years in prison or 12 months jail time and a \$2500 fine. Local activist groups jumped into action as Police Chief Angela Green started listing the names of individuals with warrants. Local nonprofit Humanities Behind Bars coordinated the delivery of bail. The original 14 defendants have voluntarily turned themselves in and have been released at this time. A fundraiser made by local activists for the legal costs raised almost \$2,200 in the first 16 hours of news breaking but donations since have slowed to a crawl. Additionally, on August 31st, local news Wavy 10 reported that police have served another individual with the same class 6 felony charge and are looking to serve 4 more alleged protesters, bringing the total number of defendants to 19. The estimated legal and other costs associated to support the now 11 defendants not in public positions could exceed \$110,000.

You can donate to their support at gofundme.com/f/757justice

2 Sept - BOP starting visits in October

The federal Bureau of Prisons will begin allowing inmates to have visitors again in October, almost seven months after visits were suspended at the 122 federal prisons across the U.S.

MORE:

by Michael Balsamo and Michael R. Sisak (*Associated Press*)

The visitation plan — detailed in a memo to senior bureau officials on Monday — instructed wardens to "immediately begin developing local procedures to reinstate social visiting."

Social visiting is scheduled to begin no later than Oct. 3, though physical contact will be prohibited, according to the memo. Inmates and visitors would be required to wear face coverings and visitors would

have their temperatures taken and would be questioned about whether they have shown any coronavirus-related symptoms.

The Bureau of Prisons had suspended all visitation in March as part of its coronavirus response plan. For months, the agency has struggled with a ballooning number of coronavirus cases among inmates.

As of Monday, more than 12,500 inmates and 1,583 staff members had tested positive for the virus. The agency said 10,607 inmates and 922 of the staff members had recovered. A total of 118 inmates have died since late March.

Under the Bureau of Prisons plan that began in March, there have been no social visits at any bureau facilities, but inmates were eligible to receive extra minutes of phone time per month. Legal visits were also suspended, though officials said accommodations could be made on a case-by-case basis.

The new procedures call for tables, chairs and other high-touch surfaces to be disinfected between visits and for visiting times to be moved around to account for social distancing and other factors. Under the guidelines, all inmates should have an opportunity for a visit at least twice a month, the memo said.

Plastic glass barriers will be in place to prevent visitors and inmates from having any physical contact, and if the barrier isn't in place, there will be a requirement that they remain 6 feet apart, the memo said.

4 Sept - Join the Ed Poindexter clemency campaign

In April of 1971, Edward Poindexter and Mondo we Langa, formerly David Rice, were sentenced to life in prison for the death of an Omaha police officer—a crime they did not commit.

MORE:

The two were targeted by law enforcement and wrongfully convicted due to their affiliation with the Black Panther Party, a civil rights and anti-fascist political group.

Nearly 50 years later, Ed is still in prison and maintains his innocence. He has earned several college degrees, taught anti-violence classes to youth, authored screenplays, and more. His last chance for freedom is to receive a commutation of sentence from the Nebraska Board of Pardons. At age 75, he is at high risk for COVID related health complications. He must receive an immediate and expedited commutation hearing from the Board.

EMAIL: freedomfored@gmail.com
@freedom4ed

Take Action Now

Write, email and call the Nebraska Board of Pardons. Request that they expedite Ed's application, schedule his hearing for the October 2020 meeting and commute his sentence.

WRITE:

Nebraska Board of Pardons
Post Office Box 95007
Lincoln, Nebraska 68509

*please email a copy of your letter to freedomfored@gmail.com

5 Sept - Showing up for Lore

The Trump regime hasn't allowed incarcerated people to see their loved ones for five months and we're sick of it.

MORE:

This weekend we showed up for Lore Elisabeth, the beloved community care worker and unconvicted political prisoner whom the government hides at Philadelphia's Federal Detention Center.

It was a joyous opportunity us to show our love and support for Lore (and for each other!). We will never stop fighting the cruel and violent intimidation tactics that are being used against Lore to chop down all of our rights, including free speech and the presumption of innocence. And we'll do it dancing! Join us!

How you can help Lore right now:

- Donate (or Venmo @WeLoveLore) to Lore's support fund. Every penny supports Lore's health, well-being, and legal defense: tiny.cc/LoreDonate
- Write or send books. Your love, solidarity, and support is critical: welovelore.com/write-to-lore
- Share this message, the website, our Instagram <we.love.lore>, and Twitter <welovelore>, with your communities. Help us spread the word and strengthen Lore's safety net.

20 Sept - Anarchists Care About Books: "Capitalist Realism" by Mark Fisher

WHAT: Book club

WHEN: 4:00pm Sunday, September 20th

WHERE: YOUR HOME/Zoom

COST: FREE

MORE:

Join Metropolitan Anarchist Coordinating Council (MACC) to discuss "Capitalist Realism" by Mark Fisher.

Zoom info TBA. Join our listserv to stay in the loop gaggle.email/join/acabooks@gaggle.email

MACC events are open to all anarchists, antifascists, anti-authoritarians and those interested in anarchist ideas and organizing.