NJC NBC
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Updates for May 14th

29 Apr - New Writings by Mumia Abu-Jamal

Below, we've pasted the transcripts of Mumia's latest audio commentaries, covering topics including Temple University and the Central Park Five.

MORE:

The Lessons of Temple U.

The incipient, yet growing protests at Philadelphia's Temple University around the governance of its highly-prized African Studies Dept. is not about academic freedom, nor about departmental regulations and proper protocol, although it has been couched in such terms.

It's about something far more fundamental.

It's about power.

The power of institutions and the power of memory.

In many ways, Temple's African Studies department is a flagship of sorts, the first university in the modern world to found an African Studies doctoral program, which now draws scholars from around the world. It will soon mark its 25th year since this signal achievement.

But perhaps we have forgotten how such departments came into being. They are the academic fruit of hard struggle and protests during the height of the 1960s and '70s-era Black Power Movement. They are the brick and mortar proofs of the old adage from Ancestor, Frederick Douglass, who said: "Without struggle, there is no progress."

Now, Douglass didn't say 'without struggle, there is some progress', he said, "without struggle, there is no progress."

African Studies programs weren't gifts from enlightened liberal universities; they were won by hard struggle.

And that which is won by struggle, can only be maintained by struggle.

That's the lesson we must take from that revered ancestor.

So, build, widen and deepen the Movement for a truly Independent African Studies program. Imagine if

College students united with public school students for a quality education at primary and secondary levels! Imagine how such a movement could awaken and activate parents of those children!

That's the way forward!

Beyond Central Park

The riveting documentary, "Central Park Five", was an explosive example of what scholar Michelle Alexander has termed, "The New Jim Crow" (the title of her recent book), but, upon reflection, we find that it wasn't so 'new', after all.

Five young Black and Latino boys, charged with raping a white woman, were sacrificed on the unholy altar of political expediency and blind ambition, cut up, ripped from their lives and families, and thrown into the hellish furnace of prison, for years, to burn and weep, despite their innocence!

Documentarian Ken Burns and his daughter Sarah Burns have produced a work that shines a harsh light on New York's criminal justice system, where all of its elements; police, prosecutors, defense lawyers and the press, failed to heed the most fundamental feature of fair trials – the presumption of innocence – and they therefore became agents, aiders and abettors of injustice.

But, while the Burns work is brilliant and indeed heart-breaking in its recitation of the crimes committed against the 5 boys, one feature seems to be missing.

There is no discussion of the judiciary, especially the appellate courts. We know that the trial judge slept while this travesty shattered their lives, but were any appeals filed?

Any post-conviction writs? Any federal proceedings?

It is possible that none were filed, given how bleak many of the families felt after the 1989 trial and convictions.

But if they were filed, that story, too, must be told, for if so, it shows the rank corruption and the political servility of appellate courts, which failed to do justice for 5 children – and in so doing, damned themselves, as well.

29 Apr - Iraq War Resister Kimberly Rivera sentenced to 14 months

On April 29th, during a court-martial hearing at Fort Carson, Colorado, Kimberly Rivera was sentenced to 14 months in military prison and a dishonorable discharge after publicly expressing her conscientious objection to the Iraq War while in Canada.We're including two articles about her case below.

MORE:
April 29th - Kimberly Rivera By the War Resisters Support Campaign
Private First Class Kimberly Rivera deployed to Iraq in 2006 and sought asylum in Canada in 2007 because she decided she could no longer be complicit in the war. A mother of four young children—including two who were born in Canada—she was forced back to the United States of America by the Conservative government after receiving a negative decision on her pre-removal risk assessment. A Federal Court judge denied her request for a stay of removal, finding the possibility of her arrest and detention in the U.S. to be "speculative." Rivera was arrested three days later, on September 20, 2012, as she presented herself at the U.S. border.

"Kim is being punished for her beliefs and for her comments to the press while she was in Canada," said James M. Branum, the defense attorney who represented Rivera during the court-martial proceedings. "Because she spoke out against the Iraq War, Kim's sentence is harsher than the punishment given to 94 percent of deserters who are not punished but administratively discharged. In the closing arguments, the prosecutor argued that the judge needed to give PFC Rivera a harsh sentence to send a message to the other war resisters in Canada and their supporters."

The tremendous public outcry related to Rivera's case shows the deep and broad support that Canadians continue to express for Iraq War resisters. In a period of 10 days leading up to the Rivera family deportation, 20,000 people signed a Change.org petition supporting the family. Faith, labour and human rights organizations spoke out, Amnesty International adopted Kim as a prisoner of conscience, and Archbishop Desmond Tutu published an opinion piece in The Globe and Mail newspaper calling the deportation order "unjust."

In stark contrast to this outpouring of support, Conservative MPs cheered when the Rivera family's removal was announced in the House of Commons.

"The Conservative government knew that Kim would be jailed and separated from her children when they forced her back to the U.S., yet they cheered her deportation," said Michelle Robidoux, a spokesperson for the War Resisters Support Campaign. "They are out of step with the great majority of Canadians who opposed the Iraq War and who support allowing U.S. war resisters to stay in Canada."

On February 1, 2013, the Federal Court of Canada issued a decision in the case of another U.S. war resister, Jules Tindungan, finding that the U.S. court-martial system "fails to comply with basic fairness requirements found in Canadian and International Law." The Court also found that the Refugee Board failed to deal properly with evidence that soldiers who have spoken out publicly about their objections to U.S. military actions are subjected to particularly harsh punishments because of having voiced their political opinions.

"The sentence Kim received today underlines the concerns we have been raising all along, and what the Federal Court now acknowledges, that soldiers who speak out against unjust wars face harsher punishment and have no recourse within the U.S. military justice system," said Robidoux.

"Prime Minister Stephen Harper and Minister of Citizenship and Immigration Jason Kenney were ardent supporters of the Iraq War, and they want U.S. Iraq War resisters punished. But Parliament has voted twice to stop these deportations, and the majority of Canadians believe Kim and the other resisters did the right thing. We will continue to fight to make sure this injustice does not happen to any other U.S. war resister who is seeking asylum in Canada."

May 6th - Jailing Pregnant War Resister By William Boardman *Nation of Change*
What Do You Call a Woman Who Goes to Prison for Her Beliefs?

Amnesty International identifies her as a prisoner of conscience, she was the first American woman conscientious objector to flee to Canada, but mainstream media mostly ignore this Iraq war vet with PTSD -- unless they're labeling her a "deserter."

A Texan married to a Texan, Private First Class Kimberly Rivera, 30, is a poor, pregnant mother of four who was sentenced to 10 months in jail on April 29 by the United States Army.

Her crime, after serving a tour of duty in Iraq in 2006, was seeking help from her military chaplain about her growing conscientious objection to the American war in Iraq, getting dishonest advice from her superiors, and thinking as a result that she had no realistic options other than returning to Iraq or emigrating to Canada. She and her husband and two children went to Canada in 2007.

Her story illustrates some of the chronic injustices of American life, not least the extra vengeance the society likes to visit on those who resist, and make that resistance public.

Economic Coercion Boosts Enlistment Rate

By 2005, Kimberly and Mario Rivera had two children and financial pressure, even though they both had jobs at the local Walmart, where they'd met. Kimberly, then 22, had her first child when she was 19 and the second two years later. They were living in Mesquite, Texas, a city of about 140,000 within the greater Dallas-Forth Worth metro area.

Surveying their limited prospects, Kimberly and Mario decided that one of them should join the military. Both of them needed to lose weight to qualify. Kimberly lost weight faster and enlisted in January 2006. Her incentives included an $8,000 signing bonus and family health insurance.

The enlistment process led Kimberly to expect to spend her time loading and unloading equipment at Fort Carson Colorado, where she was a wheeled-vehicle driver in the 4th Infantry Brigade Combat Team. But in the fall of 2006, her unit was ordered to Iraq, where she was a "gate guard," as she put it in an interview with

Courage to Resist in 2007:

> *"I was a gate guard. This was looked down on by infantry soldiers who go out in the streets, but gate guards are the highest security of the Foward Operation Base. We searched vehicles, civilian personnel, and military convoys that left and came back every hour. I had a huge awakening seeing the war as it truly is: people losing their lives for greed of a nation and the effects on the soldiers who come back with new problems such as nightmares, anxieties, depression, anger alcohol abuse, missing limbs and scars from burns. Some don't come back at all.*
>
> *"On December 21, 2006 I was going to my room and something in my heart told me to go call my husband. And when I did 24 rounds of mortars hit the FOB in a matter of minutes after I got on the phone . . . the mortars were 10-15 feet from where I was. I found a hole from the shrapnel in my room in the plywood window. That night I found the shrapnel on my bed in the same place where my head would have been if I hadn't changed my plans and gone to the phone."*

What Happens When Your Country's Leaders Betray You?

Kimberly hadn't thought that much about the war in Iraq during 2002-2003, when she was preoccupied with being a new mother and the Bush administration was preoccupied with lying the country into an illegal war. In Iraq, in 2006, her disillusionment grew quickly. She wrote somewhat telegraphically about her feelings later:

> *"Your basic role as a soldier being invalidated, finding out your job has no meaning. No reason. Higher command just let bad people past you, demanding they do not get the same treatment as others who come in the base every day.*
>
> *"This Is the same as jeopardizing every men and women on the front line. That was the most angering moment for me. From this point on I had no pride in my work, No reason for being in Iraq. It was obvious to me that security was not the top priority for the troops and as one person not allowed to do my job efficiently and to the highest ability was the final straw. Finding that out is the hardest. It was my last reason for staying. For giving my life. You believe you are doing the right thing."*

Kimberly stopped believing she was doing the right thing in Iraq, and she stopped believing the United States was doing the right thing in Iraq. Americans were getting wounded and killed, but she saw more of Iraqi suffering. As iPolitics.ca reported in 2012:

> *"Rivera was troubled by a two-year-old Iraqi girl who came to the base with her family to claim compensation after a bombing by U.S. forces.*
>
> *"'She was just petrified,' Rivera explained. 'She was crying, but there was no sound, just tears flowing out of her eyes. She was shaking. I have no idea what had happened in her little life. All I know is I wasn't seeing her: I was seeing my own little girl. I could imagine my daughter being one of those kids throwing rocks at soldiers, because maybe someone she loved had been killed. That Iraqi girl haunts my soul'."*

What Happens When You Look For a Christian Answer to War?

Troubled by the war, Kimberly was reading the Bible in an effort to make sense of the conflict between her faith and her experience. She came to believe that, faced by Iraqi civilians and given an order to shoot, she would not pull the trigger. She knew this could put other soldiers in danger if she didn't shoot. She took this concern to her chaplain for guidance.

This chaplain was not about to discuss religious questions with her, certainly not the peaceable aspects of Christianity. He was hard line, unyielding about her duty to fulfill her mission, basically telling her to suck it up.

He could have advised her of her rights, that there was a regulation, AR 600-43, that gave her the right to petition to be classified a conscientious objector. That might have been the Christian thing to do, but the chaplain didn't do it.

In December 2006, Kimberly returned from Iraq on leave for two weeks. She researched her status, but did not seek legal advice. She came to the conclusion that the only way she could avoid going back to Iraq was not to go back to the Army, to go absent without leave (AWOL, as George W. Bush had done under very different

circumstances).

"I guess the hardest thing for people to understand is the reason you join the military is not the reason you leave it," she wrote later.

Canadians Provided Shelter – Except the Government

On Feb. 18, 2007, Kimberly and Mario Rivera and their two children, Christian and Rebecca, entered Canada and found sanctuary among the war resister community in Toronto. Kimberly became the first known US war resister to apply for refugee status in Canada.

Her legal struggle to stay in Canada lasted for the next five and a half years, supported by the War Resisters Support Campaign and others.

Among her supporters was Archbishop Desmond Tutu, a Nobel Peace Prize winner like Barack Obama, but with little else in common. Archbishop Tutu published an op ed column in the Globe and Mail in September 2012, opposing the Canadian government's effort to deport Kimberly, callong it unjust:

> *"When the United States and Britain made the case in 2003 for the invasion of Iraq, it was on the basis of a lie.*
>
> *"We were told that Iraq possessed weapons of mass destruction, and that these weapons posed an imminent threat to humanity….*
>
> *"But those who were called to fight this war believed what their leaders had told them. The reason we know this is because U.S. soldiers such as Kimberly Rivera, through her own experience in Iraq, came to the conclusion that the invasion had nothing to do with weapons of mass destruction. Indeed, the presence of U.S. forces only created immense misery for civilians and soldiers alike."*

Should a Government be Swayed by Facts, Justice, or Mercy?

But Premier Harper and other government officials still supported the war on Iraq and that had politicized the American war resisters seeking shelter in their country. Twice the Canadian Parliament voted to support these political refugees, but the Harper government gave no ground. A large majority of Canadians, 64 per cent, wanted to allow conscientious objectors to the Iraq war to remain in their country, but the Harper government gave no ground.

On February 2013, in another case, the Federal Court of Canada ruled in favor of a war resister right to due process in Canada, since the American military justice system was so flawed that it "fails to comply with basic fairness requirements found in Canadian and International Law."

In a reference clearly relevant to Kimberly Rivera's case, the court also found that consideration should be given to evidence that soldiers who have spoken out publicly about their objections to U.S. military actions are subjected to particularly harsh punishments because of having voiced their political opinions.

And still the Harper government gave no ground.

Ordered deported, Kimberly Rivera surrendered to U.S. border officials on September 20, 2012, and was immediately taken into custody. Faced with a court martial and a possible sentences of five years on a military prison, Kimberly made a plea agreement that limits her prison time to ten months, but includes a dishonorable discharge. At her sentencing hearing April 29, she pled guilty to two counts of desertion.

Military Justice is to Justice as Military Music is to Music

Her attorney, James Branum, has also represented dozens of other conscientious objectors and is legal director for the Oklahoma Center for Conscience and Peace Research. While acknowledging that some war resisters

have been sentenced to as much as two years, Branum told DemocracyNOW that Kimberly's sentence was relatively harsh:

> *"… many other resisters receive little jail time or no jail time. And people that desert, generally, over 90 percent do no jail time at all. And so, we feel that Kim was singled out.*
>
> *"Another thing, the prosecutor at trial said that he asked the judge to give a harsh sentence to send a message to the war resisters in Canada….*
>
> *"... the Canadian government, in deporting Kim, said she would not face any serious punishment because of her political and conscientious objection to war. And in reality, that's exactly what happened. That was the prosecution's argument, that because she spoke out against the war, she therefore should be punished."*

So this Canadian-American collusion, that started with the illegal war in Iraq, continues to illuminate the likelihood that when you have authoritarian officials in charge, you get a judicial system that imprisons a poor, pregnant, thirty-year-old mother of four for her conscientious objection to an illegal war.

Peace Prize winner Desmond Tutu asked: "Isn't it time we begin to redress the atrocity of this war by honouring those such as Ms. Rivera who had the courage to stand against it at such a cost to themselves?"

29 Apr - Brooklyn Anarchist Refusing to Play Along With the System

We're rounding up the latest news and information about Grand Jury resister Gerald Koch below. Jerry has his next subpoenaed appearance on Thursday, May 16th and needs the court to be packed.

MORE:
April 29th - Brooklyn Anarchist Refusing to Play Along With the System (*New York Magazine*)
Brooklyn's 24-year-old Gerald Koch is not charged in the 2008 bombing of a Times Square military recruitment center, which injured no one, but he's still at the center of the case. Prosecutors believe Koch may have heard something about who did it in a bar back in 2008 or 2009, and have subpoenaed him to testify in front of a grand jury for the second time. He claims to have "no recollection of any such incident," and so, like last time, he's refusing to testify, calling the situation "a 'fishing expedition' to gain information concerning my personal beliefs and political associations." For this, he's willing to serve eighteen months in jail.

"I accept this recompense, understanding that in doing so I will reinforce a tradition of defending individual rights in the face of state repression," Koch wrote in a statement available at the Jerry Resists website. Demonstrators are encouraged to "pack the court" during his appearance on Thursday.

Koch's story made it all the way to the New York Times today, a spotlight that will come in handy and maybe raise some hackles should the ridiculous case result in him being held in contempt of court. The self-identified anarchist activist, a former philosophy student at the New School who has worked with Occupy Wall Street, calls the grand jury process "a fruitless exercise of fear-mongering and government intimidation," as well as "a witch hunt against anarchists and political radicals." Even if the language is predictable or induces eye rolls, that doesn't mean he's wrong.

May 10th - Double Jeopardy: New York Activist Subpoenaed for Secret Grand Jury – Again (*truthout*)
New York activist Gerald Koch has been subpoenaed for the second time to testify before a US grand Jury - a form of legal double jeopardy that has been used by the US government to coerce, intimidate and punish activists.

Being charged for the same crime twice, or "double jeopardy," is well known as a legal no-no, even among laymen. But as 24-year-old Gerald Koch of Brooklyn learned earlier last month, the principle does not apply to those subpoenaed for a grand jury.

The concept of a grand jury is to gather sufficient evidence to indict a suspect. In the process, people like Koch can be compelled to testify by being granted immunity; thus nullifying their right to "plead the Fifth" (and the

First and Fourth for that matter). When Koch refuses to testify on May 16, as he did in 2009, he could be imprisoned for the remaining length of the grand jury - up to 18 months. It is a feeling, one might imagine, as terrifying as being struck by lightning for a second time.

Little to no information is available about either grand jury, but if Koch's attorneys are to be believed, both seek evidence to indict the "Bicycle Bomber," who planted an explosive device at the Times Square military recruitment station early one morning in March, 2008, causing damage to the building but no injuries. Koch is not now, nor has he ever been a suspect in the crime, but his subpoena indicates that prosecutors think he may know something that will lead to a suspect.

He explains in a statement released Thursday, April 25th: "During the first grand jury, the government informed my lawyers that it was believed that I was at a bar in 2008 or 2009 where a patron indicated knowledge of who had committed the bombing. When I was first subpoenaed to the grand jury in 2009, I had no recollection of any such incident - a fact that I expressed publically.

"Now, almost 4 years later," he continues, "I still do not recall the alleged situation."

So, why Koch?

For any radical in New York City prone to arrest at protests, the name "Skinny Little Hero" might have a familiar ring to it. That's what some privately call Gerald Koch - or Jerry, to friends. He earned the title for his refusal to testify, along with his tireless efforts as an amateur volunteer legal aide for activists and Occupy Wall Street protesters who get arrested for political activity - that, and his small frame.

Fellow frequent jail supporter from Occupy Wall Street, José Martín, knows Jerry well. "Late nights at central booking, when activists are still awaiting court before it closes at 1AM, one of the people I often find myself waiting alongside is Jerry. He has a great sense of jail support and leaving no one behind."

A representative from Jerry's support committee, David Silverberg, said Koch supported "activists, OWS protesters and all kinds of political dissidents. He did this not just for his friends, but also for strangers. He spent hundreds of hours waiting in court and gathering bail money to get people out of jail, even those he did not ideologically agree with."

One of the correction officers at Manhattan central booking even mistook Jerry for an attorney because he was there so much, often dressed in a suit and carrying a briefcase full of paperwork and bail money, Silverberg recalled.

It is this prominence, his support committee argues, that lead to the State's interest in him. At the grand jury, he can be asked about his political affiliations and the nature of their political beliefs. Even if he were to talk, he risks federal perjury charges if he withholds the truth or makes some other misstep. Essentially, all the information gained in Jerry's nearly half-decade of legal support in New York will become an open book for prosecutors.

"If you don't say anything, it's civil contempt, and they can imprison you if they think it will make you talk," Silverberg said. "It's meant to be coercive, not punitive."

Koch's support web site calls the proceedings a "witch hunt," a common hyperbolic charge by any group that feels unfairly victimized by prosecution. But the antiquated grand jury model comes pretty close to the puritanical damned-if-you-do, damned-if-you-don't methods of pre-Constitutional trials.

And there is evidence to suggest that the hunt is nationwide. Last year, four anarchists from the Pacific Northwest were imprisoned for refusing to testify at a grand jury in Seattle investigating a May Day black bloc that damaged the federal courthouse. As reported by Brendan Kiley at the Stranger, the arrestees were held for

months in solitary confinement for their refusal to cooperate. Search warrants associated with the case revealed that black clothing and "antigovernment literature" were potential reasons for the State's suspicion.

Attorney Martin Stolar has worked on several grand jury-related cases and has noticed a trend in the past 40 years of their increasing use as a tool of political repression. "[Grand juries] are a means of punishing those who are engaged in political support networks, putting them in a position of collaborating with the government."

Familiar with the case, he added, "[Koch is being] targeted because of his prominence as a political activist and an active anarchist. He is clear about what he stands for." Stolar says he's even seen others subpoenaed twice for a grand jury before, and these cases are always political in nature.

The federal grand jury has a long track record of being used to target dissidents. It was used in the McCarthyist 1950s against the Black Panthers, in the '60s against environmentalists, in the "green scare" of the 2000s and now against loose-knit networks of contemporary radicals in what Kiley calls a "black scare." The Grand Jury Resistance Project has a list of the most recent cases of political grand juries.

As both an assertion of his rights and protest against the secretive model, Koch promises he will not testify - and he is well aware of the repercussions. "My decision to stay silent in defense of individual agency will most likely result in incarceration for a period up to 18 months. I accept this recompense, understanding that in doing so I will reinforce a tradition of defending individual rights in the face of State repression."

Activists in New York are familiar with the feds and police visiting the same prominent radicals repeatedly. Before May Day of last year, for instance, police raided several homes to question radicals about what would happen at the massive protests the next day. All of the targeted individuals had been in the news in the previous weeks for their participation in radicalism or Occupy-related events.

While many, the FBI included, still believe the stereotype of anarchists as trench-coat wearing bomb-throwers, most anarchists today focus on "disrupting the flows" of capitalism and oppression via largely non-violent means, including school building occupations, picketing to support striking workers, actions against right-wingers such as white supremacist and homophobic religious intuitions, and of course, occasionally smashing a bank window. There is no known evidence to support the claim that the bicycle bomber is an anarchist. Their skin color, gender, and age are unknown, much less their political affiliations.

Koch is represented by Susan Tippograph. JerryResists.net is calling for supporters to "pack the courthouse," 10 AM, May 16, 500 Pearl Street, New York.

30 Apr - Chasing Anarchists: May Day and the Federal Government's Use of Grand Juries as Political Counterintelligence

In the run up to this year's May Day, Kris Hermes writes about state repression of anarchists.

MORE:
It's almost May 1st, otherwise known as May Day or International Workers Day. The genesis of May Day can be traced to labor struggles of the late 19th century in the United States, but today it's more widely celebrated in other parts of the world. Nevertheless, the Federal Bureau of Investigation (FBI) is keenly interested in May Day-focused political demonstrations as if they represent a real threat to National Security in the U.S.

A year ago, on May Day 2012, a demonstration in Seattle, Washington resulted in a few broken windows at certain targeted corporations and other locations. As a result of these actions, which have become relatively commonplace at political demonstrations over the past decade, local law enforcement arrested and began criminally prosecuting five people accused of property destruction and other crimes. Ironically and perhaps symbolically, the trials in these State cases are scheduled to occur just after this May Day 2013.

But, that's not the whole story.

Last July 25th, in the early morning hours, the FBI conducted a series of coordinated actions across the Pacific Northwest, during which dozens of Joint Terrorism Task Force agents broke down doors, entered residences with automatic weapons drawn, and used flash-bang grenades while searching the homes of several targeted individuals and serving subpoenas on others.

According to one of the search warrants used in the raids, the federal government was looking for "Anti-government or anarchist literature," black clothing, flags, flag-making material, address books, cell phones, hard drives and other electronic storage devices. Multiple people were served with subpoenas to appear before a federal grand jury the following week in Seattle.

Although initially unclear, the federal government's motivations soon became clear. Ostensibly tied to criminal investigations surrounding the May Day 2012 demonstrations, the series of raids and grand jury subpoenas would frame an effort by the FBI over the ensuing months to find out more about the anarchist community. Official records, however, also revealed that political activists endured heavy surveillance in the days leading up to May Day 2012.

Indeed, political-based surveillance and infiltration has become a renewed and common policing practice over the past decade at protests in the U.S. The anarchist-inspired Global Justice movement, which formed in the late 1990s, culminated with massive protests against the World Trade Organization (WTO) in Seattle. Images of Black Bloc anarchists breaking the windows of banks and corporate chain stores in 1999 gave the federal government a modern day "bogeyman," which it has strategically used to antagonize and intimidate activists of all political persuasions ever since.

By constantly invoking the specter of "violent anarchists," and "outside agitators," law enforcement and other public officials hope to intimidate those demanding broad-based social change. Negative perceptions of anarchists and anarchism are not only generated by government and unquestioningly perpetuated by mainstream media, but they are also routinely used to drive a wedge between dissidents and an otherwise supportive public. The manufactured fear of anarchist bogeymen is conveniently used to justify the tens of billions of dollars spent on so-called "homeland security."

According to a recent report by the National Lawyers Guild, the "violent anarchist" narrative is used by authorities prior to almost every large political demonstration in order to justify "enormous security expenditures, large numbers of police, and strict event zone ordinances." The Guild further asserts that this strategy "produces a 'threat amplification' spiral that consistently leads to sweeping police repression," which is "the desired outcome of a multi-pronged strategy of maintaining control over the populace."

* * *

So, why is the cash-strapped U.S. Justice Department so interested in a few broken windows? According to the affidavit used to obtain search warrants in the coordinated July raids, the pretext used by U.S. Attorney Jenny Durkan was to find and prosecute the people who vandalized the William Kenzo Nakamura U.S. Courthouse in downtown Seattle. But, why didn't the State of Washington bring charges against the accused like it did with the five people currently being prosecuted? Many activists believe that Durkan and the rest of the Justice Department are eager to learn more about anarchists, disrupt their communities, and deter activists from confrontational political protest.

The search warrant affidavit, which was hidden from public view until earlier this year when The Stranger and attorney Neil Fox got the court to unseal it, contained some clues. In order to get a federal judge to sign the search warrant, the government claimed the raids would yield "evidence, instrumentalities, or fruits of violations of the following offenses:"

Destruction of government property, in violation of 18 U.S.C. § 1361; Conspiracy to destroy government

property, in violation of 18 U.S.C. § 371; Interstate travel with intent to riot, in violation of 18 U.S.C. § 2101; and Conspiracy to travel interstate with intent to riot, in violation of 18 U.S.C. § 371.

While the federal government could convene a grand jury based on any of the above charges, it's the last two that stand out as a particularly aggressive legal move. Crossing state lines with the intent to riot and conspiracy to do the same are felonies contained in a little known provision of the Civil Rights Act of 1968 -- passed in response to inner-city riots throughout the previous decade. Although not explicitly protesting racial inequality, the Chicago 8 defendants were accused of inciting riots at the 1968 Democratic National Convention and were the first to be indicted under the Act. Have we progressed so little that we're using the same sensationalized charges 45 years later in an attempt to undermine yet another political movement?

* * *

Last summer, in the Pacific Northwest, anarchists and other activists quickly came together after the July raids to organize a response to the grand jury subpoenas. A group calling itself the Committee Against Political Repression, which takes a principled stand against cooperation with politically motivated grand juries, began to stage demonstrations and offer direct material and legal support to those subpoenaed. Solidarity actions began happening across the country and around the world. As a result of widespread opposition to the government's apparent fishing expedition in the anarchist community, one-by-one people refused to testify and answer questions being asked by the federal prosecutor.

By the end of 2012, four of those subpoenaed had been jailed, not based on any criminal convictions, but for refusing to testify before the grand jury. Matt Duran, Katherine "KteeO" Olejnik, Leah-Lynn Plante, and Matthew "Maddy" Pfeiffer all made strong public statements against cooperation. Duran and Olejnik were the first to be jailed for civil contempt in September. Then, in October, Plante was jailed, but a week later released under an apparent agreement to testify. In late December, Pfeiffer joined Duran and Olejnik in jail, with the three spending several weeks in solitary confinement without explanation.

Under the rules of the U.S. justice system, one can be jailed for civil contempt if he or she refuses to testify before a grand jury after being granted so-called "use immunity," which can protect a subpoenant from being prosecuted for crimes related to the grand jury. However, this immunity may not protect the subpoenant from being prosecuted for other crimes such as perjury. Civil contempt must be imposed as a means of coercing not punishing one to testify. In order to achieve this end, the court can keep you jailed until the grand jury expires, up to 18 months.

Under some circumstances, a subpoenant can be released early if he or she can demonstrate that no amount of coercion will result in the desired testimony. This can be achieved with a "motion for release from non-coercive confinement," or "Grumbles" motion, named after the appellants in a 1971 court case.

In February, after spending five months in jail, Duran and Olejnik filed Grumbles motions, but not before the Seattle Human Rights Commission sent a scathing letter to federal District Court Judge Richard Jones, condemning the use of solitary confinement and calling for the prisoners' immediate release. According to The Stranger, attorneys for Duran and Olejnik argued that not only was their clients' detention punitive, but the government also appeared to no longer need their testimony, based on information revealed in the search warrant affidavit.

It's rare for Grumbles motions to succeed, given a government-leaning judicial system and the blurry line between coercion and punishment. Despite this, Judge Jones decided to free Duran and Olejnik days later with a strongly worded order. Judge Jones noted that during the detainees' time in the Special Housing Unit (SHU) of the Federal Detention Center at SeaTac, "Their physical health has deteriorated sharply and their mental health has also suffered from the effects of solitary confinement." The Jones order echoed "extensive declarations" by Duran and Olejnik that "they will never end their confinement by testifying."

Shortly after Duran and Olejnik's release, the still-detained Pfeiffer was also set free. But freedom for the grand jury resisters has not resulted in an end to the federal government's campaign against the anarchist community. According to The Stranger, over the past week, FBI agents in Seattle and Olympia identifying themselves as members of the domestic terrorism unit have been "showing up at people's houses, jogging locations, schools, [and] workplaces," asking about "coworkers, roommates, romantic situations, and general social-mapping questions." Without a shred of evidence of terrorist activity or motivations, dissidents are left to assume that this continued harassment is at least partly aimed at chilling political protest on May Day 2013.

Although there remains a looming threat of federal indictments, dissidents are refusing to be intimidated. Activists of all stripes are busily organizing May Day activities and are continuing their efforts to draw attention to the federal grand jury in Seattle and to support those resisting its fishing expedition. Anarchists and other dissidents from around the country have organized a week of actions from April 24th-May 1st to oppose political repression and express solidarity with grand jury resisters.

* * *

Unfettered speculation on the true motivations of the federal government to pursue political demonstrators is of limited and questionable utility, but the material consequences of such pursuits can be clearly tracked. The FBI's concerted campaign to drum up hysteria and justify the massive resources spent in chasing anarchists represents a law enforcement trend with loud echoes of McCarthyism, wherein FBI targets were identified by what books they read and with whom they kept company rather than on the basis of criminal acts. Harkening back to an era of blacklists and thought crime, the trend of using grand juries to target holders of unpopular political views represents a real move toward a dangerous and deeply troubling infringement on the civil liberties of all.

Although proportionally the federal government's targeting of largely white and young political radicals represents a smaller total number of terrorism-related investigations, the pattern of using grand juries as secret forums to ask activists what organizations they belong to, who they associate with and to scrutinize their political beliefs on the basis of "Americanism" closely parallels the hearings held by the House Subcommittee on Unamerican Activities. In this context, the activists in the Pacific Northwest who have vowed not to cooperate with politically motivated grand juries can be seen as canaries in the coal mine and the importance of their resistance to government intimidation cannot be overstated. Regardless of what one may think of the political philosophy, these government-identified anarchists merit widespread support and the gratitude of all who wish to exercise civil liberties so now in question.

1 May - Interview with and update on Maroon Shoatz

The 30 days to Free Maroon ended on May 8th with a lawsuit filed with the federal court. As the campaign enters its next phase, we're including a new interview with Maroon, as well as information on the previously mentioned lawsuit

MORE:
May 1st - Lessons on Life, Liberation from Imprisoned Activist Russell Shoatz (*New Clear Vision*)

Russell Maroon Shoatz is a former leader of the Black Panthers and the Black freedom movement, born in Philadelphia in 1943 and originally imprisoned in January 1972 for actions relating to his political involvement. With an extraordinary thirty-plus years spent in solitary confinement — including the past twenty-three years continuously — Maroon's case is one of the most shocking examples of U.S. torture of political prisoners, and one of the most egregious examples of human rights violations regarding prison conditions anywhere in the world. His "Maroon" nickname is, in part, due to his continued resistance — which twice led him to escape confinement; it is also based on his continued political analysis, including recent writings on ecology and matriarchy that are found in his recently published book: Maroon the Implacable: The Collected Writings of Russell Maroon Shoatz.

*This interview was conducted via correspondence by **Lisa Guenther**, Associate Professor of Philosophy at*

Vanderbilt University.

Lisa Guenther: What does “maroon” mean to you?

Maroon Shoatz: Historically a maroon was a fugitive slave of the 16th, 17th, or 18th centuries Americas — and even on the west coast of Africa, where most enslaved Africans were shipped from.

In Latin America they were generally referred to as cimarrones in the Spanish speaking colonies, maroons in the French colonies, the Dutch word for Bush Negroes in their colonies, and in the British colonies of the Caribbean and the southern areas of what would become the USA, either outliers or maroons. Yet maroon is an accepted generic name for *all* of these fugitives.

The word is sometimes capitalized when it’s used to identify an ethnically adopted designation: like the Jamaican Maroons, or the Boni Maroons.

Usually it’s assumed that all maroons were of African origin. In fact, for centuries all over the Americas there were many, many maroons of *both* European and indigenous/Amerindian origin.

Maroons *differed* from the runaway slaves who tried to blend-in or fully integrate themselves within the otherwise “free” societies. And that’s where the true distinction lies between maroons and the other fugitives! Whether the maroons term their communities quilombos, ladeiras, palenques, cumbes, Nanny Town, Trelawny Town, or one of the scores of other designations we know of, they *all* were clear on the fact that direct integration into the surrounding oppressive settler colonial communities was something they did not desire.

One could argue that their fugitive status militated towards making that choice. Yet the historical record clearly shows that for centuries thousands of runaway slaves and indentured servants successfully integrated themselves within the free communities. Among those of European origin, untold numbers blended-in to join the periodic expeditions that were mounted to explore, exploit the riches of, conquer or settle vast areas that had previously only been inhabited by Amerindians.

Among the Amerindian runaways, they most often could find refuge and protection among kindred or other sympathetic Amerindian ethnic groups.

Those fugitives of African origin could at times find “free black” communities — who themselves were in league with sympathetic anti-slavery abolitionists — who would offer them a certain amount of refuge and protection.

And it’s known that these things were generally known and understood by the maroon communities in their regions. And by definition a rejection of these attempts to integrate oneself within the mainstream of either of these free communities — while establishing one’s own maroon communities — meant that such maroon efforts accepted the idea that their former owners would *aggressively* seek to return them to enslavement, or kill them if that failed. This was primarily because all maroon communities represented a direct threat to the idea and practices of slave and indentured labor, in other words, a threat to the *engine* that made the colonies in the Americas exploitable and fantastically profitable for the ruling elites.

Thus, in essence, all maroon communities — men, wimmin and children — were communities at war with their former masters. We know this to be true because for centuries various settler colonial regimes sought to violently stamp out numerous maroon communities all over the Americas. Even going so far as to sign *peace treaties* — which came with autonomy and land grants and material subsidies — in return for these maroon communities’ promises to reject any further acceptance of new fugitives into their ranks, as well as their aiding the slavers in capturing the latter (a stipulation that was not always followed through on).

More convincingly, till our times, the direct descendants of some of these maroon societies in South America

(Surinam), the Caribbean (Jamaica) and the USA (among the *Negro Seminoles* of Texas and along the Mexican border, and in Oklahoma; and the *Amerindian Seminoles* in Florida) still stubbornly cling to the remnants of their ancestral ways and speech.

So it must be recognized that — in spirit — a maroon was one who not only rejected oppression, but went further to help establish an alternative, even though such an effort could be avoided by simply removing themselves from the direct effects of that oppression. While at the same time being fully conscious that seeking to establish such an alternative will mean being attacked by those who benefit from the rejected oppressive arrangements.

Lisa Guenther: How can we learn from the history of maroon communities to "escape" from the prison industrial complex? This must be a different process for prisoners, for their families, and for others who have no personal connection to prisons. I'm interested in sketching out a kind of "escape manual" for those who want to build on this tradition of resistance.

Maroon Shoatz: The Prison Industrial Complex (PIC) is a *modern day form of slavery*! Michelle Alexander says it's a part of "the New Jim Crow," and she's correct in saying that. Yet we must recall that the original Jim Crow itself was simply a way to continue to derive the benefits from the exploitation of a segment of society that chattel slavery earlier provided. Similarly, the PIC serves to benefit segments of today's society at the expense of others. It's held up by those who derive these benefits as a necessary social mechanism to control the criminal elements in society: so much of the "tough on crime" posturing can be found here.

When one gets past that scare tactic and simply *follows the money trail*, it's easily recognized as the *giant con game* that it is. A tool that helps the economic and social elites — the "one percent" (if you will) — to use the PIC to serve as a *lid* to keep the most volatile economic and social elements from boiling over, in reaction to the dysfunctional and exploitative policies the one percent have set in motion and oversee. At the same time, using the police power associated with this drive to construct a — not so subtle — *terroristic police state* in order to *also* keep in check the other "ninety nine percent" who do not find themselves to be direct victims of the PIC, but are, nevertheless, *indirectly terrorized* into feeling they *too* must accept the economic, political and social policies put forth by the one percenter's advocates. If not, they too will fall victim to the terrifying specter of themselves becoming prey to the paramilitary police and spy agencies; the unaffordable legal system and the dreaded jail/prison archipelago that they've all seen on reality TV shows, and which are fodder for pop culture comedians.

The ninety nine percent are living in a *fool's paradise*. One that *cons them* into subsidizing their own oppression by allowing the one percent to yearly spend billions upon billions of their *tax dollars* to support this police state and its PIC. Most will object to my terming the USA a police state for one simple reason: They periodically get a chance to *vote* for whichever politician the one percent's massive outlay of money propels to the front of the — otherwise — easily recognized *millionaires voting club*… The give-away is that *whoever* is voted into office, the one percenter's interests are *always* given preference *over* the ninety nine percenter's.

Still, there is hope of using the "maroon spirit" to help us find our way forward. Even so, as Michelle Alexander points out in her "New Jim Crow" book, such an effort demands a collective type of energy and creativity in order to form a *movement* that is capable of getting the job done. And any process to accomplish this must be launched, refined, protected and sustained *simultaneously* among the prisoners within the PIC, the parolees and probationers, their collective families and loved ones, and by other members of the ninety nine percent who are *not* personally (bodily) connected to the PIC and its supporting police, spy, and court arms. An effort *consciously* directed towards building on the maroon tradition of resistance to oppression and exploitation.

Ironically, the segment of the population that presently has the most potential to effect change in the PIC is those who usually have *no* direct — bodily — connection to this system. That is the *taxpayers* among the ninety nine percent. Without their massive yearly outlays of billions in taxes (taxes they've been bamboozled into believing serve a good purpose, but instead serve [to] keep active a police state machine) the whole house of cards would

collapse!

These taxpayers have allowed themselves to be painted into a corner — as already pointed out — and must be *broadly* encouraged to join an effort to construct a national campaign to *vote out of office* any and all politicians who will not pledge to help us abolish the PIC and its supporting police state terror arms, while *simultaneously* using their tax dollars to prepare the millions of prisoners, parolees, probationers, prison staffs, police/spy and court arms for *new lives.*

Such an effort will help educate these taxpayers to the extortion con game that the "tough on crime" political hucksters have been playing on them, as well as help reign-in the out-of-control police/spy state apparatus, which will allow this taxpaying public to feel less terrorized in order to more aggressively pursue all of the other pressing problems the one percenter's policies have allowed to collect in their living rooms.

Among the prisoners, parolees and probationers — *at the same time* — they must spearhead a campaign to educate their peers to the fact that their pursuit of the *gangsta lifestyle* and its petty crimes must be abandoned, for the simple reason that they're being played for fools; when they kill and are killed to make money and gain status, only to lose the money, their freedom and all too often their families as well — while going in and out of the PIC.

Their only hope rests with organizing themselves and using their time and creativity to develop intelligent ways to get the taxpaying citizens to recognize that they must demand that their tax dollars be used to prepare them to fully join their communities as productive individuals — in a win-win situation for both groups.

The families and loved ones of prisoners, parolees and probationers are dying to become a part of such an effort, as already laid out. Moreover, the adult members of these families are themselves *voters and taxpayers.* As such they will form the *nucleus* to lend a backbone to a nationwide effort to get *other* taxpaying voters to *force* the politicians to pledge to work on abolishing the PIC, while initially channeling their tax dollars into programs designed to *really* prepare prisoners, parolees, probationers, prison staffs, police/spy and courthouse workers for their new lives.

Here the *academic community* must be brought into this undertaking. We must get them to see that it's also in their interest — as taxpayers and voters — to *forcefully* interject themselves into such a movement because — nationwide — colleges and universities are progressively being sidelined and hollowed-out in favor of the neoliberal *education for profit* model; one that most administrators will be forced to pursue, because they are being starved of tax dollars that presently are being shoveled into the PIC.

Where else will the prisoners, parolees, probationers, prison staffs, police/spy and court workers find individuals who are able to perform such a Herculean task?

Further, it's abundantly rational to fight for such a initiative, seeing how the material aspects are already in place: The archipelago of jails and prisons can serve as learning quarters. There are millions of people who need to be prepared for new productive lives — or remain negative tax burdens. Tens of thousands of unemployed or underemployed college and university graduates. And, finally, it *all* can be accomplished by intelligently using the billions of tax dollars that today are being *wasted* on prisons, jails, parole, probation, police/spy and court activities *that only serve to terrorize and keep in check the ninety nine percent.*

All that's missing is the *clarity* that such an effort is needed, and the *political will* to struggle to build such a movement. The same way that the historical maroons set theirs sights on being free from chattel slavery, then developing the will to run away and struggling to stay free.

Lisa Guenther: One of the things I love about your work is that it reveals another history of the Americas underneath the story of "discovery" and colonization. This is a history of struggle and resistance, which is as old — if not older — than colonial domination. What can we learn about political resistance from our own history,

read “against the grain” in this way?

Maroon Shoatz: One cannot *fully* appreciate the history of the maroons without first taking the time to read about them. Even then one cannot gain this knowledge by reading a single book on them. For myself, I began to seriously study them after escaping from a Pennsylvania prison and living in the surrounding mountains and forest in 1977. After a month I slipped-up and was captured and returned to prison. It was at that time I was given the nickname Maroon by an older prisoner who had studied maroon history. Up until that point all i knew was that the “maroons were escaped slaves in Jamaica….” Nothing more.

Nowadays I can say that I’ve read many books about the maroons, even though it took a bit of an effort to locate the material, since I had no access to the internet and was in prisons that restricted the books that i could get. Yet I’m still learning more about them as enterprising scholars and researchers are making that history available.

Jane Landers, a professor at Vanderbilt University in Nashville, Tennessee recently provided me some fascinating original research and publications surrounding the maroons she’s contributed. Further supporting what I’ve long ago discovered: The various maroon communities and a number of Amerindian communities stand *alone* as the only peoples who’ve withstood the crushing and absorbing effects of the colonial, “manifest destiny” imperialist and genocidal movements that have overwhelmed most of the rest of the Western hemisphere.

Though considered “backwards” by most people, it’s becoming clearer everyday that such elements — like the maroons and Amerindians spoken of — people who’ve learned to live alongside of the environment without destroying it, show the rest of our civilization as those ‘who are backwards’! Moreover, the remnants of these Amerindian and maroon communities steadfastly resist efforts by outsiders to co-opt or submerge their communities within the complexities of the modern state.

Even though the jury is still out on their choices in that matter, it’s also becoming crystal clear that the huge and complex undertakings like the old Soviet Union, the European Union, the USA and China and India are in for some truly rough sailing, as their ruling elites lose more and more of their ability to use the state to exploit and oppress/repress. This level of resistance was almost impossible to accomplish prior to modern technological wizardry, which is serving to *demystify* the “why’s” and “how’s” of what being done to the *global* ninety nine percent by this elite minority.

Indeed, I believe there are things that can be learned by studying how the maroons and certain Amerindian societies have been able to navigate their way forward until now. That knowledge and wisdom is *sorely needed* because we’ve allowed the global ruling elites to place us on a *runaway train*, that if not arrested, will present a clear *existential threat* to our existence!

Lisa Guenther: What’s the relationship, in your view, between anarchism and the decentralized structure of maroon communities?

Maroon Shoatz: The historical maroons, as well as the anarchists, have many things in common. Both also have many variations that have to be studied in order to prevent any errors in addressing this question. Nonetheless, they all share a deep-seated rejection of oppression/repression emanating from any state structure.

That said, the maroons differed from most anarchists — at least during their classical “fighting maroon” stage — because unlike most anarchists, they lived their ideal of rejection. Most anarchists, on the other hand, aspire to protect that ideal — short of what’s needed to realize it on a higher level.

Of course much of that has to do with the extreme level of oppression/repression the maroons had to confront. That’s usually missing in the case of the anarchists. The notable exceptions being the anarchists involved with struggles during the period of czarist/revolutionary Russia and during the Spanish Revolution and Civil War of the 1930s. There one cannot distinguish any difference between those anarchists and the earlier fighting

maroons.

Those instances also highlight another striking difference between the two camps — other than during the Russian Revolution and with Spain during its own struggles — and that is the premium the fighting maroons placed on always developing and maintaining a high level of organization! Forms of organization that were usually highly decentralized, creative and organically connected to those it served. Yet one that was sophisticated enough to be able to coordinate various decentralized formations in order to give the coordinated collective a critical mass when needed. Sorta like a swarm of bees.

Usually anarchists have not been confronted with the level of threat that the fighting maroons always had to live with, and that has hindered them in developing a need or desire to organize on such a high level.

Lisa Guenther: In "Black Maroons in War and Peace," you write about the difficult relationship between maroons and slaves, and the many examples of betrayal and complicity, where slaves were used as pawns by both the colonizers and the maroons. What can we learn from these struggles about the possibilities for solidarity and community-building today?

Maroon Shoatz: I've read a lot in this area but am hard pressed to recall any instances of fighting maroons betraying other slaves. In fact, take Suriname; there they even had a "Code of the Forest" that strictly militated against such betrayals. And in the fighting maroon formations in Jamaica, Mexico, Haiti and the United States (southern colonial areas) we see the same practices. Such betrayals were not in their interests, seeing as how solidarity with all slaves generally served to increase their numbers and ability to avoid capture and death.

That's not to say that the fighting maroons always got along with each other. They didn't. But that was usually settled by agreeing to go their separate ways.

The treaty maroons were the parties that indulged in such betrayals! Such treachery was the fruit that their co-optation by their former enslavers yielded. The European imperial and colonial enslavers discovered after generations of all but useless wars designed to capture or kill maroons that the most sophisticated fighting maroons could not be overcome by warfare. They therefore settled on a broad strategy of co-optation, a more subtle way to both neutralize the fighting the maroons and turn them into another auxiliary to help their other forces hunt, capture and kill new runaways.

In Mexico the Spanish slavers successfully implemented the co-optation of the famed and feared Yanga and his followers among the fighting maroons; and even today "Yanga the African rebel slave" is lauded in Southern Mexico.

In both Jamaica and Suriname the British and Dutch slavers (respectively) also came to adopt the same methods and had success doing that. In each case the co-optation of the most sophisticated and powerful fighting maroons worked to the detriment of those still fighting maroons and the new runaways as well.

One lesson we can draw from that is a need to be more vigilant in our efforts to both identify and struggle against co-optation. And we know from the maroons' experiences as well as more contemporary experiences brought about by struggles within the global anti-colonial struggles, the US Civil Rights Movement and the Women's Liberation Movement of the 1970s (in particular), that those in power will resort to co-optation against strong movements they cannot defeat otherwise. One rule of thumb is we must continue to struggle as long as the most adversely affected have not been relieved of the causes of oppression and repression they suffer under.

Lisa Guenther: In The Wretched of the Earth, Fanon writes: "The party must be decentralized to the limit. This is the only way to revive regions that are dead, the regions that have not yet woken up" (128). This made me think of your hydra model. What is the influence of Fanon on your thought and practice?

Maroon Shoatz: Franz Fanon had for decades been one of my guiding lights. His writings that highlight both his

"revolutionary" theories and practice still hold much truth. Yet I've come to learn that Fanon also was in need of a worldview that was not shaped by the patriarchal fixation on a malignant ego-based form of violence, a type of violence that he conflated with the otherwise necessary defensive revolutionary violence that the best of his theories and practice uphold.

This is a shortcoming that I outline in an essay in the upcoming anthology of my writings. The essay entitled "The Question of Violence", and a subsection labeled 'Towards a Matriarchal Prefigurative Praxis in Controlling Male Violence', contain my thesis that separates ego-based violence from defensive revolutionary violence, and how and why Fanon and others have conflated the two. As well as my theory about how to address that shortcoming.

Lisa Guenther: The connection between prisons and capitalism is clear. But can you spell out the connection between prisons, capitalism, and environmental issues such as food security, climate change, respect for animals, and so forth?

Maroon Shoatz: As was pointed out in answer to question #2, the ruling one percent has constructed a police state — with prisons at its core. Thus it follows that without that and the threat of the paramilitary police/spy networks, backed up by a awesome array of weapons, military vehicles, helicopters, drones, reality police and jail TV shows — which daily sow terror in the minds of the ninety nine percent — the bulk of the citizenry would more seriously question all of those things. But they fear that if they go beyond voting (where that is allowed), or peacefully demonstrating (where that is allowed), they could easily wind up in a prison hellhole or be gunned down in the streets!

In the USA a huge segment of the ninety nine percent own firearms — allegedly for hunting or to simply exercise their rights to do that. In reality, so many millions owning these weapons is itself a testament to the fear felt by them; a fear that they cannot rationally understand is grounded in their inability to understand the complexities of a society that otherwise point to the bankruptcy of the one percent's accumulation mania, and the ninety nine percent's inability to stay afloat in this game. Thus the owning of weapons is a way to achieve a small amount of psychosocial relief from the everyday fears and terrors that torment them.

Periodically one of these tormented individuals will snap under the strain and shoot and kill another one of the ninety nine percent over a minor dispute, or more dramatically, shoot and kill as many as possible — before the feared paramilitary police SWAT team shows up…

The global ninety nine percent would also act in a similar fashion — being subjected to similar pressures — but mostly weapons are not as available; unless you are willing to be cannon fodder in some drug or resource warlord's army…

Lisa Guenther: You write about matriarchy, and suggest that it is a better word than "feminism" to describe your own approach, which you share with Fred Ho and Stan Goff. Could you explain what matriarchy means to you? I must admit, the word makes me uneasy for a number of reasons. For example, it is possible to admire and even worship mothers without actually granting them social or political power. Mothers are often romanticized as wonderfully caring, responsible, even self-sacrificing people — which creates an impossible standard for most women to live up to. And not every woman wants to become a mother; feminists have worked hard to distinguish between being a woman and having to be a mother, so it seems like we risk backsliding if we suddenly replace feminism with matriarchy. But at the same time, much of the history of feminism has been dominated by white, middle-class straight women who still have a lot to learn about the many different ways of being a woman, being powerful, and working with others in solidarity. For these reasons and more, I prefer to focus on the promise of "global feminisms" rather than matriarchy. But I'm interested to hear more about why this term appeals to you.

Maroon Shoatz: My outlook on this is a work-in-progress. For most of my life I was a male supremacist, faithfully following the patriarchal paradigm that permeated all areas of my life, even after becoming what i

thought was a “revolutionary”, someone struggling to achieve an egalitarian social order.

Then about eight years ago I was introduced to radical feminist writings by another former male supremacist. And since that time radical feminist ideas and practice have turned my worldview upside-down! Nowadays I too consider myself a radical feminist, but one who believes our worldview and practices are better served by drawing a line in the sand by opposing everything that patriarchy champions! In the words of Fred Ho, “the goal is not gender equality, but the abolition of gender as a social differential completely, and the restoration of Mother Right: procreation and nurturance of humans and Nature, not ownership and domination of people and the earth for private property”.

The use of the much misunderstood and maligned word matriarchy is a way to present that revolutionary challenge to the age-old ruling patriarchal order. A clear line in the sand!

The word feminism is also maligned, misunderstood and attacked, but I believe — in the long run — it would serve us to do the hard work of returning to the source of the birth of both words (matriarchy and patriarchy) in order to better grasp the essence and ramifications surrounding the need to do battle on this front. Something we’re much less likely to do by shying away from a word (matriarchy) that has a lineage and pedigree that cannot be fully or properly understood without such an intense struggle.

My use of the word matriarchy is no attempt to either directly or indirectly romanticize mothers, set any “impossible standards for most women to live up to”, or demand that all wimmin become mothers. All of which are patriarchal ideas, which a struggle over these words will make clear. Ideals that were introduced in order to help defeat the then-prevailing matriarchal order, during what Frederick Engels wrote was the era of “the overthrow of mother right [which] was the world-historic defeat of the female sex” in his neglected and little-studied The Origin of the Family, Private Property, and the State. A work that has stood the test of time.

Though a work-in-progress, like all “new believers” I too am zealous about confronting, struggling with and ultimately helping to defeat the patriarchal worldview, which I’ve termed “the father of oppression”.

So I ask you to bear with me as you weigh and examine my positions.

Lisa Guenther: How have you managed to stay sane and clear-headed after 21 consecutive years of solitary confinement?

Maroon Shoatz: Perhaps my ego will not allow me to be destroyed by this experience (smile). In the sense that my captors can kill my body, but as long as I breathe air they’ll never kill what all I’ve learned about the nature of oppression and repression and why I must stand against both.

Lisa Guenther: In “Liberation or Gangsterism,” you explain how the black radical resistance of the 1960s and 70s gave way, under the pressure of police oppression and programs like COINTELPRO, to gang violence in which young black men fight each other for power and money, rather than joining together in resistance to the system that oppresses them. What do you think of the growing movement within prisons to put aside racial differences and gang affiliations in order to increase pressure on prison administrators through hunger strikes (as in California) and labor strikes (as in Georgia)? Are we witnessing a rebirth of radical political resistance within prison? How might this affect possibilities for addressing street violence within communities, and creating alternatives to police surveillance through policies such as Stop and Frisk?

Maroon Shoatz: I’m thrilled to know that the actions of the prisoners in Georgia, California and elsewhere have been taking steps to end the monstrous conditions they face. For them to be able to overcome the decades of bloody prison staff provoked and sanctioned violence between the various ethnic, racial and regional affiliations is truly historic, and points to the potential to move forward.

That said, I fear that the prisoners’ overseers will take steps to derail this growing movement by reducing the

potential for the prisoners to continue providing much needed direction on their end. The way the prison staffs usually do that is by separating and transferring the most sophisticated thinkers amongst the prisoners to other prisons, while allowing most of the prisoners a measure of relief from their present harsh conditions. While at the same time replacing them with a new, younger, less savvy group of prisoners. While not initially making the mistake of treating the new prisoners so bad until they too will be forced to come to grips with the primary contradiction, which is: the PIC and the prisoners "gangsta culture" are two sides of the same coin; a giant con game that ultimately serves the one percent's accumulation pursuits, as I've already pointed out.

Consequently, we must return to question #2 [above] and my comments. My view is that the "manual" you would like to produce is something that would be very valuable in helping prevent the prison staffs in places like Georgia and California (and elsewhere) from continuing to use the PIC as a tool of repression. Your use of the word "escape" in such a manual, however, will certainly guarantee that it will not reach most prisoners! Think along the lines of producing something free of inflammatory anti-PIC catchwords, but still drives home the organizing points i suggested in my answer to question #2. Though you first must make direct contact with a savvy prisoner or two in each state's isolation units in order to solicit their advice on how to fine-tune your message to their area, and for advice on the best way to circulate such a manual in their area and region.

More importantly, such a manual must be small, free, and mass produced! Seeing how they will have to flood the prisons in order to assure enough of them reach their destinations.

Such an effort will benefit prisoners throughout the USA, but the prisoners in isolation in California and Georgia should have priority because they are the most advanced in their broad based organizing and resistance at the present time.

Things have the potential to develop into "a rebirth of radical political resistance within the prisons." Also, the "possibilities for addressing street violence within communities…," etc.

My view, however, is that the main problem here is not the resistance that will come from the prison staffs and their supporting police/spy/court arms but from our own continued failure to adopt to a worldview and practices that are capable of fully unleashing the wimmin and girl half of the ninety nine percenters, that the bulk of even the most committed and advanced males on our side don't realize they're holding back. Primarily because these males are still wedded to the patriarchal worldview, which leads to patriarchal thinking, planning, actions and results. All of which — sooner or later — will (again) alienate the wimmin and girl half of the ninety nine percent, who will not benefit from such an arrangement, except for a minority of coopted individuals.

In order to overcome that problem, along with everything else we must do to immediately better combat the PIC, we must also introduce the male prisoners and the males in the streets to our radical feminist/matriarchal views, literature and ideas — along with also introducing all of that to the wimmin and girls they're associated with… in case the latter is not familiar with the same.

There is no other way I can imagine we can fully tap into the necessary creativity and energy needed to tackle this problem.

May 8th - Federal Lawsuit filed seeking an end to nearly 30 years of solitary confinement

Lawyers for Russell "Maroon" Shoatz filed a lawsuit today against Pennsylvania Department of Corrections officials, demanding an end to almost 30 years of solitary confinement. Maroon is a 69-year-old former Black Panther, author and intellectual who has been imprisoned in solitary confinement for more than 22 consecutive years (and 28 of the past 30 years).

Maroon continues to be held in conditions of 23-24 hour solitary confinement in a tiny concrete and steel cell at SCI Mahanoy, despite having an exemplary disciplinary record for the past 23 years. He has been held in this manner in several Correctional Institutions throughout Pennsylvania, including the last 18 years at SCI Greene.

Dan Kovalik, one of Maroon's lead attorneys, noted that "this type of long-term solitary confinement can only be characterized as torture. It violates a growing international consensus against such confinement, and it violates the Constitutional prohibitions against cruel and unusual punishment."

The lawsuit names PA DOC Secretary John Wetzel, State Correctional Institution (SCI) Greene Superintendent Louis Folino, and SCI Mahanoy Superintendent John Kerestes as defendants. Attorneys Stefanie Lepore and Rick Etter from the law firm Reed Smith, and Dustin McDaniel of the Abolitionist Law Center join Kovalik in representing Maroon.

This lawsuit comes on the heels of a 30-day advocacy effort led by the Campaign to Free Russell Maroon Shoatz, a newly formed coalition with affiliates in twenty cities across the US. Endorsers such as the Center for Constitutional Rights, National Lawyers Guild, the American Friends Service Committee (Northeast Region), and others participated in a call-and-write-in campaign to demand an immediate release of Maroon into prison "general population."

"While heartened that prison officials have indicated to Maroon, his legal team, and members of the public that they intend to release him into the general population at some time in the future," noted Campaign co-chair Matt Meyer, "we believe that 22 consecutive years in solitary is too much torture for anyone to endure. Every minute Maroon is forced to live under these conditions is a minute of fundamental human rights abuse."

"It is long past time that the torture of my father is brought to an end," added Maroon's daughter and Campaign co-chair Theresa Shoatz. "We intend to keep up the advocacy until he is released into the general population, and is able to embrace his family for the first time in more than 20 years."

PA DOC officials have refused to give a timeline when Maroon might be released from solitary confinement, or provide a reason for his continued isolation.

1 May - Message from Jalil Muntaqim: Is There a Doctor in the House?

We're including both Jalil's latest blog entry, "Blow-Back?!," and a request he has made, below.

MORE:
As some of you have heard, I have been having health/medical problems. It has been going on for a while, but I have been holding it down like a trooper, if you know what I mean!?

Well, it has been suggested that I give a full report of my condition. So, here we go! I have been suffering from hypertension (high blood pressure) for over a decade. I've been taking several types of medication to keep it under control. However, the best remedy is release from prison to lessen my stress.

In February 2011, I began experiencing shortness of breath when exercising in the yard or climbing the stairs to the cell. Mind you, I have been jogging 3-5 miles a couple of times a week, and/or playing several games of hard basketball a week. So, experiencing shortness of breath climbing stairs really put a damper on my exercise program.

On February 10, 2011, I had a 2-D & M-Mode/Doppler echocardiograph and renal arterial duplex ultrasound. The ultrasound showed "Normal renal arterial duplex ultrasound." However, the echocardiograph showed: 1) Intact left ventricular size and systolic function; 2) Mild left ventricular diastolic dysfunction; 3) Mild tricuspid regurgitation with normal estimated right ventricular systolic pressure. It has been explained to me that my right ventricular valve is weak, and blood pumping out of the heart regurgitates, meaning some of the blood seeps back into the right ventrical of the heart. I have been told it is a mild dysfunction.

Then, on January 3, 2013, after shoveling snow from the weight pile in the yard, I returned to the cell and removed my winter clothes. All of a sudden, my left arm went numb, with tingling in my fingers. I was unable to touch my thumb to the tips of my fingers. I immediately informed the officer I felt like I was having a stroke,

although I had no other symptoms of a stroke. I was taken to the facility hospital in a wheelchair, and the first doctor who examined me wanted to send me immediately to an outside hospital. But he was countermanded by head Doctor Rao. Doctor Rao ordered for me to have a CT Scan.

On April 8, 2013, I was finally taken to the outside hospital for the CT Scan. When I returned, I was called to the facility hospital and Doctor Rao made arrangements for me to be sent immediately back out to another hospital to see a neurologist. However, that was cancelled, and I am now waiting to see a neurologist. What alarmed Dr. Rao was the CT Scan discovered I suffer "low density areas in the right basal ganglia and head of the caudate nucleus on the right." In other words, these areas of the brain are not getting all of the blood flow they should, i.e., brain damage.

When I asked someone to google this condition, it was learned that I should have had immediate medical attention when I reported the stroke 4 months ago. I do not know how long it will take for Albany approval to permit me to see the neurologist, but it is obvious that delay does not serve me well.

So, that is where I am at this juncture. Therefore, if there is a doctor in the house, I would really like to gain their expert opinion on this health situation. I believe it is fair to say I have little trust in DOCCS providing me the proper medical care.

Furthermore, I will not be able to know the difference in quality of care if I do not know what should be expected regarding healthcare. Hence, if there is a doctor in the house, let me hear from you!

May 6th – Blow-Back?!

Reading the Saturday, April 13, 2013, issue of the New York Times, I came across an article, "Rights Groups, in Letter to Obama, Question Legality and Secrecy of Drone Killings," byline Scott Shane. The nine-page letter sent to Obama by the American Civil Liberties Union, Amnesty International, Human Rights First, Open Society Foundations, the Center for Constitutional Rights and other groups challenged the U.S. so-called counterterrorism campaigns. A week earlier, I saw a photo of 8 Afghani children wrapped in their funeral shrouds to be buried after succumbing to a U.S. drone strike on a community, allegedly to kill an Islamic militant. When I read the article concerning the photo, it discussed the anguish of the parents of these children, asking the question why were their children killed. The story brought to mind the many babies that were killed by Timothy McVeigh in the Oklahoma bombing. I thought about the police bombing and killing men, women and children of the MOVE family in Philadelphia, and I thought about the babies/children being killed (although disproportionately) between Zionist Israeli and Islamist Palestinians. Needless to say, there are far too many babies/children being victimized in these geo-political or domestic conflicts.

Reading this article about the letter to Obama, it was reported, "While not directly calling the (drone) strikes illegal under international law, the letter lists what it calls troubling reports of the criteria used by the Central Intelligence Agency and the Pentagon's Joint Special Operations Command to select targets and assess results." Essentially, the groups put forward the proposition that far too many innocent civilians are being killed by the U.S. government. Specifically, it was reported, "Gabor Rona, the international legal director of Human Rights First, said that the letter to Mr. Obama reflected increasing concern that government secrecy has hidden grave legal and practical problems with the strikes." He is quoted as stating, "The more the administration is rightly forced to disclose about who it is killing and why, ... the more obvious it becomes that the practice is growing, is illegal in its scope, is causing large-scale civilian casualties and is a slow-moving train wreck with serious blowback consequences to U. S. national security."

The word "blowback" was especially poignant, simply because it raises the question of the prospects of continued U.S. civilian casualties as a result of this wrong-headed military foreign policy to contain and control Islamic militants. It is extremely important to note, I am not a supporter of Al-Qaeda or suicide-bombings or the irrational indiscriminate killing of civilians. In the 60's & 70's, the militant revolutionary forces were particularly careful not to injure/kill civilians. It was believed that the revolutionary armed struggle at that time sought to "win the people" to the side of the anti-war and anti-police brutality-murder struggle as anti-racist and

anti-U.S. Imperialism.

However, this concern for "blowback" is one that should concern all U.S. civilians, no matter their political persuasion. If a U.S. foreign policy raises the prospects of retaliatory blowback, then perhaps the civilian population has a right to question that foreign policy, beyond the government's demagoguery of keeping the American public safe. Is it?

The recent incident in Boston, abhorrent as it was, speaks to a bigger picture than the individuals who committed the act. Unfortunately, mainstream media is parroting the talking heads of government, glossing over U.S. drone strikes and other foreign policy that have made U.S. citizens targets both nationally and internationally. I believe these legal-civil-human rights groups should be concerned about Obama's use of unmanned drones, cruise missiles, fighter jets and helicopter gunship strikes on civilian populations seeking the demise of Islamic militants. In fact, there should be a general outcry of how this policy is potentially putting the American populace in greater harm. Needless to say, I would hate to see my Mom or children blown up on a bus, train or plane because an Islamic militant sought to revenge the death of his family caused by U.S. hands. The idea of acceptable collateral damage is unacceptable.

Failing to respond to these concerns, the U. S. government is generally ensuring that the American populace for the foreseeable future will need to confront increasing domestic militarization and insecurity.

2 May - NATO 3 Case Continues

While we are using tonight's dinner to focus on the NATO 3, there are updates that we want to make sure make it to the print version os these announcements and were including them below.

MORE:

The NATO 3—Brent Betterly, Brian Jacob Church and Jared Chase—appeared in court on Tuesday, April 30th for a status hearing about their case, one of the many pre-trial hearings in advance of their trial date in mid-September. This court date was on the one-year anniversary of their comrades in the Cleveland 4 being arrested at gun point after being entrapped by an FBI informant and was just one day before May Day protests around the country. This date was also just about two weeks before the International Week of Solidarity for the NATO 5 from May 16-21.

In court, the defense attorneys argued with the prosecutors over discovery (i.e., evidence) issues. The prosecution is trying to drag its feet on requesting evidence from federal agencies such as the FBI, Secret Service, and Department of Homeland Security. The defense has reason to believe that these and other agencies have information relevant to the politically motivated prosecution against the NATO 3, who traveled to Chicago from Florida to join thousands of other people in the streets of the Windy City to protest the North Atlantic Treaty Organization (NATO) during its summit in May 2012.

The judge asserted that the defense has the right to explore all possible evidence in this case and that the prosecutors have the obligation to made good-faith efforts to acquire all the relevant evidence. The judge is expected to issue formal rulings on the outstanding discovery issues before the next status hearing on Tuesday, May 14 at 2pm at the Cook County Criminal Courthouse in Room 303.

An important evidentiary issue that was discussed was the State's request for Brian's fingerprints. The judge granted this motion with the condition that Brian not be interrogated in any way and with the option of his defense attorneys being present when his fingerprints are taken. This will likely happen at the same time as a handwriting analysis, which the State had previously requested and the judge had granted. The analyses of the defendants' handwriting are apparently in reference to handwritten instructions for making pipe bombs and potassium nitrate, which the State claims is in its evidence.

At the end of the hearing, the prosecutors mentioned that they had sent the defense a letter addressing their position on potential un-indicted co-conspirators. At the previous status hearing, the defense had argued that it

had requested statements and names of any un-indicted co-conspirators but that the State had not addressed this issue in the updated Bill of Particulars (which is supposed to explain in detail the allegations against the defendants). At this time, the Defense Committee does not know the details of the State's position on any potential un-indicted co-conspirators or whether anyone else is at risk of being indicted in this case. We will follow up on this and other pre-trial issues as more information gets on the record in open court.

The NATO 3′s lawyers are working hard on preparing a strong defense and fighting back against this state repression. Defense funds are still urgently needed. You can donate online at https://www.wepay.com/donations/nato-5-defense.

2 May - PNW Grand Jury Resistance Update

While the folks imprisoned for refusing to cooperate with a grand jury in the Pacific Northwest have been released, there are others who refused to show up at all and still more lingering subpoenas. We're including a roundup of updates regarding this case below.

MORE:
saynothing.info has dedicated itself to spreading a non-cooperative attitude and practice towards the federal grand jury which currently investigates anarchists in the Pacific Northwest. This remains true, but the scope of what we are dealing with here has grown. Non-cooperation must extend beyond the grand jury room to every place the cops show up.

By subpoenaing individuals to the grand jury, the feds were specifically targeting people they believed (wrongly or not) knew about the individuals who allegedly traveled to Seattle from Portland, allegedly via Olympia, allegedly to attack the federal courthouse. They intended two things: to get information regarding those people, and to create snitches.

Their new strategy still embraces those goals, but also broadens their intimidation to include those whose associations are third or fourth-degree from possible rioters. They want to wedge apart anarchists and those who are sympathetic to their aims.

Some facts about the recent feds' visits:

- They flashed a lot of resources. The feds appeared simultaneously in 3 or 4 cities (Portland, Olympia and Seattle, and probably Vancouver) as well as some rural places around the region. They appeared in groups as large as 6-8.
- They visited around 10 houses in Olympia, and several other locations for a total of perhaps 20 contacts in Olympia. They visited at least one but reportedly as many as 3 different homeless youth service organizations in Seattle, in addition to an anarchist bookstore. They harassed a handful of people in Seattle quite intensely. Several people in Portland were visited, and reports suggest some people in Vancouver, BC were visited.
- At one house, the feds knocked and someone answered the door. Once the door was open, the feds muscled their way into the house, intimidating residents and asking questions.
- The US Marshals are involved. Marshals track, arrest, and transport people. They also serve subpoenas, and had served at least one subpoena last year related to May Day 2012.
- The scope of their contacts has greatly increased. They are not focused on anarchists and activists: now they target artists, hipsters, and show spaces.
- They showed lists of names and series of photos. They said things along the lines of, "Here is a photo of someone unmasked. Here is a photo of someone masked up. Is it the same person? What is their name?"

Their goal was to prevent May Day 2013 from being a riotous affair. We have seen that, in spite of their attempts, rage spilled over in Seattle yesterday and numerous windows were broken and police were injured. #fbifail

Beyond May Day 2013, they were trying to continue their investigation into May Day 2012. By fishing broadly through subcultural milieus, they hoped to get pieces of information that would lead them to others who would give them more information which they could leverage against yet other people, eventually working their way back in to prosecute those they believe smashed their stupid little courthouse, prosecuting any other crimes they uncover in their process.

Broadly, it seems that people refused to cooperate. Some people talked with the feds. It is worth reiterating again: answer absolutely no questions that the feds ask you. You do not have to acknowledge knowing anyone. You do not have to name people in photographs. You do not have to compare photographs. You do not have to wipe their asses. You do not even have to provide them toilet paper. All you have to do is tell them that you won't speak to them, and close the door or walk away.

May 2nd - Pair jailed over May Day in '12 steer clear — again (*Seattle Times*)
Olympia roommates who were held in solitary confinement at the SeaTac Federal Detention Center after last year's May Day riots in Seattle — which they skipped — say they still don't know why they were singled out.

Olympia roommates Katherine "Kteeo" Olejnik and Matthew Duran were nowhere near Seattle's May Day riot last year. But they say their refusal to identify friends' political beliefs in a private grand-jury hearing about anarchist activity landed them in federal detention for five months — with several weeks of that time spent in solitary confinement.

A year after the rioting, they decided to be even farther away from Seattle's May Day circus: This week, Georgetown University Law Center in Washington, D.C., invited them to speak on how difficult it's been to recover from that experience.

"Solitary confinement is torture," Duran said Wednesday.

Duran, 24, and Olejnik, 23, were isolated not because of any misbehavior at the SeaTac Federal Detention Center but because federal investigators were seeking to coerce their testimony.

Proof of whereabouts
The roommates say they provided proof of their whereabouts on May Day, but investigators were more interested in their friends' political activities — information Olejnik said the government didn't deserve to know.

Both said they were blindsided by subpoenas Federal Bureau of Investigation detectives served to them in July. During last year's riot, Olejnik was at work and Duran was playing board games with friends. According to an FBI affidavit, detectives had been investigating a small group of Portland-based anarchists who allegedly stopped in Olympia before taking part in May Day vandalism in Seattle.

Later, another Olympia friend, Matthew "Maddy" Pfeiffer, was also subpoenaed. He, too, was put in solitary confinement after being detained in December.

To this day, the friends speculate about why they were targeted but can think of only one solid reason.

"Of our large group of friends, we generally lead more normal lives," Duran said. "Maybe they thought we had more to lose."

In solitary
Duran spent his first two weeks of detention in solitary confinement, then was returned to it Dec. 27 — where he stayed until he and Olejnik were released at the end of February. Olejnik spent her first six days of detention in solitary, was returned to it Dec. 27 and was kept there until at least Feb. 12.

With the exception of one monthly 15-minute phone call, their solitary confinement consisted of 24 hours of

complete isolation with “exceedingly limited access to reading and writing material,” according to a federal court document.

“Their physical health has deteriorated sharply and their mental health has also suffered from the effects of solitary confinement,” said the federal order that eventually released them. “They have suffered the loss of jobs, income and important personal relationships.”

As grueling as their sentence was, Duran and Olejnik resolved to remain silent no matter how long or harsh their treatment.

“It was a choice I’d made and stuck by,” Duran said. “It’s not in me to aid the federal government’s investigation.”

The Recalcitrant Witness Statute could have kept both in detention for a maximum of 18 months, but a federal judge concluded that incarceration was not going to coerce testimony. The judge ordered their release Feb. 27. Their friend, Pfeiffer, was released in mid-April.

Olejnik said recovering is almost as tough as the incarceration.

“Getting out of prison is almost harder than being in prison,” Olejnik said of readjusting to society. “Every day gets easier, but it’s still the most difficult thing I’ve ever experienced.”

After their release, Olejnik said she was able to return to a waitressing job at King Solomon’s Reef in Olympia, but Duran had lost his job at a computer-security company. He said he just recently found a cashier job at Home Depot and hopes to head back to school soon to study computers and radio engineering.

But their problems with the federal investigation, on which the U.S. Attorney’s Office will not comment, aren’t over. Until the statute of limitations runs out in five years, both could be found guilty of criminal contempt for not answering more questions before a grand jury.

“There’s no maximum-sentence guide for that, so we have no idea how long we’d serve for that,” Olejnik said.

May 7th - Pacific Northwest Grand Jury Resistance Continues in Exile and on the Run

In late July of 2012, our friend Steve received a phone call from a man identifying himself as a FBI agent. He was told that a subpoena had been issued for him to appear before a federal Grand Jury investigating the vandalism of the Kenzo Nakamura Court of Appeals*. This phone call happened in conjunction with three other people being served subpoenas in Olympia and Portland, as well as house raids in Portland. Although Steve is a known anarchist in the Northwest, who has been subjected to state harassment before, up until this moment he has not been served or indicated as a suspect of the ongoing Grand Jury investigation targeting anarchists.

His life has been severely impacted by the course of events. He has made the choice to leave his former life behind in order to resist the Grand Jury on his own terms. This means that Steve has gone without face-to-face contact with his family, friends, and loved ones for many months.

The investigation and subsequent repression is still very much alive even though former prisoners, Maddy, Matt and Kteeo are now out of prison. The potential for criminal indictments remains a real possibility. Also, the effects of imprisonment and future threats of going back to prison, which could happen if any of the three are charged with criminal contempt, are not something that ends once one has left the prison walls behind.

While Steve has been doing his best to adjust to life in a new place, it has not been an easy transition. He is in a really rough spot right now, being thousands of miles away from his home and not knowing when he will be able to return. He has already been physically and verbally harassed by the state forces in his new location, and is having a hard time finding employment due to not having status and language barriers. At the same time, he

has been doing his best to keep his spirits high and is grateful for all the support and solidarity he has received so far, and for the new friends he has made. The fact remains that life inside capitalist society is expensive, and at this point he has no income whatsoever. Please consider donating to Steve so he can take care of his rent, bills, transportation costs, and everything else this life forces us to pay for. As little or much as you can, anything helps.

*It is important to note that Steve stands in solidarity with all those accused of damaging the Kenzo Nakamura Court House.

Please donate whatever you can at:
wepay.com/donations/solidaritywithsteve

2 May - Assata Shakur first woman named on FBI most wanted list

40 years after reportedly killing a state trooper, Shakur exemplifies the continued punishment of Black Power.

MORE:
For *Salon* by Natasha Lennard
Forty years ago to the day, Assata Shakur (birth name JoAnne Deborah Chesimard) was involved in a shootout at the New Jersey Turnpike, which left a state trooper dead. Shakur, then a Black Liberation Army and Black Panther Party member, was convicted of his murder in 1973. In 1979, with the help of allies in the black radical movement, Shakur escaped from prison, eventually emerging in Cuba, where she has lived since 1984. As of Thursday – the reward on her capture and return doubled to $2 million — the 66-year-old fugitive was named the first woman on the FBI's most wanted terrorist list.

Shakur was herself wounded by police shots during the Jersey Turnpike shootout and one of her militant comrades was killed. Despite the case's verdict, many of Shakur's supporters — and commentators rightly skeptical of the criminal justice system's treatment of black liberation activists at the time — question Shakur's murder conviction. Deserving of further questioning: Why, after 40 years, is Shakur (whose chosen name means "she who struggles") worthy of a $2 million bounty and a spot among the FBI's most wanted?

James Braxton Peterson, Director of Africana Studies at Lehigh University, has argued that the continued interest in Shakur's capture reflects an evasion on the part of the U.S. government to truly come to terms with its racist recent past. "It is unlikely that our government will ever be able to come to terms with its own role in the violent racial conflicts of its immediate past, and thus unlikely that Assata will ever be able to live freely in her country of origin – these United States," he wrote. The point being that if Black Panthers continue to be framed as dangerous, violent terrorists, the government's role in the race war that birthed the panthers can be neatly tucked into history's unread footnotes.

And Shakur's is not the only case of ongoing federal punishment of former black panthers. Perhaps the most telling example of all is the treatment of the "Angola 3." As I noted earlier this year, former Black Panther Albert Woodfox, one of the "Angola 3," has been in solitary confinement in Angola Prison for 40 years for the murder of a guard, despite the fact that evidence strongly suggests his innocence. Although a federal judge has overturned his conviction, Louisiana is likely to keep Woodfox locked up. He has been ordered free by a judge three times now, but remains behind bars. The only freed member of the three, Robert King, was released after 29 years in solitary confinement when his conviction was overturned in 2001.

It remains the case to this day, as Mother Jones has reported, that inmates found in possession of Black Panther-related literature or imagery can been placed in solitary confinement. The reasoning is murky and prison officials point to gang activity as impetus to isolate inmates in possession of these artifacts. Critics of the sprawling U.S. prison system, however, have long highlighted how prison authorities react with draconian force to the slightest whiff of political organizing within prison gates — the sort of organizing for which panthers were famed. The possession of pictures of Assata Shakur has been used by prison authorities as evidence of gang involvement.

So while Assata Shakur — who calls herself a “20th century escaped slave” — may at first seem a surprising entry as the first female on the FBI’s most wanted terrorist list, she remains a symbol of the sort of radicalism and fierce anti-prison, anti-government activism for which the U.S. will give no voice or freedom.

2 May - Barrett Brown Update: New Defense Team, Feds Fish For Activists

Several new developments in the Barrett Brown case suggest that the playing field between the cyber-activist/journalist and the government may be starting to even out—at least a bit. But the feds aren’t giving up anytime soon.

MORE:
On April 28 it was announced that Brown—currently facing upwards of 100 years behind bars for a slew of felonies *ostensibly* unrelated to his work as a journalist—had retained new defense counsel, including heavyweights certain to draw more attention to his case than ever before.

Brown’s new team will consist of attorneys Ahmed Ghappour and Charles Swift.

Swift’s name should be familiar to legal junkies in the post 9/11-era. A former Lt. Commander in the US Navy’s Judge Advocate General (JAG) Corps, he represented Salim Hamdan in his successful bid to gain Supreme Court recognition of *habeas corpus* rights for Guantanamo Bay detainees. Swift now focuses on national security and military litigation as a partner in his private practice.

For Brown, the change came not a moment too soon. As the target of what feels like an establishment pile-on, Brown will need the best defense money can buy—that is, if they’ll let him buy it.

On April 17, Magistrate Judge Paul Stickney had ordered the seizure of thousands of dollars in defense funds, solicited and held in an outside account with no connection to Brown. Although the funds were apparently listed in a still-sealed financial affidavit provided by Brown’s former court-appointed attorney, it remains unclear how the money could be legally seized.

However, in a hearing on May 1, Judge Stickney essentially reversed himself, denying the government’s motion to transfer the funds to the court for remuneration to Brown’s original public defender. Stickney then accepted that the cash reserves be used to retain Ghappour and Swift.

The prosecution had seemingly hoped to hobble Brown by depleting his war chest and therefore his ability to defend himself. With the new ruling however, which allows him to spend the money on counsel of his choice—one not overburdened by a public defender’s typically heavy caseload—the court has dealt the prosecution a serious setback.

***

The hearing came about a month after the Department of Justice (DOJ) dusted off a tried-and-true tactic in its war on dissent in the digital age: the viral subpoena.

On April 2, the DOJ served the domain hosting service CloudFlare with a subpoena for all records and personal information on one of its clients, a research wiki known as ProjectPM.

The brainchild of Barrett Brown, ProjectPM—it should be noted—is entirely legal.

PM is a crowd-sourced research effort to study an online trove of emails. They reveal the dirty tricks cooked up by US intelligence contractors, to help government and private entities—both here and abroad—battle critics.

The emails were originally obtained by the “hacktivist” collective Anonymous. Brown had nothing to do with the hacking, nor is the government claiming he did.

As we reported in our February piece on Brown’s saga, his stated goal was to create a better picture of the activities of these contractors and to publicly map out the web of relationships between them and the powerful agencies for whom they often work. In short, he sought to shine a light on the dark world of intelligence contracting in the post-9/11 age.

Cumulative evidence suggests that the ultimate goal of the prosecution was not only to head off PM, but also

discourage other such net activism. If so, it has certainly succeeded on the first count. Since Brown's imprisonment last September, ProjectPM has come to a halt. And now CloudFlare will likely be forced to turn over records on third parties who were engaged in constitutionally-protected conduct related to curating or visiting the website.

A Digital Fishing Trawler

"The prosecution of Barrett Brown is an over-prosecution," attorney Jason Flores-Williams told *WhoWhatWhy*. A member of the recently-conceived Whistleblower Defense League, he had originally filed a motion to quash the subpoena on behalf of a third party. His then-client—a Dutch national who had built newsgathering sites for Mr. Brown—eventually declined to proceed, paving the way for it go forward. "They [DOJ] use [the prosecution] to go on a fishing expedition to see who else may be out there investigating the activities of their own government. And that is a return to the era of McCarthy."

The inter-connected structure of the Internet enables such "viral subpoenas," whereby private information about almost anyone within a particular network—like say, journalists accessing information published by ProjectPM—can be collected under the auspices of a single indictment.

By subpoenaing all records associated with the domain name, the government could know and log the IP addresses of untold numbers of activists, journalists, and others who collaborated at some level on Brown's work as a journalist.

"We've long been worried that broad subpoenas issued to online service providers or even a wiki can have chilling effects on free speech," says Hanni Fakhoury, a staff attorney with the Electronic Frontier Foundation (EFF)—a digital rights advocacy group. "Broad subpoenas and search warrants are clearly a way to gather information about large groups of people and learn about associations and connections."

Chevron's Jungle Seine

Activists have long had to contend with such fishing expeditions by authorities and civil defendants. In October 2012, EFF and EarthRights International (ERI), an environmental advocacy group, fought to quash a similar subpoena issued in a civil case against the oil giant Chevron. A year earlier, an Ecuadorian court had imposed a judgment of over $17 billion against Chevron for illegally dumping into the Amazon rainforest billions of gallons of some of the most dangerous chemicals known to man.

In response, Chevron sought to compel three email providers to turn over emails from over 100 accounts related to participants in the lawsuit, including environmental activists, journalists, and attorneys. Chevron insisted they were part of a conspiracy with Ecuadorian officials to defraud the company. Access to such user data would have enabled Chevron to track the movements and communications of many involved in the action.

"Environmental advocates have the right to speak anonymously and travel without their every move and association being exposed to Chevron," said EFF Senior Staff Attorney Marcia Hoffman, in a press release issued at the time. "These sweeping subpoenas create a chilling effect among those who have spoken out against the oil giant's activities in Ecuador."

Magistrate Judge Nathanael Cousins denied Chevron's subpoena attempt. But other, non-civil cases didn't pan out as well.

The State's Past Hauls

As part of the Justice Department's grand jury probe of *WikiLeaks* in 2010—reportedly still ongoing—a court ordered Twitter to hand over records of users the DOJ believed to be involved with the whistleblowing website, including a parliamentarian from Iceland. The court then sealed the subpoena from public view, precluding knowledge of what the government was seeking and from whom. Meanwhile, another digital muckraker—*WikiLeaks* founder Julian Assange—remains holed up in the Ecuadorian embassy in London for fear of extradition to the United States. Facing trial stateside remains a real threat with the grand jury's continued operation.

A similar action was taken in a case involving Occupy Wall Street (OWS) activists. In early 2012, the New York City District Attorney's Office asked Twitter for all of its information regarding Malcolm Harris, one of 700

protestors arrested on the Brooklyn Bridge during an OWS action the prior October. Harris contested the subpoena, but was blocked on procedural grounds since technically all of the personal information requested *belongs to Twitter.*

Thanks to legal grey areas in the age of digital information, the government was able to obtain these records with a subpoena rather than a search warrant, despite Fourth Amendment protection against unreasonable search and seizure, and the Stored Communications Act. Harris later pleaded guilty to disorderly conduct during the march.

A New Line of Defense

Despite the government's attempted chill on freedom of association, plus its attempts to hinder Brown from mounting a reasonable defense, his new legal team provides a level of name recognition and experience the feds cannot be happy about. Attorneys Ahmed Ghappour and Charles Swift have worked under far more oppressive legal conditions, and represented far more marginalized defendants in the past. As noted, they've both represented perhaps the most disenfranchised and oppressed population currently in American detention: Guantanamo Bay detainees.

Charles Swift—the former defense lawyer for Guantanamo Bay prisoner Salim Hamdan—successfully sued former Defense Secretary Donald Rumsfeld over the constitutionality of military tribunals and the treatment of GITMO prisoners. Swift won his case in front of the Supreme Court; this led to Congressional passage of the Military Commissions Act of 2006, an attempt to remove restrictions on the government's ability to hold so-called "enemy combatants" indefinitely without trial. The provision in the 2006 legislation denying enemy combatants the right to challenge their detention was itself declared unconstitutional by the Supreme Court in 2008.

In 2004, *Esquire* chronicled Swift as part of "the next wave of American leaders," defined by the experience of the Iraq War in a story titled "Best + Brightest: The Iraq Generation." After noting that he had compared former president "George W. Bush to King George III," the piece documented Swift's quest for justice at Guantanamo Bay:

Steeped in the law and in history, Swift is not at all shy about taking you deep into why, last April, he sued not only President Bush but also Defense Secretary Donald Rumsfeld on behalf of Salim Hamdan, a thirty-four-year-old Yemeni man who'd once worked in bin Laden's compound in Afghanistan. Swift was assigned to represent Hamdan last December. The more he learned about the new tribunal system, the more uneasy Swift became.

It took him almost two months even to meet with his new client, who was incarcerated at Guantanamo Bay, Cuba. He was startled to discover that the government had not provided him with a translator. Swift also discovered that the new system of military tribunals was being made up from scratch, ignoring the precedents set by previous tribunals. "The only thing this system gave an advantage to was interrogation, in getting rid of the Geneva Conventions and the rules of evidence," Swift explains.

"What became clear is that the president had determined to deviate from past practices. They were determined to make up their own rules." In response, Swift sued the government, charging that the new system of tribunals violates the Constitution, the Geneva Conventions, and the Uniform Code of Military Justice. The case is now pending in Washington, D. C.

"Historically," Swift says, "it always depends on whether we make decisions out of fear or out of convictions. When we make them out of fear, we're rarely proud of them a hundred years later."

Swift's colleague in the defense of Barrett Brown, Ahmed Ghappour, teaches at the University of Texas at Austin School of Law. Formerly of the non-profit advocacy organization Reprieve UK, he has challenged the unlawful detention of more than 40 inmates at Guantanamo. Ghappour has also been a participant in litigation regarding secret detention and extraordinary rendition—the Clinton-initiated practice of shipping prisoners to third-world countries where they can be tortured by allied security services.

According to a press release, his recent work consists of "direct[ing] the National Security Defense Project, an access to justice initiative that raises constitutional challenges in national security and cyber security cases." Since both men are known for working with some of the most abused and persecuted persons of the last decade,

Swift and Ghappour's decision to take this case should be enough to signal to the media at large that the Brown prosecution raises serious civil-liberties issues.

Shifting the Power Balance

Barrett Brown used the unique ability of the Internet to democratize information access and dissemination, thus shifting the power balance between citizen and state. For that, he and his family are paying a price.

Brown was seized by the government in September 2012 in response to a YouTube video showing him making vague threats against an FBI agent. Those threats, however imprudent, were explicitly non-violent. While in a state of anguish and opiate withdrawal Brown lashed out against the government for going after his mother– because she had allowed him to stay at her home while the FBI raided his apartment looking for information related to ProjectPM and other hacked data. Now Brown's mother, Karen McCutchin, is as much a part of the tale as her son; on March 21 of this year, she pleaded guilty to a charge of obstructing the execution of a search warrant.

As relayed by the *Dallas Morning News*, Swift downplayed the significance of the YouTube video to the prosecution:

"Quite frankly, that's the less interesting part of the case, but those are important charges from Barrett's perspective," says Swift. "My question for the government is: Why are you bringing these charges? Were you *really* afraid? Did he have real capability? I've not mastered the facts yet. But the allegations don't dissuade me."

***

The Brown trial has broad implications—for freedom of the press, freedom of speech, freedom of association, and may help determine whether and how corporate and security-state interests tame the Internet. Yet, despite its importance, the story still has not reached the mainstream media. It has been limited to a column by civil libertarian Glenn Greenwald at *The Guardian*, a brief segment on *Al Jazeera* (in which this reporter participated), as well as entries from the non-traditional news sources VICE and Gawker . The failure of the news outlets from which 99 percent of the public gets its information to pay any attention to this case is in itself remarkable, given the consequences.

3 May - René González given permission to remain in Cuba, renounces U.S. citizenship

In a huge development in the case of the Cuban Five, the court has finally granted a motion, first made last June, to allow René González to serve the remaining portion of his three-year parole in Cuba, after which he will of course be able to remain in Cuba, outside the jurisdiction of the court.

MORE:
Until this time, the court has required him to spend that parole at an undisclosed location in Florida, requiring him to remain in virtual seclusion because of the danger to his life from the very terrorists whose plots he and the other members of the Five came to the U.S. to expose.

René has been in Cuba for two weeks to attend a memorial service for his father Cándido, who died recently.

Phil Horowitz, Rene's attorney, said: "Rene and I are happy that he will be able to be permanently reunited with his family. Rene's exemplary conduct shows that these are not individuals that the government has made them out to be. We are just so happy and will take all the steps pursuant to the court order."

The 7-page court order by Judge Joan Lenard, describes the requirements for his right to remain in Cuba. The principal requirement is that he renounce his citizenship, which he willingly offered to do previously (René held dual U.S.-Cuban citizenship). To renounce a U.S. citizenship, it must be done outside of the United States, as per U.S. federal code, Section 1481 a(5).

We are extremely happy for René, who has, along with his Cuban Five brothers, been unduly punished for being a proud defender of his people, his homeland and the Cuban Revolution.

This development must give all the Cuban Five supporters great inspiration to continue the fight so that Gerardo, Ramón, Antonio and Fernando can return home immediately!

5 May - All the Children by Mondo We Langa

We received this beautiful poem by Mondo We Langa from our friend Alina Dollat, who works with Amnesty International in France.

MORE:
i was a witness to your statement
i heard the words expressing grief
over the deaths
especially of the children
the slaughtered innocents
who as you said
had their whole lives ahead of them
before they were cut short
you looked so genuinely moved
to me
so deeply touched
but as you did more than once
i too must pause
but not to wipe away a tear
but to ask you something i would ask
if you were here
do not all the children of the world
have their whole lives ahead of them
and if it's true what some people say
that guns don't kill people
people do
then YOU kill children
Obama
have you no tears
for "collateral damage"
or for their grieving families
in Afghanistan and Pakistan
and those other places
where the drones perform their gruesome deeds
at your command
these cowardly machines that are unmanned
perform your gruesome deeds
of carrying out death sentences
on the untried and unconvicted
whose shattered bodies will take root
to bloom in a vengeful harvest time.

5 May - Health Update from Lynne Stewart

Lynne Stewart has written about the current state of her health. We've also recently learned that the Warden of the prison Lynne is in, FMC Carswell, agrees that she should be released and has written a letter to the Bureau of Prisons (BOP) stating as much. Probation officers have visited the home of Lynne's son, a preliminary step in readying her for compassionate release to live with him.

MORE:
[I wanted everyone to be aware of the latest state of the metastasis of my cancer, as revealed by the most recent

PET scan. While the lymph nodes and scapula have shown great improvement in size and density following chemo, the cancer in my lungs has not appreciably changed. It is still Stage 4. Since I am now finished with the four chemo treatments that are considered safe, there will need to be a new course of treatment.

As you all know, I am determined to fight fight fight and one day walk out of Prison—soon. Right now, I am finding myself very weary, needing frequent naps. Worse, I am affected by the Chemo brain which takes a toll on my memory and my ability to task and multi task. As most of you would agree, nothing can be as cruel as that which affects mental ability. Nonetheless, I am trying — I have lost appetite (hence the pounds shed –some earlier and not due to cancer but to Jail) and, of course, my hair. Now that the chemo has ended, I hope that my energy level will pick up and I will be able to resume my writing and correspondence.

Meanwhile, it is more important than ever that we keep up the pressure on the Bureau of Prisons and that they do not snatch victory and turn it into defeat. We are waiting for an inspection by the Probation Department in New York, of my sons's home where I intend to be cared for in Brooklyn. Then the motion by the Washington BOP to Judge Koeltl and his decision. None of this will happen unless we keep up the pressure. Together we all have accomplished much (See comment on "More Releases of Ailing Prisoners" NYT 5/2/13) But we have miles to go before we sleep and I must say when I return to my bed after a slight exertion, I am mighty happy to sigh and fall in !! Bring me home !!

7 May - Secret Hearing in Bradley Manning Court Martial a Preview of What is to Come

Last week, another closed to the press and public, two day hearing took place in regards to the upcoming PFC. Manning case.

MORE:
It is the second closed session in recent months. A portion of the proceedings were closed on March 1 to deliberate over whether the defense should be allowed access to a Defense Department "operator"—"John Doe"—who was part of the raid that killed Osama bin Laden and allegedly uncovered digital media with copies of documents Manning disclosed to WikiLeaks.

David Dishneau, who has been regularly covering the proceedings for the Associated Press, writes "government secrecy" is reaching a "new level," as "military judge, Col. Denise Lind, has ordered what prosecutors say is an unprecedented closed hearing Wednesday at Fort Meade to help her decide how much of Manning's upcoming trial should be closed to protect national security."

As the judge granted in a ruling on April 10, the closed session is a product of a motion by Manning's defense "to assist the court in determining if there are reasonable alternatives to closure."

According to Dishneau's summary "an unidentified prosecution witness will testify" in this secret session as part of a "dry run." This will give the court the ability to test a number of alternatives that could be used to keep proceedings open during the trial, such as: stipulations to facts ahead of testimony, using code words, utilizing computer screens with code names, the "silent witness rule" (employing substitutions when referring to sensitive information), a syllabus or legend, declassification, redactions, etc.

The government, on February 27, said it intended to call 141 witnesses during the trial and sentencing. Prosecutors indicated 73 of the witnesses would give testimony that included "classified evidence." Four "unique witnesses," including "John Doe," would require all testimony be given during a closed session. Thirty-three witnesses, military prosecutor Maj. Ashden Fein maintained, would require the court be closed for part of the testimony or else it would be impossible to understand testimony being given.

When asked the same day, Fein told the judge that "very little" of the trial would need to be closed. After the judge followed up with a question on what the government considered to be "very little," he replied that 30% of the merits portion of the trial would need to be closed to protect "classified evidence."

“The government considers 30% very little?” the judge asked, appearing to be a bit dumbfounded. As has been the government’s chief justification for how it has handled the case for the past two and a half years, Fein argued the “volume of classified information” made it reasonable to close that much of the trial.

Though Manning has pled guilty to some of the offenses in ten of the twenty-two charges he faces, the government still intends to call all 141 witnesses and present its entire case over a span of twelve weeks, beginning on June 3.

He has confessed to being responsible for disclosing the “Collateral Murder” video, the Iraq and Afghanistan war logs, the US State Embassy cables (including a particular cable from Iceland, 10 Reykjavik 13), information allegedly detailing the Iraqi Federal Police’s torture of opponents of Iraqi Prime Minister Nouri al-Maliki, detainee assessment briefs for Guantanamo prisoners and two intelligence documents from a “government agency.”

All of the material remains classified, despite the fact that each disclosure is available to the public. President Barack Obama and his administration have not declassified any of the material. Even information that should not have been classified is still classified. (Note: The “Collateral Murder” video was found to be unclassified.)

The prosecutors do intend to exact maximum control over the information on behalf of government agencies. They have indicated in court that they do not want specific details on damage that occurred to become public during the trial, like evidence on individuals who were killed, diplomats who were put at risk, IED attacks which were made possible, damage which was done to diplomatic relations (like deals that collapsed), etc. In service to government agencies, they will do everything in their power to ensure state secrecy is protected.

Lind stated in court, on April 10, the court was considering “employing the curative measure of making redacted transcripts of closed proceedings publicly available.” This possible remedy could be how the judge convinces herself it is permissible to allow 30% of the trial to be closed by prosecutors, but it would not necessarily mean the press and public receive information on proceedings in a timely fashion. Transcripts would be subject to “classification review” as well as “authentication,” which could be as cumbersome as the Freedom of Information Act process, making it hard for journalists to report news.

A secret session could help ensure the process runs smoothly. Dishneau quoted Air Force Reserve Lt. Col. David Frakt, who rationalized, “What they don’t want to do is to have a yo-yo effect – let the public in, send the public out, let the press in, send the press out. We have had that kind of circus atmosphere at Guantanamo, and it just looks very bad.”

Or, the prosecutors could convince the judge in secret that there are no alternatives that can work; thirty percent will have to be closed. The defense could object and fail to convince the judge that the prosecutors are being ridiculous and overzealous. The judge could announce that there was no way around closing the portion of proceedings the prosecutors desire, and the public and press may never know what kind of charade was put on by prosecutors during the secret session. That is another possible outcome of the secret session.

Secrecy games have been played by prosecutors. They have claimed an FBI law enforcement file with details on the investigation into Manning was not relevant to the accused. They have blacked out entire pages of evidence turned over to the defense, leading the judge to ask, “How can the defense assert anything if the page is black?” To which Fein responded, “Well, that is what they have to do.” They have misled the judge on the proportion of material in the FBI file that was disclosed and misrepresented when they obtained an impact assessment from the FBI that should have been turned over to the defense. They have argued State Department damage assessment reports were “drafts” so did not have to be provided to the defense. They have played word games by not looking for “investigative files” when asked because what the defense was really looking for were “working papers.” And, prosecutors also accused the defense of “graymail,” using the trial to open up government files and expose state secrets.

A military appeals court has ruled the public and press do not have to be given copies of judge's decisions or orders the day they are issued. Nor does the public and press have a right to court transcripts. While there is a FOIA "Electronic Reading Room" setup by the US Army for access to records from the pretrial portion of Manning's court martial, there are at least 500 different records from proceedings so far. Only ninety-six records have been posted and no new records have been posted to the "room," since March 15 (even though the press were given physical copies of two rulings on April 10).

For what it's worth, the "dry run" is a preview of what the trial will be like. There will be multiple times in the trial where the press and public are not allowed to see evidence that is being brought against Manning. Numerous groups and individuals will call attention to the secrecy and ask experts if this is reasonable or not, but everyone will be powerless in the face of the national security state.

Bradley Manning will—absent the declassification of all material he disclosed to WikiLeaks—be convicted of charges and some of the evidence or government arguments against him will never be publicly known.

8 May - Jury finds 3 guilty of weapons plant break-in

An 83-year-old nun and two fellow protesters were convicted Wednesday of interfering with national security when they broke into a nuclear weapons facility in Tennessee and defaced a uranium processing plant.

MORE:
Matt Daly (*Associated Press*)
It took a jury about 2 ½ hours to find the three protesters guilty of a charge of sabotaging the plant and second charge of damaging federal property in July the Y-12 National Security Complex in Oak Ridge in July.

Defense attorneys said in closing arguments that federal prosecutors had overreached in the charges because of the embarrassment caused by the break-in.

"The shortcomings in security at one of the most dangerous places on the planet have embarrassed a lot of people," said Francis Lloyd, who represented Sister Megan Rice of Washington, D.C. "You're looking at three scapegoats behind me."

Prosecutor Jeff Theodore was dismissive of claims that the protesters' actions were beneficial to security at the plant that has had a hand in making, maintaining or dismantling parts of every nuclear weapon in the country's arsenal.

"Right after 9/11, did you notice how much better security got at airports and public buildings?" Theodore said. "Does that mean 9/11 was a good thing? Of course not."

Theodore said the protesters' intent was made clear by the fact that they carried the materials with them to deface the building.

He also noted that their fate could have been far worse because they had entered an area where guards were allowed to use deadly force.

"They're lucky — and thank goodness they're alive — because they went into the lethal zone," he said.

The defense asked for a mistrial over the Sept. 11 comparison, but the judge denied the motion.

In Washington on Wednesday, Neile Miller, acting administrator of the National Nuclear Security Administration, told a Senate subcommittee that officials have taken "decisive action" since the July 28 intrusion at the Y-12, including a new management team and a new defense security chief to oversee all of the agency's sites.

"The severity of the failure of leadership at Y-12 has demanded swift, strong and decisive action by the department," she said. "Since the Y-12 incursion, major actions have taken place to improve security immediately, and for the long term."

Earlier Wednesday, Rice, Michael Walli and Greg Boertje-Obed testified on their own behalf, saying they have no remorse for their actions and were pleased to reach one of the most secure parts of the facility.

The defendants spent two hours inside Y-12. They cut through security fences, hung banners, strung crime-scene tape and hammered off a small chunk of the fortress-like Highly Enriched Uranium Materials Facility, or HEUMF, inside the most secure part of complex.

Rice said during cross examination that she wished she hadn't waited so long to stage a protest inside the plant.

"My regret was I waited 70 years," she said. "It is manufacturing that which can only cause death."

Boertje-Obed, a house painter from Duluth, Minn., explained why they sprayed baby bottles full of human blood on the exterior of the facility.

"The reason for the baby bottles was to represent that the blood of children is spilled by these weapons," he said.

All three defendants said they felt guided by divine forces in finding their way through the darkness from the perimeter of the complex to the enriched uranium plant without being detected.

"I believe it was clearly a miracle," Boertje-Obed said. "There is no other way to explain it."

Walli, who most recently lived in Washington, D.C., agreed.

"It was an answer to prayer," he said.

The protesters' attorneys noted that once they refused to plead guilty to trespassing, prosecutors substituted that charge with a sabotage count that carried a maximum prison term of 20 years. The other charge has a maximum sentence of 10 years. The defense argued during the trial that the more serious charge should be dismissed.

Prosecutors argued the act was a serious security breach that continues to disrupt operations at the facility. The intrusion caused the plant to shut down for two weeks as security forces were re-trained and contractors were replaced.

Federal officials have said there was never any danger of the protesters reaching materials that could be detonated on site or used to assemble a dirty bomb, a position stressed by defense attorneys.

The plant first built as part of the Manhattan Project during World War II that provided enriched uranium for the atomic bomb dropped on Hiroshima, Japan. It makes uranium parts for nuclear warheads, dismantles old weapons and is the nation's primary storehouse for bomb-grade uranium. The facility enjoys high levels of support in the region, and Oak Ridge has always taken pride in its role in building the atomic bomb, viewing it as crucial to the end of the war.

For decades, protesters have rallied at the gates of Y-12 around the anniversary of the bombing of Hiroshima.

An overflow crowd of supporters sang religious songs in the courtroom after the verdict was read.

"Justice was done at Y-12 on July 28," Jack Cohen-Joppa, a supporter of the protesters from Tuscon , Ariz., said outside the courthouse after the verdict. "But we're still waiting for it here."

23 May - the conversation (NYC anarchist gathering)

WHAT: anarchist gathering
WHEN: 6:00-9:00pm, Thursday, May 23rd
WHERE: Assembly Hall, Judson Memorial Church - 55 Washington Square South New York, New York
COST: FREE

MORE:
the conversation is an intentional gathering intended to be a social and safe space where activists from the nyc anarchist community, occupy and other radical campaigns can come together to engage in dialogue and understanding and reinvigorate our sense of community

this space will help create an environment where everybody will be encouraged to share their thoughts and feelings in small circles

we encourage you to bring vegan food to share and hope to hold similar social sessions on a regular basis. let's help create a culture of care by acknowledging and negotiating conflict responsibly.

24 May - An Evening with American Indian Movement (AIM) Member Lenny Foster

WHAT: Lenny Foster: Native American Issues and Leonard Peltier
WHEN: 6:30-9:30pm, Friday, May 24th, 2013
WHERE: Casa de las Américas, 182 East 111th Street (between Lexington and 3rd Avenues)
COST: FREE

MORE:
Lenny will speak on Native American Spirituality, the Prison System, Environmental Issues Affecting Native Lands and Native American Prisoner of War Leonard Peltier

Lenny Foster of the Diné Nation is the Director of the Navajo Nation Corrections Project and the Spiritual Advisor for more than 2,000 Native American inmates in ninety-six state and federal prisons in the Western U.S. He has co-authored legislation in New Mexico, Arizona and Colorado allowing Native American spiritual and religious practice in prison and resulting in significant reductions in prison returns.

He is a board member of the International Indian Treaty Council, a sun dancer and member of the Native American Church. He has been with the American Indian Movement since 1969 and has participated in actions including Alcatraz, Black Mesa, the Trail of Broken Treaties, Wounded Knee 1973, the Menominee Monastery Occupation, Shiprock Fairchild Occupation, the Longest Walk and the Big Mountain land struggle. He was a 1993 recipient of the City of Phoenix Dr. Martin Luther King Human Rights Award.

Lenny will speak on the illegal imprisonment of Leonard Peltier, land and resources taken from Native peoples by the U.S. government, strip-mining, uranium mining and the pollution of the land, air and water, Native American freedom of religion and the demand to honor Native treaty rights.

Sponsors: NYC LPDOC Chapter, NYC Jericho Movement, ProLibertad
(list in formation) For more info: nyclpdoc@gmail.com • 646-429-2059

Light Refreshments Will Be Served