NJC NBC
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Updates for March 17th

2 Mar - Cautious Optimism as Angola 3 Supporters Pack the Courtroom for Albert Woodfox

As expected, arguments began by exploring whether the federal or state courts have jurisdiction of Albert Woodfox's release and ended with a discussion about what bail for Albert may look like.

MORE:
Though the Court has given both sides one additional week to sum up, we expect he should rule soon thereafter. If he doesn't release Albert, the legal team is prepared to move his compelling case for bail to the state court.

Though the arguments were mostly procedural, the courtroom was overflowing with loving, dedicated supporters who stuck out the procedural delays to stand up for Albert and his long overdue freedom. Thanks to all of you who continue to show up and tune in as he takes his final steps toward release.

We will update you as soon as we hear more.

3 Mar - What I Learned From Breaking the Law

In 1971, John Raines helped burglarize an FBI office and leaked documents that exposed J. Edgar Hoover's abuses of power and details of COINTELPRO. Here's what that experience taught him.

MORE:
by John Raines (*The Nation*)
I have been asked to develop a set of reflections on the moral lessons I learned from breaking the law. Here is part of that story. In 1961 I was arrested and put in jail in Little Rock, Arkansas. I was a "freedom rider." Then, ten years later, a group of us calling ourselves "The Citizens' Commission to Investigate the FBI" broke into the Media, Pennsylvania office of the FBI, removed the files and released them to the news media. What did I learn from breaking the law? Here are five lessons I learned. I learned that:

1) Law is not to be trusted without interrogating its complicity with privilege and power.

2) Identity is morally problematic, especially if you get yourself born a white male of class privilege.

3) A nation that lets itself be governed by fear will become a poorly governed nation.

4) The arrogance of power contributes to its own demise when confronted by persistent resistance, and finally….

5) I learned that the anger called hope can overcome despair, create a community of resistance and build a future that seemed impossible.

Let me begin with the issue of law and criminality. It is my contention that breaking the law and committing a crime are not identical. Indeed, I would go further. I would claim that under certain circumstances not to break the law is a crime—a crime against justice. That is what I learned back in 1961 when being found guilty of "threatening a breach of the peace" when four of us—two blacks and two whites—sat down together in the "White" waiting room of the Trailways bus station in Little Rock.

The law, indeed the set of laws we challenged and broke imposed segregation. It was a clear violation of the civil liberties guaranteed to all Americans by the Constitution and its several Amendments. Law, as there conceived,

was the crime, and the only way to stop the multiple injustices it was imposing was to break that law and expose its criminal intent.

What I was forced to examine by that experience was the whole relationship between law, on the one side, and privilege and power on the other. I was forced to examine how law for the most part is imposed by the powerful to protect and defend their own interests. There is and always has been a complicity between law and how it is practiced with racial, gender and class structures of privilege. I concluded that my task as an ethicist was to approach law with a hermeneutic of suspicion. But that hermeneutic was not an easy task for folks of my kind, for folks enjoying the promise of a future secure position within the professional-managerial class.

For many of us, or even for most of us that future class position was assigned to us by our birth. And none of us get to choose our birth!! Our birth, all births, reveal the puzzling moral paradox of the sheer arbitrariness of all human beginnings. Neither you nor I got to choose our gender. We did not choose our race. We did not choose our place and time of birth. We did not choose our genetic heritage that would determine our body type, the shape of our face or the resistance to or proclivity for sundry diseases. There is more. We did not choose the social world into which we were thrown. We did not choose and could not choose how we first lived in and therefore understood that world. And what that meant is that we did not choose our original and originating identity. John Raines began as a moral accident, and so did you.

In my case, I woke up one day and found I was a white male of class privilege, born into a nation that in the early 1930s was becoming a new global empire. The first self I learned and knew was a self born within a tiny bubble called power and privilege. And here is an important moral truth. None of my teachers in those private schools and later elite universities ever told me that. They did not challenge the moral arbitrariness of me being me. Yes, I competed with others of my own class for grades and in sports. But all of us in those protected enclaves were already winners in the Lottery Wheel of future life chances. We were born into it. The law was our law—passed and adjudicated by "our own kind." And schools were our class-rooms, rooms where we learned our class. How clever--to hide the engine of inter-generational social class replication behind the myth of meritocracy. We teachers, whatever our personal moral values, do not so much change as administer the given social realities. There was no hermeneutic of suspicion because suspicion would have put into question the whole enterprise of education and the function of educators in the system of privilege.

Back in 1961, we civil rights workers were called "outside agitators" by those living comfortably inside those segregation laws. And indeed, that is what we were, or were becoming—those living outside the way power and privilege worked in the Old South. I found myself in that Little Rock courtroom standing for the first time in a social space I had never imagined, outside of power and regarded by power as the enemy of power. And power had the power to punish me for that. I was beginning to get a second education, one I was not supposed to get. I was getting a second chance to become the John Raines I was just then starting to become.

In Little Rock in 1961 I broke the law, was put in jail and lost my freedom. But in so doing I began to acquire a freedom I once did not know I needed—freedom from the moral confines of my birth. It was an unexpected freedom, a freedom to learn that the "I" of me was not finished but somebody still ahead.

Ten years later that second education I got from my teachers of color, that "second birth" would lead me to join with others to burglarize the FBI office in Media, Pennsylvania. Why? What led me from Little Rock, Arkansas to Media, PA?

I had discovered two important moral truths: law is to be questioned as to its complicity with privilege and power. And second, identity is morally problematic and must be subjected to critical examination.

I was about to learn a third moral lesson and this time, strange to say, J. Edgar Hoover would be my instructor. Hoover taught me that a nation that allows itself to be governed by fear will become a poorly governed nation. J. Edgar Hoover was a master of fear and its uses. Yes, he was feared in Washington for his special files. But even more he was revered. We need to hold on to that fact. Hoover was both the most powerful man in Washington but also the most popular. For the vast majority of us, he and his FBI were beyond suspicion. Why? Because he

told us what we should fear and we believed him. We should fear subversion, and fear and despise any person or group who did not join the holy crusade against what Hoover called “the international communist conspiracy.” Politicians, pundits, and not a few preachers joined in that holy war. To question J. Edgar Hoover and what he was doing with his FBI was to question the politics and policies of the Cold War. Fear ruled, and those who questioned that fear were deemed subversives. To question, for example, the efficacy of the “domino theory” was apostasy. The task of the Citizens’ Commission to Investigate the FBI was to perform a public exorcism.

From our experiences in the civil rights movement we knew about the FBI and its uses of mass surveillance, of infiltrators and informers, of dirty tricks that ruined reputations and careers. And we knew from our own experience that those same tactics were being deployed against the war resisters. But how could we document that? Given the political climate, there was no effective questioning of Hoover by government officials or by the press or by popular public pundits. People in power and enjoying that power would not hold accountable their own kind. So, ordinary people had to do what we should not have had to do. We had to put our futures at risk. We had to become robbers. We tried to catch Hoover red-handed (ha!) in the handwriting of his own internal documents. It proved to be much easier than we had anticipated. And this leads me to conclude a fourth moral lesson: the arrogance of power blinds it to its own vulnerability. The ability of power to silence its critics encourages a false sense of self-confidence. And out of that silence would arise the tragedy of Vietnam.

The tragedy would not end there. Our nation, the most powerful military force in the world, lost or is losing and will lose the last three wars we fought against what seemed to be far less powerful nations. Driven by arrogance, we assumed a quick and easy victory in nation’s whose cultures we didn’t think we needed to understand. We lost in Vietnam. We are losing in Iraq. And we will lose in Afghanistan. We all know this, but we can’t say it publicly. It is too humiliating.

Embarrassing or not, it illustrates a fundamental truth. The arrogance of power leads to the unraveling of its own plans when confronted by persistence resistance. It’s a truth empires need to know but always refuse to learn.

Back to 1971. Members of the Citizens’ Commission chose my wife Bonnie to pose as a Swarthmore College student interested in a possible career in the FBI. She called and made an appointment to visit the FBI office nearby Swarthmore in Media, Pennsylvania. She was greeted warmly by the resident agent who did not notice that she never removed her gloves, and did not even ask her name. It was beyond the imagination of the FBI—beginning at the top with Hoover—to think that the investigators might be investigated using their own weapon—a clandestine burglary to obtain information held in secret. She reported back the astonishing news that there were no electronic security devices and that the file cabinets had no locks.

We had done our casing well. We knew the nightly routines of the people living in the apartments above the FBI office, the routines of police activity in and around the county courthouse just across the street. We had learned our burglary skills from priests and nuns—members of the Berrigan brothers’ East Coast Conspiracy to Save Lives, who successfully broke into selective service offices to destroy the 1-A draft records.

The robbery went well. The files revealed activities that clearly violated both First and Fourth Amendment rights. And one paper, the Washington Post, after a fierce battle between the in-house legal counsel who wanted the Post to do what John Mitchell the Attorney General was demanding that they do and refuse publication just as the New York Times and the Los Angeles Times had done—the Washington Post instead published the story on its front page. Suddenly, the deafening silence of the news media about Hoover and his FBI ended. And later, when Hoover’s Cointelpro (Counter Intelligence Program) was revealed, a Senate Committee was formed and for the first time there was a Congressional investigation of the intelligence community—both the FBI and the CIA. Strict new guidelines were imposed that protected civil liberties from intrusive government surveillance. For a while.

All of that would end abruptly with 9/11 and the Patriots Act which eviscerated those regulations and opened wide the doors to a technology of surveillance and government intrusion into our private lives that would have warmed Hoover’s heart. 1961, 1971, and now again in the new millennium, we became a nation ruled by fear and therefore governed by secrecy. “Do anything you want to that protects us from the terrorists” has become our

new national mantra.

Here's the huge irony in all of that. The terrorists and the anti-terrorists are two foxes tied together by the tail. They sing the same music and dance the same dance. Both of them depend upon successfully making us feel afraid. Both run on the same gasoline—the endless black hole called fear.

But here's a truth we often ignore. Mostly I don't act like I'm afraid, and neither do you. I wake up in the morning, get on the bus and go to work without once thinking, "is the bus driver a mass kidnapper in disguise?" Of course not! It would be an absurd over-reach of suspicion. I take for granted, we all take for granted, and must take for granted our common safety in public spaces. That is the Common Grace, that is the gift each of us gives to each other, a presumed safety that welcomes us every morning as we leave our front door.

But precisely such an overreach of suspicion has in recent years become the driving force of our federal budget. The price we pay for that, both financially and psychologically, is that we increasingly live and agree to live in what has come to be called "the surveillance state." Think of all the pay checks, all the personal and institutional ambitions that depend upon us feeling afraid. It's not just The National Security Agency or The Central Intelligence Agency or The Federal Bureau Of Investigation; it's all those other intelligence units in the military, in local police departments, and the massive spread into private industry of profits made from intelligence work. They all drink at the well of fear, and the rest of us pay the price for that. The money that should be going into our schools, the money that should be repairing our old and broken infrastructure, the money that should go into developing sustainable sources of energy, and the money that could and should be used to end the practice of sending out our college graduates as indentured servants—all that money instead disappears into the endless and ill-defined land called fear.

There's worse. Just like J. Edgar Hoover our new national protectors ask us that we ask them no questions, that we let them do their work behind the closed doors of secrecy. What We The People need today is what we needed back in the 1960s and 1970s, we need a national debate about the uses and abuses of government intrusion into our private lives. How many protectors do we really need and at what cost? But for that debate to happen we need the information that was denied to us until Mr. Snowden took up the watch armed with his flash drive. Without his blowing the whistle there would be no debate today about The NSA or The CIA; there would be instead the silence of sleeping citizens.

The fifth lesson I learned from breaking the law is the way anger can overcome cynicism and create community, especially the anger that is called hope.

The 1960s was a time of hope. It was the last time our national agenda was ordered by hope. But the 1960s was also a time of anger—anger at the way things were. There are two, very different kinds of anger. One is sloppy anger. Sloppy anger does not attack the source of injury; it just ventilates. Sloppy anger targets those that lack power, not those that have power. But there is a different kind of anger. It is righteous anger. Righteous anger is patient; it takes its time to discover and name the actual source of injury. Righteous anger is persistent because it is driven by hope.

The 1960s was the last time We The People looked with hope to government to solve our problems. It was to Washington that we took our anger and our hope. We rode the buses and trains to Washington. We took to the streets in Washington. We carried our signs and sang our songs in Washington. Now here we are more than 40 years later, and as a nation we are once again locked in a battle between cynicism and hope.

Most of us are classroom teachers. I don't know about you, but my students are angry. They are angry that the so-called "recovery" is a recovery of Wall Street that leaves Main Street behind. They are angry that the old white guys who run things in our country turn their backs on a sustainable future. After all, it is their future, not the old fat cats who soon will be dead. And they are angry that their vote is getting drowned in a sea of money, our democracy rapidly becoming a plutocracy. But the best and the brightest of my students are not just angry. They are also flirting with despair.

It is an interesting time to be a teacher of ethics as your students teeter between despair and hope. How do we help them preserve their conscience and continue to bring strong expectations to themselves and to our country? Here is what I've learned. You ask them to consider the past. A future of fundamental change has always seemed impossible. Who, for example, in 1959 would have predicted that the 1960s were about to happen? Significant change, precisely because it is significant always seems impossible, until in retrospect it appears inevitable. We learned, those many years ago, the truth about power and possibility, that there is always possibility beyond the reach of power to control. We learned that persistent resistance can "make a way where there is no way."

That happened in this nation in the 1960s and it can happen again in the new millennium. Our students, the best and the brightest are furious. And they are not alone. Take, for example, what happened with the Occupy Movement. Starting in New York City it spread via the social media around the world within a week. Such is the anger and momentum out there just waiting for a spark to ignite it.

It is an interesting time to be saddled with the responsibility of mentoring the conscience of the young. Why? Because it tests the very meaning of our own lives as teachers. And that is good. It provokes us and keeps us alive, still hungry and unsatisfied.

Let me conclude with this final reflection. We will always need whistleblowers, in government, in corporations —wherever there is concentrated power, there we will need whistleblowers. Why? Because it is the nature of power and the privileges that power brings to perpetuate itself. And how better to do that than to sequester the most important decisions behind closed doors—away from the scrutiny of rivals or of critics. Power is always most powerful when it is not seen as an arbitrary imposition, but rather just the way things are. Into that silence a voice of dissent must arise—as it did with the Citizens' Commission in 1971, as it did with Snowden in 2013, as it will have to happen again and again in years to come. As Christian Social Ethicists, we need to prepare our students, some of them at least, to be that voice speaking out of the silence against that silence, to become whistleblowers exposing the secrets of power and interests to public scrutiny and debate. It is the voice the people need to hear and power cannot silence.

In conclusion, these then are the five lessons I learned by breaking the law. I learned that:

1) Law is not to be trusted without interrogating its complicity with power.

2) Identity is morally problematic for those enjoying gender, racial or class privilege.

3) A nation that permits itself to be governed by fear will become a poorly governed nation.

4) The arrogance of power will undo its plans for the future when met with persistent resistance. And finally…

5) The anger called hope can overcome despair, create a community of resistance and build a future that seemed impossible.

What did I learn? I learned how to be a better teacher of Christian Social Ethics. By breaking the law I got a second education, one I was not supposed to get, an education I got and, given my social class origin, could only get starting in jail. It was the classroom I needed, and I found it in Little Rock.

March 8th - Cointelpro 101 now streaming!

March 8th marks the 44th anniversary of the Media, Pennsylvania break-in that helped expose COINTELPRO to the world. The story received even more attention last year when after living with the information for 43 years, the eight anti-war activists who broke into the FBI field office, decided to come forward. For some, the identity of the buglers signaled the end of a 40 year mystery. However for the multitudes of people who lost friends and family members as a result of state sanctioned police violence, frame-ups and illegal prosecutions, COINTELPRO is still a very real part of their lives that continues past the media coverage. In addition to our documentary *COINTELPRO 101*, which is still shown in national and international spaces, we have a detailed collection focusing on the program as well as the efforts by grassroots organizers and activists to hold the FBI

and other government agencies accountable.

For the first time, you can now stream Cointelpro 101 <https://vimeo.com/15930463> from Freedom Archives <https://vimeo.com/user4902578> on Vimeo <https://vimeo.com>.

3 Mar - 5E: Amelie, Carlos and Fallon absolved of their Federal charges

Exciting news from Mexico! According to Regeneración Radio our comrades Amelie, Carlos and Fallon, currently locked up in Mexico, have been absolved of their federal charges relating to a Molotov cocktail attack against a government building in Mexico City in 2014.

MORE:
Here's my rough translation:
"We have been informed at the last moment, by one of the lawyers of our comrades Amelie Trudeau, Fallon Roullier y Carlos López Marin (accused on the 5th of January 2014, for throwing rocks and Molotov cocktails at the buildings of the Secretary of Communications and Transportation) that they have been just notified that they have been absolved in the federal process that condemned them to seven years six months of prison time. That would leave an appeal to the local process that has a sentence of two years four months. "

We have just gotten confirmation from a comrade close to the case that this information is accurate.

4 Mar - Dante Cano Update

Dante Cano is currently being held in Santa Rita jail for participation in a demonstration against police brutality and murder in the Bay Area and across the United States. We have a few updates on his case.

MORE:
Supporters spoke with Dante Cano over the phone today. Dante expresses his warmest regards to supporters and thanks everyone for coming to his last court date and also for sending letters and books. He stated that the guards last time told him that he had a lot of supporters in court and that they didn't want him to wave or gesture towards them. Dante reports that he has already read 8 books in the few weeks that he has been inside.

March 6th - Update From Court
Thanks to those that came to Dante's court date today. Just to be clear to all who are asking, Dante is STILL in jail. The DA offered a deal today, which is very bad. Dante will come back to court next Wednesday. This will be a pre-trial court hearing, in which the DA will present evidence for the judge. We ask people to come out and support Dante on this day and let the State know that we stand behind Dante.

Pre-Trial:

Wednesday, March 11th, Wiley M Manuel, Department 112. 9 AM.

Dante's support team managed to talk to Dante on the phone several times and he wants to request that people come out next week and also continue to send letters and books.

March 13th - Free Dante Cano! The State is the Real Enemy!
On Wednesday, March 11th, the District Attorney's office pushed in court for Dante Cano to be hit with a felony charge for vandalism. The one police officer in court claimed that after hearing a window being hit, he saw a person in black running in a sea of other people in black. Several moments later, Dante was in police custody, despite no evidence actually linking him to the crime. We are asking people to please help bail Dante out of jail, which will increase his changes of defending himself in court. We also call on everyone to continue to support the Ferguson 3, youths arrested during the first night of the rebellion in the Bay Area.
Please donate to bail out Dante at: **http://www.gofundme.com/ok4ksg**

"He is a danger to the community," declared the lawyer. The lawyer representing the DA stated that the boarded up windows of which Dante is accused of attacking during a protest in February, represent all that is wrong in

Oakland. People like Dante we were told, “Cause violence in peaceful protests.” People like Dante Cano, a poor working-class youth from the Bay Area, we are lead to believe, are the most dangerous element in Oakland.

Nothing could be further from the truth.

The window that is alledged that was broken, is currently owned by one of the largest devlopers in Oakland. One of the same developers which is helping to raise rents, push out long-term residents, and displace communities of color. During the time of the demonstration, police had just murdered Vuyvette Henderson in Emeryville, while police shootings occured in San Jose, Richmond, East Oakland, and police were let off in the murder of Alex Nieto in San Francisco. Dante Cano isn’t a threat to the people – he’s someone that stands up against the violence of the police and is criminalized for it.

Across the Bay Area, thousands face evictions as developers and landlords raise rents, push out the homeless and poor, and displace communities of color. Meanwhile, the police come down hard in these communities and attack demonstrations against evictions and police terror. This is why tens of thousands of people took to the streets in solidarity with the Ferguson uprising and against white supremacy and the police in the Bay Area in late 2014 and 2015.

Dante Cano is not a danger to the community – the State is.

We ask that you please donate to help bail him out. By getting Dante out of jail, you will help his chances to reduce his felony charges and allow him to fight the charges while on the outside.

Dante Cano has already been in jail for a month. We must stand behind Dante, the Ferguson 3, and all those that the State is trying to single out for collective punishment for the generalized rebellion.

Donate to get Dante out now!

Free Dante Crew
http://freedante.noblogs.org

4 Mar - Toward a Fuller Discussion of Grand Jury Resistance

Attorney Ben Rosenfeld offers a piece of writing to deepen our analysis of grand jury resistance.

MORE:
A couple years ago, I asked people to pause before branding as a cooperator a person who gave pre-scripted testimony to a grand jury after a exhausting her legal options. Although some people construed my piece as advocating “partial cooperation,” I have never uttered those words except to disclaim them. Instead, I’ve spent hundreds of unpaid hours representing grand jury resisters or pairing them with other lawyers, coordinating joint defenses, advising colleagues how to give legal expression to their clients’ principled resistance, drafting and sharing motions, assisting with appeals, petitioning to open proceedings and unseal records, developing printed materials, and inveighing against the malignant grand jury system.

Perhaps I made a mistake in vouching for a person who had not debriefed to the community after testifying. I took that chance to protect her from denunciation, knowing her circumstances to be more nuanced than the term “cooperator” usually conveys, and because I hate seeing the government succeed in dividing activists. My aim was to spark deeper discussion in order to encourage more informed and effective resistance.

There are many good reasons to sound the clarion note of non-cooperation. It galvanizes resistance, honors the sacrifices of those jailed for contempt, keeps things straightforward, and is rooted in the critical fact that even innocuous sounding questions/answers can lead to harmful results. But other truths impinge on this ideal framework: Ostracizing every person who enters the grand jury chamber has personal, social, and security costs of its own. It creates rifts, spreads alienation, siphons resources, and serves the FBI’s political ends.

People might reasonably conclude there is no middle ground between cooperation and non-cooperation, and that everyone who testifies a peep must be shunned. But while some people have arrived at this conclusion deliberatively, others have only grabbed it out of the air of tough talk. Leftists certainly haven't coalesced around this view. Some strategies still call on the witness to confer with their lawyer after each substantive question, and/or draw the line at answering questions about other people – approaches which presume an appearance (aka a form of cooperation) but nevertheless provide a return path to respectability. If these decades-old practices have been repudiated in favor of pure non-compliance, this has happened by rebuke rather than discussion, and not everyone has been informed.

Even if there's no middle ground between resisting and testifying, there's still a troubling grayness to the inconsistent ways activists treat comrades who speak to authorities. The person intimidated into answering questions on their doorstep may get a sympathetic pass, while the person who exhausts all legal avenues before repeating the words "I don't know" to a grand jury is made a permanent pariah. Debriefing after testifying can assuage community concerns and fulfill a sort of social contract, but it is not a completely reliable form of accountability. A person chagrinned by their testimony may shade it in retelling it, with no transcript to cross-reference. The degree to which the debrief is accepted, or a person who speaks to authorities is welcomed back into the community, often seems to depend on their popularity and standing going in.

Whichever best practices activists decide upon, they should get there by detailed analysis. Activists and lawyers can check each other's fantasy notions and keep each other grounded on important considerations. My job as a lawyer is to translate the rhetoric of non-cooperation into practical, legal resistance, in many and varied circumstances, over ever shifting terrain. This is not to disparage the bugles of defiance, which set a high note and rally people well. But rhetoric untethered to reality is just hot air escaping.

The practical conundrum is this: While activists should be able to submit security demands on one another, there will always be something unfair – and unrealistic – about imposing a duty of resistance on people who did not participate in an action or its planning, did not agree to risk freedom, finances, or time, and who, if consulted, might have disagreed with the tactics chosen. But the grand jury system is designed to exploit this disconnect by foregrounding investigations on background people, including housemates, coworkers, and dormant activists who might be pursuing other paths, such as education, career, or family, and who might have any number of special needs, and by imposing on them an ironclad duty to talk.

Whether and to what extent it's reasonable to expect such people to form the front line of grand jury resistance, it should at least follow that activists have corollary responsibilities, including to consider: the broad consequences and effectiveness of their actions; who might be left holding the bag if they don't get caught; how to elevate people's resistance levels by addressing their needs for actual support (rather than just heaping Pavlovian praise or scorn on them); and generally to take the trouble to examine these complex issues in all of their dimension.

4 Mar - A Poem From Eric King

I can still see it there, under the haze of the street light,
No one in the world but me and this street sign,
Been walking so long my feet got engaged to the pavement,
My rubbery legs must stop. I am sleeping at 31st & Charolette,
It's too perfect for a roof. I'll wear the stars as a blanket,
Brown eyes heavier than her words, I shoulda been stronger,
All I need is one good sleep, it can't hurt forever,
Two blocks down the road the now or later black power memorial
two shots up the road, we'll be having another funeral
Sirens sing me to sleep. I have nothing to be robbed of,
In the morning I'll be back where I god damn started comrades
only to have ice to eat, I'm anxious enough & too skinny, feeling starving & weak. Will try the market dumpster this evening
cops half when they drive past, "damn hobo drunkard"
I know if I was black I'd probably exist no longer.

Guess I could try the collective. Worth a shot I reckon they still
haven't forgiven me for trying to be Texan.
My legs are still but my mind is a rollar coaster in motion,
Could try the eat spot they never mind seeing me coming,
Tonight is nice to reconnect with the gravel that holds me,
I let someone into deep despite everything my ethics told me,
Charolette was my grandmothers name, oh how she'd scold me
I'll box with the shadows until I beat down the memory,
My life is an explosion in reverse, some how that's soothing.

5 Mar - Death of cop Richard Rainey could have been due to 1981 shooting, could mean life in jail for Abdul Majid

Well we'll be damned if this isn't the craziest shit ever. Abdul Majid was convicted of shooting a cop in 1981. Now, 34 years later, the cop dies and there is an attempt to claim it is related to the shooting. The following corporate news article is clearly just a strategic attempt to focus negative attention on Majid before his upcoming parole hearing.

MORE:
by Joseph Stepansky/Thomas Tracy/Larry McShane (*New York Daily News*)
The Tuesday death of an ex-NYPD officer shot 14 times by two radical gunmen in a 1981 ambush that killed his partner could ensure the surviving assassin dies behind bars.

The peaceful passing of retired Officer Richard Rainey, 67, resurrected the May 1, 1981, attack where fellow cop John Scarangella was murdered by two members of the Black Liberation Army.

Tom Scarangella, the son of the slain officer, suggested Rainey's death was linked to the bullets that riddled his legs and back 34 years ago.

If true, it could mean a stiffer sentence — and no chance of ever going free — for killer Anthony Laborde.

"I don't know the cause of death, but I hope it's related," said Scarangella, 41. "He didn't have a chance to fight back. (Laborde) should stay in jail for the rest of his life."

Laborde is due for his first parole hearing during the week of April 20, with a possible release date of May 7, state Corrections Department officials confirmed Thursday.

The inmate was convicted for the murder of Scarangella and the attempted murder of Rainey.

Detective Tom Nerney, who investigated the case, said the city medical examiner will determine if the decades-old gunshot wounds contributed to Rainey's death — making it a long-delayed homicide.

"I will be very surprised if the shooting doesn't attach itself to the death certificate," Nerney said.

The two officers stopped a white van in St. Albans, Queens, at 10:30 a.m. to question the two men inside about a series of local burglaries.

Laborde — who now goes by the name Abdul Majid — and BLA partner James Dixon-York emerged from the van with guns blazing, emptying their 15-shot, 9-mm. pistols at the helpless cops.

Dixon-York died in prison in 2009. Laborde, now 65, is serving a life sentence at the upstate Five Points Correctional Facility.

While Rainey escaped with his life, his injuries forced him to retire. He walked with a pronounced limp for the rest of his life.

“He was very brave man,” said Nerney. “He put up with injury and dealt with it the best he could. He was humble, caring. It hurt that he lost his career.”

Investigators believe BLA member Joanne Chesimard, convicted in the 1973 killing of New Jersey State Police trooper Werner Foerster, was inside the van that morning, sources familiar with the case said.

Chesimard, who had busted out of prison in 1979, remains a fugitive living in Cuba under the name Assata Shakur.

A wake for Rainey was set for Friday, 2-4 p.m. and 7-9 p.m., at the R. Stutzmann & Son funeral home in Queens Village. A Saturday funeral was slated for Our Lady of the Blessed Sacrament Roman Catholic Church in Bayside.

5 Mar - Army Court Orders Military to Stop Using Male Pronouns When Referring to Chelsea Manning

The Army Court of Criminal Appeals ordered the military to use correct pronouns when referring to Chelsea Manning, her legal name. The military had opposed requests by Manning’s attorneys.

MORE:
“This is an important victory for Chelsea, who has been mistreated by the government for years,” Nancy Hollander, lead counsel in Manning’s appeal, stated. “Though only a small step in a long legal fight, my co-counsel, Vincent Ward, Captain Dave Hammond, and I are thrilled that Chelsea will be respected as the woman she is in all legal filings.”

Although the court denied requests to use the correct pronouns when referring to historic facts in the case, the order instructs the military that all “future formal papers filed before this court and all future orders and decisions issued by this court shall either be neutral, e.g., Private First Class Manning or appellant, or employ a feminine pronoun.”

Chase Strangio, who is Manning’s attorney in her lawsuit seeking medical care for her gender dysphoria, reacted, “The court rightly recognized that dignifying Chelsea’s womanhood is not the trivial matter that the government attempted to frame it as. This is an important development in Chelsea’s fight for adequate medical care for her gender dysphoria. That fight continues but at least the government can no longer attempt to erase Chelsea’s identity by referring to her as male in every legal filing.”

The development comes weeks after the Pentagon finally decided to allow Manning to undergo hormone therapy to treat her gender identity disorder.

In a February 5 memo, Col. Erica Nelson, who is the commandant of Fort Leavenworth Disciplinary Barracks in Kansas, indicated, “After carefully considering the recommendation that (hormone treatment) is medically appropriate and necessary, and weighing all associated safety and security risks presented, I approve adding (hormone treatment) to Inmate Manning’s treatment plan.”

Fort Leavenworth is where Manning is serving a 35-year prison sentence for offenses a military judge convicted her of committing when she provided diplomatic cables and military incident reports to WikiLeaks that included details of war crimes and other government misconduct.

According to Veterans Affairs, 3,177 veterans were diagnosed with gender identity disorder between 2001 and 2011. About one in 11,000 male babies and one in 30,000 female babies are estimated to be born with the disorder. (Of course, these are veterans. The discrimination against trans persons, which persists, discourages people in the military with gender identity disorder from coming forward.)

The military still refuses to let Manning grow her hair out. This is apparently based off a “risk assessment,” and

her attorney continues to pursue a lawsuit to ensure the military provides her adequate medical health care.

March 9th - The CIA's torturers and the leaders who approved their actions must face the law.
by Chelsea Manning (*The Guardian*)
Even the most junior level intelligence officers know that torture is both unethical and illegal. So why didn't our political leaders?

Successful intelligence gathering through interrogation and other forms of human interaction by conventional means can be – and more often than not are – very successful. But, even though interrogation by less conventional methods might get glorified in popular culture – in television dramas like Law and Order: Criminal Intent, 24 and The Closer and movies like Zero Dark Thirty – torture and the mistreatment of detainees in the custody of intelligence personnel is, was and shall continue to be unethical and morally wrong. Under US law, torture and mistreatment of detainees is also very illegal.

Even the most junior level intelligence officials know that this is, and has been, the case for decades.

Yet, despite such knowledge, in response to the horrific attacks on the US in New York, Virginia and over Pennsylvania on 9/11, the US developed and applied techniques (now public knowledge due to the recent US Senate report commonly referred to as the Senate Torture Report) that sought to inflict severe mental pain and suffering, or the threat of pain and suffering, on detainees in the custody of the CIA and portions of the Department of Defense. These programs were administered by officers acting under the color of law.

According to numerous public reports, including the Senate Torture Report, these programs were authorized at the highest levels of government, and carried out in far-flung foreign places to avoid domestic detection and to muddy the issues of custody status and jurisdiction. This clearly shows a premeditated and intentional conspiracy to knowingly violate US law, and to avoid any oversight and criminal liability.

The actions by CIA officers – both the ones discussed in the Senate Torture Report and the ones that might have not yet come to light – have gravely damaged the credibility of the US intelligence community for decades to come. More worringly, they also may have prevented the US from being able to quickly and effectively prosecute the very terrorists who these officers sought to help fight against. This is evident by the unending stalemate in the military commissions taking place at Guantanamo Bay, Cuba.

In my experience working as an intelligence analyst with my own pool of sources numbering close to 100, by far the most effective forms of human intelligence collection are rapport-building and direct questioning. As outrageously counter-intuitive as this might seem, the most hardened terrorists and criminals are often extremely willing to brag about the terrible things they've done, the unlikely places that they have been hiding, the important people that they know and deal with and the plans they have been working on for the future. Not only do these captured terrorists – even the hardened ones – sing, they often like to sing loudly and proudly. But, I am also wary of such embellishments.

And, even if detainees are not as cooperative, then the most legal coercive interrogation techniques often used by conventional law enforcement are just as effective against terrorists as they have been in typical murder and kidnapping investigations. Torture then – at least in my experience – has never been a part of the big picture of intelligence collection. It seems that smart and conventional methods are sufficient.

But regardless of whether these techniques were ineffective and counterproductive, the techniques outlined in the Senate torture report were far outside the boundaries of what is acceptable for the US intelligence community. Their supposed effectiveness is irrelevant to the fact that torture is wrong.

It is important to hold the officers, supervisors and, to a lesser extent, the politicians involved in creating and executing these programs, accountable. To let their horrific actions go unanswered would send an awful message to the world: it is wrong to torture and mistreat people, except when those doing it have the supposed blessing of the law and with the permission of high-ranking supervisors and politicians.

Even after internal reports by inspectors general and investigation by the criminal division of the US Department of Justice – a department that had a moral, ethical and more importantly legal obligation to investigate and charge the officers involved under criminal statutes – the government declined to commit itself to criminal charges against those who either committed or authorized acts of torture.

Now, even though the possibility of holding the officers, supervisors and politicians involved accountable before the US courts may be passing in America, this should not be the end of the road. For example, the German Code of Crimes against International Law allows for the prosecution of individuals and crimes outside the territory of Germany by the German Federal Public Prosecutor. Such charges are now being requested by the European Center of Constitutional and Human Rights – though, currently, they name select high ranking officials. If such charges are actually filed, the German government could request for the extradition of these officers for trial.

The extradition treaty between the US and Germany outlines the offenses under which the extradition can occur as: those that are "punishable under the laws" of both nations; those that are punishable by "deprivation of liberty for a maximum period exceeding one year"; and for "attempts to commit, conspiracy to commit, or participation in" such offenses. Torture is clearly defined as one of these offenses. And, while the treaty precludes extradition for offenses that are deemed as "a political offense", it also excludes "murder or other willful crime, punishable under the laws of both [nations] with a penalty of at least one year". Torture, then, is not deemed a political offense.

However, while the treaty does not bind either nation to extradite its own citizens – making automatic extradition impossible – under the law, the US Secretary of State has the power to order the surrender of any US citizen whose extradition has been requested. I believe that if such a request should come before the Secretary of State, then he (or she) is morally and ethically obligated to grant it or risk further degrading the credibility of the US before the rest of the world and implicitly endorsing other countries that still use torture as a political weapon against their own citizens.

March 10th - What Chelsea Manning Has Won

by Emily Greenhouse (*Bloomberg Politics*)

Last December, when Chelsea Manning turned 27, she received birthday greetings from Michael Stipe, JM Coetzee, Slavoj Žižek, Terry Gilliam, Edward Snowden, and Lupe Fiasco: not a bad group of friends for any young woman. Vivienne Westwood sent her a card, too, a handsome graphical map of red and green, marked up with scribbles of support in the loose but confident scrawl of a fashion designer. Manning received it, of course, in Fort Leavenworth military prison in Kansas, where she is serving a 35-year sentence for leaking classified government documents to WikiLeaks as a soldier in the U.S. Army. She replied to Westwood, "I am working a lot, studying, working on the appeal and a lawsuit on fundraising, writing articles and trying to stay healthy." In February, in her capacity as an article-writer, Manning landed a new gig: contributing opinion writer at the Guardian US, focused on "war, gender, freedom of information." Days later, the United States military approved hormone therapy for Manning's gender transition, a first. And last Wednesday, in Washington, the U.S. Army Court of Criminal Appeals issued an order saying that references to Manning in all future decisions, filings, and orders should use female or gender-neutral pronouns. The United States government is unlikely to champion her as a whistleblower—but Manning and her attorneys have managed to make the government see things her way when it comes to her gender, which is its own accomplishment.

Manning has long presented herself as a kind of public moralist. When she pleaded guilty, she did so by reading out a statement explaining her actions. It ran to some 35 pages, and took more than an hour. After her sentencing, she made a formal request for a presidential pardon. She wrote that the decision to leak secret documents was made "out of a concern for my country and the world that we live in." Her time in Iraq made her "question the morality" of America's military activity since 9/11. "I realized that in our efforts to meet the risks posed to us by the enemy, we had forgotten our Humanity," she said.

Last September, after publicly coming out as transgender, Manning sued the U.S. military, charging that the denial of her medical treatment for gender dysphoria was a violation of her constitutional rights. The suit said

that, without treatment, Manning each day "experiences escalating anxiety, distress and depression. She feels as though her body is being poisoned by testosterone."

In December 2014, the month of her 27th birthday, Manning wrote an op-ed in the Guardian (she had previously been published in that newspaper, and in the New York Times), about her identity and the violations of her rights as a trans person. She wrote of "unfinished business when it comes to protecting civil rights for many people," from immigration reform to police brutality and racism to rampant discrimination faced by people like her. "We're banned from serving our country in the armed services unless we serve as trans people in secret, as I did," she wrote. She argued for self-recognition, the "absolute and inalienable right to define ourselves."

Chase Strangio, an ACLU Staff Attorney who represents Manning in her gender dysphoria case, told me that in Fort Leavenworth, Manning is not allowed to browse the web. But she consults print news, remains "a voracious reader," and has access to new gender theory texts, too.

Manning's relationship with the Guardian is one kind of recognition. (The Guardian, which won the Pulitzer Prize for its coverage of the N.S.A.'s mass surveillance program—revealed by Edward Snowden—has a special relationship with leaks.) She will not be paid for her contributions. Strangio said that she believes this is by choice.

The journalist David France sees the agreement with the Guardian as indication that Manning has "kind of figured it out." France, who directed the documentary film "How to Survive a Plague," and has corresponded with Manning, told me that Manning can only be visited by people she had named before her imprisonment, not by new friends, lovers, or journalists. She cannot be photographed, cannot give interviews on camera.

"Through the Guardian," he said, "we can finally get a regular impression of Chelsea now, through her own voice, which is terrific. There's so much she can tell us, about what her life is like. I think she's very insightful, I think she's very a keen observer of life. It's interesting to start hearing from her now. We're starting to see Snowden make his appearance. We're actually starting to hear from these people, which I think is good for the dialogue."

Strangio, Manning's attorney, believes that Manning's "work around trans justice is inextricably tied to her larger critique of the government with foreign policy." Manning published a new op-ed Monday in which she demands that the CIA be held accountable for torture. On her author page, she is described as "a United States Army intelligence analyst [who] writes for the Guardian in her personal, civil capacity." Manning's author photo is a color portrait by Alicia Neal, a Philadelphia artist whoseday job is image-quality editor for a cable service provider. It is, Manning told Amnesty International in December, the closest approximation to "what I might look like if I was allowed to present and express myself the way I see fit, [as] a woman in public."

Manning announced that she was a transgender woman the day after she received a 35-year sentence. In her statement, she wrote: "I want everyone to know the real me. I am Chelsea Manning. I am a female." She expressed her hope to begin hormone therapy, and to be referred to in the feminine pronoun.

The government has now granted her that much. Nancy Hollander, the lead counsel in her appeal, sees this as a "only a small step in a long legal fight," but still "an important victory for Chelsea, who has been mistreated by the government for years." Strangio said in a statement that this was no trivial thing: "at least the government can no longer attempt to erase Chelsea's identity by referring to her as male in every legal filing." Some recognition, some validation, some small ray of sunlight at Leavenworth.

5 Mar - Judge denies to throw out AETA charges, statements from Kevin & CCR

This week, the judge in Tyler Lang and Kevin Olliff's case issued her ruling, declining to strike down the Animal Enterprise Act on Constitutional grounds. The case will continue on it's present course, with Tyler and Kevin charged under the Animal Enterprise Terrorism Act (AETA) for allegedly freeing mink.

MORE:

March 5th - Center For Constitutional Rights Statement On Denial In US v Johnson
We are very disappointed to announce that the judge in the case of two animal rights activists indicted on terrorism charges for allegedly releasing thousands of animals from fur farms has denied CCR's motion to dismiss the case. The judge provided one bit of comfort by interpreting the Animal Enterprise Terrorism Act narrowly to prohibit causing loss to only *tangible*property, such as committing vandalism. Sadly, since animals are considered "property" under the law, saving their lives, as was alleged in this case, is still deemed "terrorism" under the judge's interpretation. For more information on the case, see: http://ccrjustice.org/ourcases/US-v-Johnson

March 8th - Statement From Kevin Olliff
Because case law occurs at the appellate level, the opportunity for long-lasting change – and a complete overturning of the Animal Enterprise Terrorism Act – is unaffected, and is in fact in a stronger position.

Regrettably, the short-term victory of throwing out the current charges against Tyler & Kevin was not won this week.

One important interpretation was expressed by the judge, that the AETA should only be applied to damage of actual property, not the general loss of profits. This has powerful implications for some of the most extreme concerns about possible applications of the AETA.

Kevin statement on the ruling is posted here, in full:

"Though nobody is happy about this decision, Tyler and I will be okay. The most important thing to remember that we will finally have a chance to test the law in the appellate courts, which is where these things are decided anyway. I personally will accept no resolution to this case that limits our right to appeal on this matter.

Additionally, I haven't even had a chance yet to read Judge St. Eve's decision, but to my knowledge her interpretation limits the AETA so that it CANNOT be applied to loss of profits, only to tangible property. Thus, everyone out there claiming that you can get federal charges for organizing a protest or chalking the sidewalk no longer has any basis for that claim. And everyone else no longer has any excuse not to get in the streets and get busy for the animals."

This is left in the hands of the courts. Meanwhile, what remains in our hands is the ability to take action for the things we believe in, and no legislation or indictment must be permitted to divert us from that task."

6 Mar - New writings by Mumia Abu-Jamal
We're including the transcript of Mumia's latest commentaries.

MORE:
March 6th - International Chutzpah
The image of Israeli Prime Minister Benyamin Netanyahu presiding over a joint session of Congress was deeply disturbing on many levels.

First, it was a carefully calculated insult to a sitting [African]-American President, Barack Obama.

Secondly, it was an act of supreme chutzpah, of a so-called ally lecturing its sponsor on what treaties it should or shouldn't negotiate and/or sign.

Third, it was a sign of the deep contempt with which an American political party – the Republicans – hold for a Democratic president.

It looked bad. It smelled bad.

It radiated epic levels of political ugliness.

There is more.

The recent Israeli slaughter of thousands of Palestinians in Gaza still sends forth clouds of death into the air – and the architect of this carnage – Benyamin Netanyahu – gets wild applause by a Congress that seems hungry for more war – hence – more death.

How did Gazan eyes – still crusted in mud and blood –see this?

This isn't about Iran. Iran hasn't invaded another country in over a century. The same couldn't be said about Israel – or the U.S., for that matter.

Iran, today, has influence in the region, yes; but that's because the U.S. destroyed Saddam Hussein and his regime – and by doing so, sent the Sunni minority into the political wasteland – and empowered the region's Shi'a majority.

Iran just sat back – and said, 'Thank you!'

Today, Iraq and Iran is a Shi'a belt.

So now – let us begin a new war, suggests Netanyahu.

"Don't worry! Everything will be fine."

March 7th - Feeding On Fear

Every day, every night, through various media, we feed on fear.

We feast on it.

It matters not the measure, nor its girth; we devour it, for we cannot get enough.

'So and So is coming!', 'ISIS threatens!' –and we munch our muffins of terror.

The nation throws billions into government and private security – and ends up more insecure than ever.

New barriers are built; cameras click on more and more street corners.

More doors are locked.

And fear grows.

Since 9/11, a kind of madness erupted in the country, and after all is said and done, all the wars, all the carnage, all the loss – has led to little more than pixie dust (nothing).

Newscasts have become fear-casts, as government and media converge to sow dragon's teeth of fear into the minds of millions: "Coming up next – new threats!"

The road taken by this nation after 9/11 led to this mad, fear-drenched hour.

It could only have led to this; for fear can only lead to fear.

It fuels governments.

It feeds media.

It devours reason.

Yet it grows, eating us as we eat it.

And we are still not full.

March 12th - Ferguson, USA
With breathless news reports, the U.S. Dept. of Justice's Pattern and Practice Study paints a damning picture of a long, cruel and bitter train of maltreatment, mass profiling, police targeting and brutality against Black people in the Missouri town of Ferguson.

What may be even worse, however, is how the town's police, judges and political leaders conspired to loot the community, by fining them into more poverty - fines which today account for some 25% of the county's budget.

Correctly, cops have been criticized for their juvenile emails and texts of racism and contempt against the local Black community and even Black leaders in Washington, DC.

There is largely silence, however, over the role of judges, who used their robes to squeeze money from the community, with unfair fines and fees - even using their jails as an illegal kind of debtor's prison.

In 1869, during the reign of England's Queen Victoria, a statute known as the Debtors Act was passed, which forever abolished imprisonment as punishment for debt.

In today's Missouri, it's still used to punish and exploit the poor.

But, truth be told, it ain't just Missouri.

Famed Rolling Stone writer, Matt Taibbi, in his 2014 book, The Divide, tells a similar tale, but from points all across America: Brooklyn, Bed-Sty, Gainesville, GA, LA, San Diego and beyond, poor people are being squeezed and squeezed, by cops, by judges, by local governments - to part with their last dime - to support a system corrupt to the core.

Taibbi's full title might give us some insight: The Divide: American Injustice in the Age of the Wealth Gap.

It's the system, one of exploitation, or predation; ultimately, of capitalism.

6 Mar - Heard about the FBI Tracking of Keystone XL Activists? It's Worse than You Thought.
In August 2010, the Federal Bureau of Investigation's Domestic Terrorism Analysis Unit distributed an intelligence bulletin to all field offices warning that environmental extremism would likely become an increasing threat to the energy industry.

MORE:
by Adam Federman (*Earth Island Journal*)
The eight-page document argued that, even though the industry had encountered only low-level vandalism and trespassing, recent "criminal incidents" suggested that environmental extremism was on the rise. The FBI concluded: "Environmental extremism will become a greater threat to the energy industry owing to our historical understanding that some environmental extremists have progressed from committing low-level crimes against targets to more significant crimes over time in an effort to further the environmental extremism cause."

Not long after the bulletin was distributed, a private security firm providing intelligence reports to the Pennsylvania Department of Homeland Security cited the FBI document in order to justify the surveillance of anti-fracking groups. The same security firm concluded that the "escalating conflict over natural gas drilling in Pennsylvania" could lead to an increase in "environmentalist activity or eco-terrorism."

Since the 2010 FBI assessment was written, the specter of environmental extremism has been trotted out by both law enforcement and energy-industry security teams to describe a wide variety of grassroots groups opposed to the continued extraction of fossil fuels. In 2011, the Royal Canadian Mounted Police (RCMP) published a report titled, "Environmental Criminal Extremism and Canada's Energy Sector." The RCMP warned that environmental extremism posed a "clear and present criminal threat" to the energy industry. While both the FBI and RCMP reports make an effort to distinguish between lawful protest and criminal activity, they often conflate the two – in the RCMP report the terms "violence" and "direct action" are used interchangeably – and suggest opposition to the energy industry will lead to extremism. (The FBI's Counterterrorism Division declined to answer questions about the 2010 bulletin.)

Yet even as the resistance to "extreme energy projects" has grown in size and scope, there is little evidence to support the breathless warnings about "eco-terrorism." There has been no upward spiral in criminality among environmental activists. To the contrary, arson, property destruction, and other acts of violence most closely associated with the radical animal rights movement of the 1980s and 1990s have become all but nonexistent. According to figures compiled by the Global Terrorism Database (GTD) at the University of Maryland, there has been only a handful of incidents defined as eco-terrorism since 2010. In fact, between 2010 and 2013, the latest year for which the GTD has published figures, out of a total of 54 terror incidents in the United States, five were attributed to the Animal Liberation Front. The last recorded incident carried out by the Earth Liberation Front – the bulldozing of two radio transmission towers in Washington – was in 2009. Earth First! hasn't appeared in the database since 1994.

Instead, environmentalists have largely relied on classic social change strategies such as choreographed nonviolent civil disobedience, carefully planned protests, and divestment from the fossil fuel industry. "Overall we've seen a decline in activity, in terms of violent criminal activity" among environmentalists, an FBI intelligence analyst told The Washington Post in 2012.

Nevertheless, the FBI, the Department of Homeland Security, and many state law enforcement agencies continue to promote the idea that environmental extremism is on the rise. The oil and gas industry is spending more on security than it ever has. According to a 2013 report by Frost & Sullivan, a marketing research and consulting company, annual spending on global oil and gas infrastructure security is expected to top $30 billion in just a few years. (In comparison, $30 billion is roughly what South Korea spends on defense annually.) "Surveillance will continue to dominate the oil and gas infrastructure security market," a summary of the report states.

At the same time, numerous intelligence-sharing networks between the private sector and law enforcement have been established at every level of government, giving rise to an unprecedented energy-intelligence complex. They range from project-specific and regional networks like the Nebraska Information Analysis Center's Keystone Pipeline Portal community and the Marcellus Shale Operators' Crime Committee, to federal programs like the FBI's Oil and Natural Gas Crime Issues Special Interest Group and the Department of Homeland Security's Oil and Natural Gas Sector Coordinating Council. These public-private partnerships, coupled with a revolving door between intelligence agencies and the more lucrative energy industry, have created a new kind of foe for the environmental movement. The fossil fuel industry is now an economic behemoth firmly hitched to the national security state.

It is true that environmentalists pose a threat to the energy industry – just not in the way the FBI or RCMP believe. The threat to the industry is existential and economic, not extremist. If the movement to end our reliance on fossil fuels prevails, the oil and gas industry will lose trillions of dollars in forecast profits. According to an estimate by the Carbon Tracker Initiative, if we hope to avoid the worst impacts of global warming, the energy sector would have to leave more than $20 trillion worth of fossil fuels in the ground. "The oil and gas industry is doing everything they can to ensure they're in business for the next 30 to 50 years and doing so at a time when we should be, as a nation, collectively figuring out how to stop using those same fossil fuels over the next ten years," says Wes Gillingham, program director of Catskill Mountainkeeper.

Conflict between fossil fuel interests and environmentalists is inevitable. But as the contest becomes ever more

stark, there seems to be little effort to distinguish between lawful political activism and illegal activities. The fossil fuel industry's reasonable concerns about the strength of its political opponents have morphed into a kind of paranoia, one that threatens to criminalize constitutionally protected dissent.

In the years since the FBI and RCMP reports, unconventional oil and gas development has been met with sustained protest, from small scale tree sits and encampments to massive nationwide demonstrations. The opposition to the Keystone XL pipeline is only the most high-profile example of resistance to the fossil fuel industry. The term "Blockadia" has been used to describe the loose network of citizens seeking to disrupt the continued exploitation of fossil fuels. Tactics vary depending on the region and political backdrop, but the emphasis has been on nonviolent civil disobedience, legal action, and ballot measures to hamper pipeline projects, ban fracking, and prevent or slow down tar sands extraction. A handful of pipeline projects – including Kinder Morgan's Trans Mountain and Williams Companies' Constitution pipelines – have been stymied. In mid-December, after several years of intense organizing, lobbying, and direct action campaigns, New York became the first state with substantial shale gas reserves to ban fracking. Towns in Colorado, Texas, and Ohio have passed restrictions that limit oil and gas drilling.

Such successes have emboldened these groups and inspired action elsewhere. (Of course it should be noted that oil and gas development has hardly been halted; it continues apace throughout North America.) Rather than lead to an increase in criminal activity, as the FBI predicted, opposition to the oil and gas industry has, in some ways, become more mainstream. "Five years ago you would have never seen the faces of rural farmers and ranchers and tribal leaders on the front lines of climate actions," says Jane Kleeb, director of Bold Nebraska, an environmental group opposed to the Keystone XL pipeline. "This unlikely Cowboy and Indian Alliance that is also working shoulder to shoulder with big green groups is changing the way America looks at the issue of land, water, and climate change."

But the new face of the environmental movement seems not to have registered with an industry intent on steamrolling its critics. In 2011, in comments that have been widely cited, a spokesman for Anadarko Petroleum described the anti-fracking movement as an "insurgency" and suggested that industry insiders download the US Marine Corps Counterinsurgency Manual as a guide to dealing with it. Less well known is the fact that Anadarko has built up a team of former intelligence operatives to combat what it views as an insurrection. The company's southwest regional security manager was an officer with the Drug Enforcement Administration, where he was involved in undercover work. Another Anadarko security manager, LC Wilson, was regional commander of the Texas Department of Public Safety from 2009 to 2011 and oversaw law enforcement statewide. Anadarko has also been involved in the creation of at least two Oilfield Crime Committees, one in Texas and one in Pennsylvania, both of which are headed by former law enforcement officials. The South Texas Oilfield Crime Committee and the Marcellus Shale Operators' Crime Committee have gathered intelligence on environmental activists and routinely exchange information with law enforcement.

Anadarko is not alone. Most large energy companies have security teams run by former FBI, Secret Service, or law enforcement personnel. The director of corporate security at Devon Energy, for example, was a special agent with the Secret Service for 14 years. Chevron's chief security officer was the former head of the Department of State's Diplomatic Security Service. And BP's head of Government and Political Affairs from 2007 to 2012 worked for MI6, Britain's top spy agency.

In most cases these security teams have been deployed to manage crises overseas. In Indonesia, for example, ExxonMobil ran its own intelligence operations and consulted regularly with the country's military leaders as it sought to protect its assets amid destabilizing political conditions. In 2012 The Guardian reported that Shell Oil maintained a 1,200-person police force plus a network of undercover informants in Nigeria and spent tens of millions of dollars on security in the region.

As shale oil and gas development has expanded in North America, the frontlines of the energy wars are no longer overseas, but rather in places like Nebraska, Texas, and Pennsylvania. Range Resources, one of the largest drillers in Pennsylvania's Marcellus Shale, has admitted to hiring veterans of the US wars in Iraq and Afghanistan with experience in psychological warfare – or Psyops – to engage with local communities.

Neither Anadarko nor ExxonMobil nor Range Resources responded to requests for comment.

Even as the energy industry has beefed up its own in-house intelligence operations, it has established increasingly close ties with law enforcement agencies. This is partly a result of the post-9/11 national security state and the premium placed on information sharing. The Critical Infrastructure Partnership Advisory Council (CIPAC), established by the Department of Homeland Security in 2006, holds quarterly meetings to facilitate information sharing between the private sector and government agencies. (Meetings are exempt from the Federal Advisory Committee Act, which means there is no public oversight. Indeed, the Critical Infrastructure Information Act of 2002 stipulates that information voluntarily submitted by industry to the DHS or DOE is protected from public disclosure.) Within CIPAC there is an Oil and Natural Gas Sector Coordinating Council and an Energy Government Coordinating Council. According to minutes from an August 2013 CIPAC meeting, the DHS has been working to provide more security clearances to the energy industry. "Currently DHS is working to enhance policies to share more classified information both cyber and non-cyber related," the document states. Anadarko, Kinder Morgan, ExxonMobil, and the American Petroleum Institute are frequent participants and sponsors of CIPAC meetings.

In addition to CIPAC there is a Homeland Security Information Sharing Network for the Oil and Gas Industry (HSIN-ONG), a web-based platform that allows companies to communicate with each other and with law enforcement. It also gives them access to Suspicious Activity Reports and other intelligence related information. Around the same time that the information-sharing network was being created, the Department of Justice launched its National Suspicious Activity Reporting Initiative to "improve the sharing of suspicious activity reports among state, local, tribal, and federal law-enforcement organizations, as well as private sector entities."

Intelligence-sharing systems also have been developed at the state level. The Nebraska Information Analysis Center (one of more than 70 Homeland Security "fusion centers") has its own network that focuses on "possible unlawful tactics and techniques of individuals/groups opposed to Keystone XL pipeline." According to documents obtained by Earth Island Journal through a public records request, oil infrastructure company TransCanada has its own page in the HSIN portal where suspicious activity reports can be posted. TransCanada representatives, FBI agents, county attorneys, local sheriffs, and the US assistant attorney general all have access to the Keystone pipeline network.

Despite the numerous federal, state, and regional information-sharing networks established during the past decade, the industry has been reluctant to participate in programs that might be subject to public oversight. Thus last summer the oil and gas industry announced the creation of its own information sharing and analysis center, or ISAC, which allows member companies to submit intelligence anonymously and is exempt from public disclosure.

The industry's fear of transparency is part of a larger pattern. Oil and gas firms often express alarm about having their facilities photographed or filmed by citizen watchdogs, which can lead to official investigations. For example, in 2011 the Rocky Mountain Energy Security Group (yet another regional intelligence sharing network) issued a security report that described activists in Pavillion, Wyoming who had photographed a natural gas processing facility. The report, which was disseminated to law enforcement and security professionals in the industry, defined the behavior as "suspicious activity" and said that the information was being circulated in order to determine "whether the activity has any underlying criminal or terrorism nexus (or intent)."

In recent years the FBI has pursued environmental activists in Texas, Pennsylvania, Oregon, Washington, and Idaho for little more than taking photographs of oil and gas industry installations. In 2011, after receiving an anonymous tip, the FBI went after Texas activist Ben Kessler, a member of the direct action environmental group Rising Tide North America. In November 2013 and February 2014, a Pennsylvania state trooper and member of the FBI's Joint Terrorism Task Force visited anti-fracking activists at their homes in New York and Pennsylvania under the pretext that they had trespassed while taking photos of a gas compressor station. More recently, members of Rising Tide in the Pacific Northwest have been contacted or visited by FBI agents. (The energy companies' fear of transparency is in some ways similar to the livestock industry's exposé anxiety, which

has led to the passage of so-called ag-gag laws that prohibit the filming of farms and ranches.)

But what happens when the private sector's assumptions about criminal activity are wrong or misleading? In Pennsylvania the oil and gas industry has driven speculation that environmental organizations were behind several acts of vandalism at or near drilling sites, even though there's no evidence of any link whatsoever. The unfounded assertion has spilled into the local press. In February 2014, The Williamsport Sun-Gazette in northeast Pennsylvania ran a story about the crimes headlined, "Ecoterror Target: Gas companies bolster security in response to threats."

Jeff Monaghan, a PhD candidate in Sociology at Queen's University in Ontario who writes on issues of surveillance, says the RCMP document reflects how deeply intertwined the suspicions of energy companies and intelligence agencies have become. "The broader context of this document is a very, very close working relationship between the Critical Infrastructure Protection team and the energy corporations. As the relationship develops the underlying belief is that environmentalists are first-and-foremost a threat to the economy. It's really about protecting shared values of economic growth."

Or, as the RCMP report put it, "Canada's economic growth … and the objectives of environmentalists are in direct conflict." Environmental activists wouldn't disagree with that, especially given the aggressive pro-energy policies of the Harper government. What they take issue with is the highly provocative claim that their opposition to the energy industry will likely lead to criminal activity. As the interests of the state and energy sector become increasingly close, however, this perception is taking hold. Activists worry that it is shaping law enforcement's approach to the movement and could lead to a crackdown on legal protest.

"It doesn't surprise me that the industry is trying really hard to paint the environmental movement as fringe or dangerous, because it's their last resort," says Catskill Mountainkeeper's Gillingham. "It's behavior based on a losing argument."

The conflict over the Keystone XL pipeline has reinforced the narrative that economic prosperity and environmental protection are mutually exclusive. Pipeline proponents like to paint the opposition as job killers and, yes, extremists. In April 2014, Allison Moore, a spokeswoman for Senate Majority Leader Mitch McConnell, described the pipeline as "a project that is being blocked purely by environmental extremism." More recently, US Senator Cory Gardner, a Colorado Republican, called anti-fracking activists campaigning for a moratorium "radical environmentalists." A major Washington PR firm, Berman and Co., has launched an ad campaign bankrolled by the energy industry called "Big Green Radicals" that seeks to smear high-profile activists.

From the FBI Bulletin

But the demonization of environmental advocates goes far beyond mere polemics. TransCanada, the company behind the Keystone XL pipeline, has worked closely with law enforcement along the proposed pipeline route from the very early stages of its development. A certain amount of collaboration with law enforcement is to be expected with any major infrastructure project. But TransCanada has gone further. The company has pressured attorneys general to prosecute environmental activists under terrorism statutes. It has given local law enforcement advance notice of meetings with landowners whom the company describes as hostile. And the company has held workshops with local law enforcement and the FBI, including a daylong "strategy meeting" in Oklahoma with the FBI in 2012.

According to documents obtained by Earth Island Journal, the FBI distributed a bulletin in early 2013 "regarding threat concerns by environmental extremists against the Keystone Pipeline expansion project" to law enforcement across Nebraska. In its strategic plan for 2014-2017, South Dakota Homeland Security identifies what it considers to be extremist enclaves in the state, through which Keystone is proposed to pass. According to the document, "Uranium mining in the southwest part of the state and a proposed oil pipeline in the western part of the state garnered the attention of extremist environmental groups." The report does not describe or name the groups, their intentions, or tactics. A public records request for additional documents or communication

regarding “extremist environmental groups” in South Dakota was denied.

In 2013 Earth Island Journal reported on the infiltration of a Tar Sands Resistance training camp in Oklahoma. Two undercover officers from the Bryan County Sheriff’s office attended the weeklong event and shared intelligence with the Oklahoma Department of Homeland Security Fusion Center. Law enforcement was tipped off and a planned act of civil disobedience was preempted. During that same week TransCanada’s corporate security advisor was in frequent contact with the Oklahoma Fusion Center and made comments on a classified situational awareness bulletin.

In many ways Texas, where the Keystone pipeilne would terminate, is the heart of the American oil and gas industry. Not surprisingly, activists there are routinely harassed by law enforcement and corporate security for nothing more than keeping tabs on the industry. In East Houston, the city’s industrial hub and most polluted neighborhood (Houston itself is one of the most polluted cities in the country), environmental activist and community organizer Bryan Parras has been questioned by the police on several occasions and once was contacted by a Coast Guard special agent assigned to the FBI’s Joint Terrorism Task Force in Houston. The organization he helps run with his father, Texas Environmental Justice Advocacy Services (or TEJAS), has been closely watched. Parras frequently takes activists and journalists on what he calls “toxic tours” – a survey of the neighborhood’s refineries, chemical plants, and shipping ports. He’s made a point of documenting the air pollution caused by the flaring at the refineries that flank the neighborhood. He says the images “compel people to action.”

“It doesn’t surprise me that the industry is trying to paint the environmental movement as fringe or dangerous.”

They’ve also made Parras a subject of interest for industry and law enforcement. He is routinely questioned by the police or harassed by security representatives from Valero Energy, a major refining company and one of the industries Parras monitors. In 2013 Parras got a text from a friend, Tish Stringer, saying that an agent had visited her home and wanted to know about her relationship with him. The Coast Guard special agent, David Pileggi, told Stringer he’d been tipped off by Valero.

“It’s nothing new,” Parras says. “Since 9/11 we’ve been harassed repeatedly and pulled over for taking pictures or video of the facilities.”

In an emailed statement, Bill Day, vice president of communications at Valero, said the Houston refinery is designated by Homeland Security as “critical infrastructure” and therefore must meet enhanced security requirements. “One of those requirements,” he wrote, “is that when we see people taking photos or video of our facilities, we ascertain the purpose of that activity and then report it to DHS.” According to Shauna Dunlap, media coordinator for the FBI’s Houston Division, photographing and videotaping of critical infrastructures “can be a precursor of potential criminal activity.” The Joint Terrorism Task Force, she says, is “obligated to look into each and every suspicious activity report.”

This kind of surveillance and intimidation, Parras says, is particularly chilling in an area with a large number of undocumented residents. Not only are they vulnerable to threats of deportation, but also they’re quite literally at the crossroads of environmental destruction and the risks associated with climate change. East Houston is home to a disproportionate number of the city’s largest sources of industrial pollution, four major highways, and the shipping channel that feeds into the Port of Houston. If built, the Keystone XL pipeline would terminate in East Houston; Valero has a contract with TransCanada to receive most of the oil. “On the basis of location alone these neighborhoods appear far more vulnerable to health risks than others in Greater Houston,” a 2006 study commissioned by the mayor’s office concluded. In addition, rising sea levels threaten to inundate the heavily industrialized shoreline. “It puts us at even higher risk because we’re on the coast,” says Parras. “All these facilities are right on the water.”

In many ways, for activists like Parras the last line of defense lies in taking photos, documenting the impacts of industrial pollution, and simply bearing witness. TEJAS hasn’t even engaged in civil disobedience or direct action, he says. Still, his organization is on Valero’s watch list. TEJAS organizers have been followed and

photographed or videoed by Valero security personnel. Local teachers who joined Parras on one of his toxic tours were bullied into deleting photos and video they had taken of the refinery. Journalists he has shown around have been threatened by Valero that they'll be reported to the FBI.

In the eyes of the oil and gas industry this is the new environmental extremism. And that view is being shared with law enforcement at every level.

The intimidation and surveillance have had an impact. Parras says his advocacy has been compromised by Valero's scrutiny of his organization and the refinery's close relationship with law enforcement. "It's difficult to get neighbors to want to engage and speak out," he says.

9 Mar - It's Time: Call for Clemency for Leonard Peltier

On March 9th, supporters released a second request for citizens to join the long list of Nobel laureates, civil and human rights leaders, religious and political leaders and scholars calling for clemency for Leonard Peltier.

MORE:
by Jack Healey (*Huffington Post*)
Not many blog posts start off with a listing of the deceased, but in Leonard Peltier's clemency request to President Obama, he will say the following:

"After 40 years in prison, it is with sadness that I write the names of some of my dearest friends and strongest supporters who have passed on: My friend, Senator Daniel Inouye of Hawaii who was my great champion is one. My dear friend, writer Peter Matthiessen along with Bill and Rose Styron, and Kurt Vonnegut were some of the writers who cared about me and stayed in contact with me. Marlon Brando and Steve Allen were my friends. Looking back so many members of my family and so many friends and many of my lawyers have gone on. I miss them all."

Bonnie Raitt and Robbie Robertson are featured in the new edition of our PSA.

Is it not time for you to join this effort? Clemency is a request any citizen can make of our government, and all our voices need to be heard. We just want Leonard to go to his home on the northern plains and be able to spend what remains of his life with his family and be able to rest and be at ease with his people of the Turtle Mountain Band of Chippewa, his relatives in Indian country, and with us.

Pope Francis recently said that "long prison sentences are death sentences." We believe Peltier is innocent, but we are not arguing that anymore. What happened on that bitter day in 1975 was part of an ongoing conflict, and we may never know what really happened. Forty years is long enough, in any case. Another life has been taken for all practical purposes.

Today, with the passage of four decades, Peltier's supporters have included the Dalai Lama, Archbishop Desmond Tutu of South Africa, Robert Redford, Barbra Streisand and Pete Seeger. The late Nelson Mandela and Mother Teresa spoke and wrote for him. Civil rights giants Coretta Scott King, Congressman John Lewis and many members of the Congressional Black Caucus stood up for him in very meaningful ways that included helping him get some badly needed medical care. The late, wrongly convicted boxer Ruben "Hurricane" Carter spoke strongly for Peltier's release and shared his own story of years behind bars without the benefit of a fair trial.

Sixty members of the U.S. House of Representatives signed an amicus brief calling for a new trial. The UN High Commissioner for Human Rights called for his release, as did 55 members of Canada's Parliament.

Nobel laureates including Rigaberta Menchu Tum of Guatamala, Mairaid Maguire and Betty Williams of Northern Ireland, Jose Ramos Horta and others have come to his aid. Yet he still wastes away in a super-max prison 2,000 miles from his home on the northern plains.

On human rights day of last year, Leonard's supporters called for his release. Kris Kristofferson, Jackson Browne, Bonnie Raitt, Archbishop Desmond Tutu, Carlos Santana, Harry Belafonte, Robbie Robertson, Pam

Anderson, UK's Peter Gabriel, Michael Moore, Wes Studie, Irene Bedard, the National Congress of American Indians (representing 566 tribes), The Assembly of First Nations Chiefs of Canada, the Oglala Sioux Tribe of Pine Ridge (South Dakota) and more then 500 other tribes in the U.S. and Canada, award-winning Native American film director Chris Eyre and many Native actors and musicians are part of his support groups. Human Rights Action Center, the UN Commission on Human Rights and Amnesty International have all called for clemency.

Names like Marlon Brando, Harry Belafonte and Steve Allen seem from a long-ago era. Only Mr. Belafonte survives to this day. As a longtime singer, actor, artist and human rights activist, Belafonte received a special lifetime Humanitarian Oscar at this year's Academy Awards. He has supported the efforts to secure the freedom of Leonard Peltier from the beginning and calls it one of the most important issues of his time.

9 Mar - Q&A: Jericho Movement's Paulette D'Auteuil on U.S. political prisoners

Paulette D'Auteuil is on the advisory board in of the National Jericho Movement. She recently delivered remarks to the 12th International Symposium Against Isolation in Beirut, Lebanon.

MORE:
The conference brings together political prisoners held in countries around the world. She told the conference that the U.S. is no exception to countries that lock up political dissidents on trumped up charges or deny parole to political prisoners who have already served the terms of their court-mandated sentences. During the conference, she spoke with Free Speech Radio News' (FSRN) Jacob Resneck.

Free Speech Radio News (FSRN): The issue of political prisoners is something we, as Americans, hear a lot about in other countries. But your organization argues that the U.S. is no different. Is the criminal justice system targeting individuals for lawful political activities?
Paulette D'Auteuil (PD): Um, yes. It's been targeting them since Sacco and Vanzetti and it continues to target them today. We have many political prisoners: Leonard Peltier, Jalil Muntaqim, Herman Bell… and we also have some who are engaged in struggles against the state and have seen now that COINTELPRO situation which was a program, a counter-intelligence program, by the government was considered illegal. And after 9/11 and the PATRIOT ACT everything that was considered illegal in COINTELPRO has now been incorporated and is considered a legal government means to keep people from resisting and struggling for a better society.

FSRN: Tell us what the Jericho Movement and other legal advocates for these prisoners are doing to try and secure release for these prisoners.
PD: One of the things we are trying to do is that coming to the end of the Obama administration some of our prisoners have, or are in the process rather, are in the process of completing a set of documents for the Justice Department which will be turned over to a clemency lawyer that will be reviewed and then put on Obama's desk.

This packet is an incredible listing of this person's history from before they were incarcerated. If they were arrested or something happened to them in high school they have to start there and give them everything that they've done and then every infraction that they've been charged with within that.

FSRN: We're here in Beirut hearing the testimony of former political prisoners and also their advocates. What message are you bringing to them from the U.S. and what message will you be taking back to the states?
PD: I'm going to take back this struggle that needs to be done to help build an anti-imperialist front. And that is we must take the struggles of other countries back into the United States to expose French imperialism, American imperialism and whatever and build the unity between our prisoners and their prisoners. We've done this with people in the Basque country, we've done it with Turkish prisoners, and so what I've brought is a group of statements from our prisoners Herman Bell, Jalil Muntaqim, Leonard Peltier, Mutulu Shakur all sent greetings of solidarity. For them this is a way for them to have their voices heard in other countries and so we have reciprocity, a revolutionary reciprocity, to support each other's prisoners and to stand in solidarity against this capitalist class throughout the world.

FSRN: Finally, what can ordinary Americans do to support these political prisoners and what support networks exist to help people who think they or friends or family may be targeted by the criminal justice system for their lawful political activities?
PD: On our website there are all kinds of suggestions. You can just go online and Google “political prisoner organizations” and get in touch.

FSRN: Thanks for taking the time to talk to us.
PD: You’re welcome. Thank you. Free the Land!

9 Mar - March 29th Call In Day for Oscar!

On Sunday March 29th, call Obama and demand Oscar's release!

MORE:
Natasha Lycia Ora Bannan, National Lawyers Guild and 33 Mujeres NYC por Oscar endorses this month's Call In Campaign!

Inspired by the “5th of every month for the Cuban 5” campaign and the 33 x Oscar initiative in Puerto Rico, The ProLibertad Freedom Campaign has decided to dedicate the 29th of every month to Oscar Lopez Rivera!

On the 29th of each month, we’re asking all our allies and supporters to CALL THE WHITE HOUSE AND DEMAND THE RELEASE OF PUERTO RICAN POLITICAL PRISONER OSCAR LOPEZ RIVERA!

Call President Obama at 202.456.1111 and leave a message! Let him know that Oscar Lopez Rivera has been in prison for too long and deserves to go home! We need to flood the voice mail with our united demands for freedom!

Sample Message for your phone call:President Obama, I ask that you free Puerto Rican Political Prisoner, Oscar Lopez Rivera. Since 1981, he has been in jail for fighting for Puerto Rican independence; he never committed a violent crime and has been a model prisoner. I ask that you follow in the foot steps of Presidents Truman, Carter, and Clinton, who freed other Puerto Rican activists, and set Oscar free!

Natasha Lycia Ora Bannan, President Elect of the National Lawyer's Guild, 33 Mujeres NYC por Oscar:
The movement to free Oscar from the torturous isolation of jail and our "justice" system gives each of us a chance to step up and step in to our higher selves. To put into action what Oscar continues to teach us from prison: that people united in love, liberation and justice will always be free and will always be victorious. Oscar has said that, “it is much easier not to struggle, to give up and take the path of the living dead. But if we want to live, we must struggle.” In the face of the most oppressive injustices that he has experienced, we in fact must continue to struggle.

And struggling is one of the most just acts we can do - to rise up, act out and raise our voices in community to demand Oscar's release. Oscar will be free! ¡Hasta su regreso! Call Obama on Sunday March 29th and demand Oscar's release.

10 Mar - Sabu and the Daily Dot: A Response

A response by Jeremy Hammond’s support crew to the recent hiring of the snitch— Hector "Sabu" Monsegur, who informed on Jeremy, by the internet newspaper, the Daily Dot.

MORE:
Fuck Sabu.

I suppose I should expound upon that sentiment, but do I really need to? Recent events would suggest that, yes, I actually do.

For those who may not know why such ire was raised over a review of a television show that was no doubt

published as nothing more than clickbait, you must first go back to the Jacob Riis housing projects on New York's lower East Side in 2011. Hector "Sabu" Monsegur was a notoriously mediocre hacker who had been involved with a number of high-profile intrusions as a member of the Anonymous offshoot Lulzsec. He had also been involved with shadier endeavors, including credit card fraud and identity theft.

On June 7, 2011, his apartment was raided by the FBI and he was given a choice: go to jail and risk his two nieces being placed into foster care, or secretly turn state's witness and become an informant for the FBI. He chose the latter. Now, for many, this choice may seem understandable. The United States foster care system is rife with abuse, and for two young girls who had already been through so much in their short lives, the decision to do whatever it took to keep them with family seems logical, even compassionate, and has been a point where Sabu garners some sympathy.

But the fact that no one ever seems to bring up is that Sabu chose to put himself in that situation. He knew what he was doing was illegal, and not even being very good at what he did, he knew there was a very good chance he would get arrested thereby putting his two vulnerable young nieces at risk of being lost to the system. He chose to engage in those activities anyway for purely selfish reasons without making plans for what would happen to the girls when the FBI came knocking. He should get no sympathy for making poor decisions, and then wriggling out of them by destroying the lives of others.

Which brings me to the *Daily Dot*.

When I first saw that the *Dot* had published yet another piece by Sabu – and on the eve of Jeremy's arrest, no less (the first was a review of the movie "Blackhat" with reporter Kevin Collier) – I was floored. To say it was an insult would be an understatement. Not just to Jeremy or the other good people whose lives Sabu helped destroy, but to the entire community.

Unless you are part of an activist community, you cannot fathom the amount of work it takes to build a solid foundation of trust between members. It has been shown over and over that even activists who are engaged in legal, peaceful protest are routinely monitored, arrested, and called in front of grand juries for prosecutors' wild fishing expeditions meant to entrap them and their comrades. One only needs to look to the recent situation at the Circumvention Tech Festival in Valencia, Spain to prove this point. And, with the Obama administration's war on hackers, including the declaration of the "war on cyberterrorism" and the tougher revisions to the CFAA, the landscape for the infosec community is especially scary and treacherous.

So what does this have to do with Sabu? A lot.

What Sabu did was not just a betrayal to Jeremy and the other hackers arrested in the Lulzsec/Antisec raids. Sabu's betrayal ripped a hole in the fabric of Anonymous itself, with ripples felt in every corner of the infosec community. Trust that had been painstakingly built over months, and even years, was shattered, and people who had once easily called each other "friend" now felt like strangers or even threats. Projects were abandoned, activism meant to make the world a better place came to a screeching halt, and everyone fought to find their place in this new world where your strongest ally could be the one to deliver you to the very institution you were trying to fight.

In some ways, we are still trying to find our way in this new, post-Sabu world. We are still trying to learn from our past so we don't repeat our mistakes. And every interview Sabu gives, every article he writes tells the next kid who gets raided that it's okay to snitch on the people you have come to call "brother," that there will be no consequences, that your "punishment" will be taking selfies at parties while watching Lil' Wayne play a live set. It glamourizes Sabu's actions as a quick road to if not fame, than, at the very least, infamy.

Does this mean I never want to see Sabu's name in print again? Well, personally, the answer to that would be yes. As someone who has put an incredible amount of time into supporting Jeremy, and as a personal friend of his, seeing Sabu's name in print will always hurt. It will always be a reminder of the betrayal that not only Jeremy lives with, but that Jeremy's entire community lives with.

But I also realize that journalists and journalistic outlets cannot and should not be held to the same standards as activist communities. While it is acceptable in certain situations for the press to take a stance on controversial issues, there are still codes of ethics that govern how this is to be done. If the Daily Dot truly is "open to publishing all voices" as their politics editor Andrew Couts claims, then why have they not reached out to Jeremy for an article? Or, for that matter, why have they never reached out to any member of Lulzsec or Antisec for their views on the latest hacker media craze? Self-serving attention seekers like Sabu who have nothing valuable to say get the media megaphone, but hacktivists and prisoners worldwide barely get a chance to whisper.

There are serious questions that need to be answered about the conduct of the FBI during the Lulzsec and Antisec investigations. These are questions only Sabu can answer. I will always support serious journalistic endeavors that attempt to uncover the truth, as I believe that having these answers will ultimately make our communities safer and more secure, which is something we can and should support. And I truly believe, as does Jeremy, that there are ethical ways in which we can at least attempt to obtain these answers that does not contribute to a culture where snitches are celebrated.

The *Daily Dot*, with this latest article, has shown that it has no interest in taking these ethical concerns seriously. They have become simply another outlet for Sabu to peddle his FBI-approved platform of manipulation and lies. Remember, at his best, Sabu wasn't a hacker, but a social engineer. It was how he was able to manipulate people into pulling off hacks that he did not have the technical know-how to perform himself. It was how he could pull members back into the group when they said they had had enough and wanted out.

This gives serious concern as to whether the *Daily Dot* can be trusted to maintain their impartiality. Working with someone who is essentially still a federal mouthpiece to produce a poorly-written fluff piece that will contribute to nothing more than the *Daily Dot*'s ad revenue calls into question every piece they have ever published questioning the government. It shows they are willing to compromise, and care more about dollar signs than truth.

It frankly doesn't matter that Sabu supposedly wasn't paid, or that there is no ongoing contract for him to write for the *Dot*. The choice to have Sabu write for them was a foolhardy one, and one that has many people justifiably angry. Hopefully, the repercussions for their actions will reach far beyond just the walls of the *Daily Dot*. People like Sabu, and those who sympathize with them, must become untouchable. They must never find aid or comfort in any community, in any corner, in any space. We must create a culture where collaborating with snitches and glorifying them is not only unacceptable, but unconscionable.

If, as the *Daily Dot* claims in its own ethics policy, its loyalty lies with its readers, then it will listen to the outcry from those readers who are currently banding together in a massive show of solidarity against those who would seek to undermine and destroy our community. Sabu's betrayal will not and should not be forgotten, and I challenge those in media to think long and hard about how they choose to engage with him in the future. As was previously stated, serious journalistic endeavors whose end goal will make the community safer will always be welcomed and supported. But we refuse to let Sabu control the narrative with the lie that he was "manipulated" when the facts of the case speak very clearly for themselves.

Fact: Sabu is a traitor. We do not forgive, and we do not forget.

10 Mar - After Beating FBI Entrapment, Environmental Activist Eric McDavid Looks Forward

After serving nine years in prison, Eric McDavid was freed on January 8, 2015, when it was revealed - through Freedom of Information Act (FOIA)-released court documents pored over by his supporters - that the government withheld documents from him that supported his defense claim that he was entrapped by the FBI.

MORE:
by Chris Steele (*Truthout*)

Entrapment: The act of government agents or officials that induces a person to commit a crime he or she is not previously disposed to commit - West's Encyclopedia of American Law

McDavid, who identifies as an anarchist and an environmental activist, was charged with "conspiracy to use fire or explosives to damage corporate and government property" in May 2008 and sentenced to 19 years and 7 months in prison.

McDavid is a victim of a long history and concerted effort by federal and state entities in the United States to target anarchists and other radicals. An early example of surveillance and harassment against birth control advocates, anarchists and radicals being targeted by the US government dates back to the Comstock Act. Passed in 1873, Comstock Law allowed the US Postal Service to spy on mail and report "suspicious" or "obscene" mail to state entities. The proponent of the law, Anthony Comstock, was appointed as a special agent to the US Postal Service from 1873 to 1915 where he utilized entrapment by writing to doctors and posing as a young pregnant woman.

The Comstock Law had a chilling effect on free speech, which led to anarchist Emma Goldman's arrest for her publication Mother Earth and the destruction of anarchist literature by the US Postal Service.

In the infamous Haymarket Affair of 1886, involving the fight for the eight-hour-work-day, a bomb and subsequent riot led to the deaths of seven policemen and four workers. The following day, martial law was declared, houses were searched without warrants, and labor leaders and anarchists were rounded up indiscriminately. Seven of eight anarchists arrested were sentenced to death by hanging.

Targeting of radicals continued into the Red Scare of 1919 and the FBI's Counterintelligence Program (COINTELPRO), which surveilled activists and civil rights participants, bugged their houses and sabotaged their relationships, even when there was no evidence that they posed a threat.

Although 1967 is when the FBI officially expanded its COINTELPRO to include what it dubbed "Black Nationalist-Hate groups," research by Clayborne Carson revealed that Black Nationalism was targeted after WWI. Early on, Marcus Garvey and A. Philip Randolph were targeted by the FBI under J. Edgar Hoover's direction. The targeting, surveillance and "dirty tricks" employed by the FBI's COINTELPRO expanded to Martin Luther King Jr., Student Nonviolent Coordinating Committee (SNCC), Black Guerilla Family, Black Liberation Army, the Black Panther Party, the American Indian Movement and many other groups.

COINTELPRO's Dirty Tricks

Examples of the COINTELPRO's "dirty tricks" include FBI field offices sending fake letters to incite violence between the Black Panther Party and Puerto Rican Nationalists and the murders of Fred Hampton and Mark Clark.

These type of tactics have only increased since the signing of the USA Patriot ACT in 2001, leading to a dramatic increase of surveillance, targeting and entrapment - in Muslim-American communities in particular. Another population that has been targeted are activists who identify as anarchist or associate with the Animal Liberation Front (ALF) or Earth Liberation Front (ELF).

According to Eric McDavid's lawyer, civil rights attorney Ben Rosenfeld, "Over the course of my 15-year career, I have seen a sharp rise in the targeting, entrapment and absurd branding of environmental activists as terrorists, dovetailing with the FBI's focus after 9-11 in trying to prevent terrorism, or at least pretend to the public that it is doing so, which misdirects priorities, infects judicial processes with bias, and insults the victims of actual terror."

In 2004, the FBI stated, "In recent years, the Animal Liberation Front and the Earth Liberation Front have become the most active criminal extremist elements in the United States." Even though the FBI admits that these groups discourage any act that harms an animal or human, this type of rhetoric that brands activists as

"terrorists" has led to the entrapment arrests of Bradley Crowder and David McKay; the SHAC 7 arrests - and more recently, Eric McDavid.

McDavid's case was described as one of the most blatant cases of FBI entrapment in US history, involving an informant who went by "Anna." The informant engaged in flirtations with McDavid, and rented a cabin and purchased bomb-making supplies with FBI funds. It was later discovered that "The FBI had extensively wired the large, two-bedroom cabin, for audio and video surveillance, and agents were apparently encamped at a command post down the road."

McDavid's habeas petition, prepared in 2012, revealed that "Anna" did a project in her community college course where "she went 'undercover' into the FTAA (Free Trade Area of the Americas) protest in Miami and wrote about it in a report. This impressed a police officer in her class who showed her report to his superiors, who then summoned her to meet with Miami police officers and an FBI agent. The FBI began grooming her to infiltrate protests, including protests against the G-8 Summit in Georgia in 2004, and against the Republican and Democratic National Conventions in New York and Boston, respectively, that same year."

Regarding McDavid's case, Rosenfeld explained how he was "disgusted by the extraordinary lengths the FBI went to pin a case on Eric, even though Anna had first reported to them that he was just a harmless college kid, simply to crucify him as an example to the radical environmental movement."

McDavid was released when it was discovered that federal prosecutors withheld crucial evidence from the defense, which included not informing jurors that the informant "Anna" was a government agent. On Democracy Now! Rosenfeld said, "The government had called urgently for a lie-detector examination of their informant and then inexplicably canceled it. There are indications that letters of a romantic nature that they had withheld from the defense were included in their files."

According to The Guardian, McDavid's trial lawyer Mark Reichel said, "I demanded to see the love letters before the trial, but the government told me they didn't exist." Reichel maintains that McDavid's case was the result of the government targeting anarchists and "manufacturing crime."

Regarding the overarching implications of targeting activists, Rosenfeld stated, "The FBI's oppressive and deceitful tactics chill people into inaction, reduce diversity at public protests, sow mistrust in government, and drive a certain core of activists underground."

McDavid's partner and member of Sacramento Prisoner Support, Jenny Esquivel, said her group provided support and solidarity since McDavid's arrest in January 2006. Esquivel stated, "We ended up doing the kind of support work that dozens of other support groups all across the country (and internationally) do for political prisoners every day - fundraising for legal defense and the costs of imprisonment, telling Eric's story and gathering support for him from his community and the public, writing letters, visiting, sending books and advocating for his health and basic needs while he was in jail and prison."

While in prison, McDavid was in isolation for two and a half years, she said, and "During that time, he had almost no human contact with anyone. He was not allowed out of his cell with other inmates; he only got to go outside for a couple of hours each week, and he was allowed visitors twice a week separated by a wall of glass with a phone that seldom worked.

Hunger Strikes Cause Heart Damage

In prison, McDavid went on two separate hunger strikes because the jail would not provide him vegan food. "While he was on hunger strike, he lost almost 30 pounds" Esquivel said. "He became very weak, and his health suffered terribly. The lack of nutrition and proper care ultimately resulted in him getting pericarditis - a heart condition that involves the swelling of the sack around the heart. It is incredibly painful and feels like a heart attack."

Because McDavid was labeled an "Eco-Terrorist," he and Sacramento Prisoner Support were both subjected to heightened surveillance. Esquivel elaborated on the monitoring: "Eric was under constant scrutiny within the BOP [Federal Bureau of Prisons]. All of his mail and phone calls were heavily monitored. He was frequently visited by SIS [Special Investigative Service] - the internal intelligence agency within the BOP. Only one journalist was ever able to get in for an interview with Eric - and he was not allowed any recording equipment."

Regarding surveillance on Sacramento Prisoner Support, Esquivel said Freedom of Information Act (FOIA) documents revealed that a member of their collective was under extensive surveillance. "Our events were frequented by FBI agents. They were watching our house. At one point, we saw one of the FBI agents involved in Eric's case seemingly helping someone move out of an apartment a block away from our house. . . . I have a hard time believing that was a coincidence."

FOIA documents also revealed that all of McDavid's correspondence in jail was sent to the Sacramento FBI, then forwarded to field offices nationally and intelligence agencies internationally, if a letter was not from the United States.

Rosenfeld doesn't feel the resolution of McDavid's case of entrapment - that stole nine years of his life - should just be praised as justice delayed. He wants the people who withheld key documents and put "Anna" on the stand to lie to be held accountable.

"The Department of Justice officials want to skate away from this mess with the meager mea culpa that 'a mistake was made,' " Rosenfeld said. "The FBI Case Agent, Nasson Walker, has not answered publicly. One of the federal prosecutors, Steven Lapham, is now a Sacramento Superior Court Judge. The other, Ellen Endrizzi, is still working as an Assistant US Attorney. Where's the accountability? Explain your so-called mistakes, and if the explanation is lacking, fire and prosecute the people responsible."

Esquivel emphasized that even though McDavid has substantial support coming out of prison, most prisoners don't - and one of the takeaways from this case should be a more wide consideration of the need to provide prisoner and community support for all people coming out of prison, especially people who are disproportionately impacted such as people of color and the poor. Sacramento Prisoner Support set up a website collecting donations for McDavid to help him get back on his feet.

11 Mar - Transform Now Plowshares Appeal to be heard March 12, 2015

Lawyers for the Megan Rice, Greg Boertje-Obed and Michael Walli had just 15 minutes to present oral arguments before the Sixth Circuit Court of Appeals in Cincinnati, Ohio, on Thursday, March 12, 2015 at 9:00am.

MORE:
Counsel is expected to ask the court to vacate the convictions of Megan, Michael and Greg on the charge of sabotage, arguing the statute was wrongly applied in this case.

Those who attended the trial and sentencing in Knoxville may recall the judge himself expressed concerns about the charge, but in the end he let it stand.

The court has scheduled 30 minutes for oral arguments, which is standard procedure. The judges are not expected to issue a decision for some months.

It is not clear whether a decision in favor of the TNP three would result in a new sentencing hearing and/or reductions of sentences for the three. In any case, the process might not be concluded in time to affect Megan’s term since she is due to be released in November of this year.

March 13th - Transform Now Plowshares Appeal Heard in Cincinnati
March 12, 1930, Ahmedabad, India. Mahatma Gandhi and a company of nonviolent satyagrahi set out from the Sabarmati ashram and began his march to Dandi where, twenty-four days later, he would make hold in his hands

salt made from the ocean water and declare, “Here I ruin the British empire.”

It was an audacious faith in the power of nonviolence that carried Gandhi on that walk, and that powered him for another seventeen years before the miracle was realized and India was freed from British colonial rule.

Eighty-four years later, to the day, the power of nonviolence entered into the Potter Stewart federal courthouse in Cincinnati, Ohio, where three men sat in black robes to hear arguments challenging the sabotage convictions of Gregory Boertje-Obed, Megan Rice and Michael Walli in the Transform Now Plowshares action. Appellate arguments usually echo in a courtroom empty but for judges, a clerk and the lawyers. But on March 12, 2015, the pews began to fill at 8:30. By 9:00 there were more than forty people in the courtroom—three dozen Plowshares supporters and another dozen high school students on a field trip who were about to be educated about the legal process, and maybe be prompted to think about nuclear weapons and the power of nonviolent direct action in the process.

We had made our way to the courthouse in the early morning darkness after skimming a thin sheet of frozen dew off the windshields of our car. Fortified by oatmeal, some amazing english muffins, homemade granola and a selection of teas and coffee—thanks, John Blickenstaff!—we began to pass out flyers to passers-by. The courthouse was located alongside the downtown bus terminal, providing a convenient distribution point.

Within minutes, others arrived—Ardeth, Carol and Liz from Jonah House; Kathy Boylan from Dorothy Day Catholic Worker in Washington, DC and Paul Magno; four Sisters of Charity from Mt. Saint Joseph just outside Cincinnati; members of footprints for peace; half a dozen OREPA members from Knoxville; Brian Garry from Cincinnati; Shannon from Xavier. We greeted the Quigleys who traveled up from New Orleans for the hearing. It was a nice mini-reunion of folks who enjoyed the grand spirit of community of the trial and sentencing. Those of you who weren’t able to join us were missed. Some brought kinfolk with them.

The Veterans for Peace banner was unfurled; Ellen Barfield and Eve Tetaz held it on the corner in the chilly morning air. When we ran out of flyers, we went inside.

At 10:10 our case was called. Placards on the bench identified Judge Kethledge on our left; Judge Boggs in the middle; Judge Helmick on our right. Flanking the three living judges were two other elderly white judges, portraited in their robes. On the side wall, another judge l’oeil, and behind us, on the back wall, two much-larger-than-life judges watched over the proceedings from inside their frames. The courtroom was all dark paneling reaching to within four feet of the ceiling. The paneling was rectangles; the recessed lights were squares, the benches were mitered corners; there were precious few curves in a room dedicated to the sharp angles of the law.

Each side had fifteen minutes to argue. Mark Shapiro delivered oral arguments for our side and he was brilliant. Assistant District Attorney Jeff Theodore traveled from Knoxville to make the government’s case.

The purpose of our appeal was primarily to challenge the use of the sabotage statute to convict Megan, Greg and Michael—it is the reason they got such long sentences. Piece by piece, Marc peeled back the government’s rationale, applying case law and referring repeatedly to the intent of Congress in passing a statute meant to convict people who interfered with US war-making capability in war time. We argued the government has misapplied the statute, that interfering with Y12 (the Oak Ridge bomb plant) was not the same as interfering with the “national defense,” that the defendants general aspiration to bring about global nuclear disarmament did not equate to an intent to injure the national defense, and more.

Marc began by providing a clear accurate description of three senior citizens who trespassed at Y12 and damaged property. If that were the only charges they faced, he said to the judges, we probably wouldn’t be here. “But the government went further. They said that acts of nonviolent civil disobedience are equal to sabotage. They said these people, who sang, prayed and broke bread…that was not what Congress had in mind when they passed 2155 in 1918. They were concerned with damage to the instrumentalities of the national defense in a time of war.”

Judge Boggs interrupted (appellate hearings are not exercises in good manners…) to ask how Shapiro distinguished between slight harms, which Congress did not intend to include, and larger harms. He referenced the missile silo actions of Carl Kabat and Ardeth Platte. Marc said one could consider the instruments brought in; one could also consider the immediacy of the effect of the action. A missile silo had to be able to respond within minutes to an order—a bomb plant that manufactures one component of a nuclear weapon is several steps away from a sense of immediacy.

There was a back and forth between Shapiro and Boggs in which Marc deftly steered the conversation toward the issue of intent.

Judge Kethledge picked up: Well, there are two ways of defining intent…
Marc: Yes, objective intent and actual intent.
Kethledge: In this case, I understand they brought in little hammers.
Boggs: And they didn't know about the shipment of material that was diverted.
Shapiro: There is no dispute about that. They could not have foreseen that they would get all the way in, not past one fence or two or even three, but through four. It was a surprise to everyone that security was extremely flawed. What they could expect was they could expect to be stopped. They did expect that. They hoped they would have a chance to educate the employees there about weapons of mass destruction. This gets to intent. Beyond that, no one expected this action would bring an end to nuclear weapons or stop production.
Kethredge: When they unfurled the banners, did they intend to eliminate nuclear weapons? Proximately?
Shapiro: No one could intend that.
Boggs: But they don't have to eliminate all nuclear weapons to injure the national defense.
Shapiro: But Congress is clear. Slight injuries are not included in this statute.
Boggs: They took a chunk out of the wall.
Shapiro: Which everyone would see is a symbolic act.

Time was called, Marc having reserved four minutes for rebuttal.

It was Theodore's turn. He tried to take the offensive. "There was sufficient evidence to sustain the sabotage charge; there are two elements, and they are only disputing one. To interfere with, injure or obstruct the national defense is enough. They surreptitiously entered, cut the fence, crossed the PIDAS security zone, and targeted the Highly Enriched Uranium Materials Facility. They brought a banner. They read an indictment for war crimes," he said, his voice rising with a little emotion at the end.

Kethredge cut in. "Sounds more like a protest than sabotage."
Theodore: It was more than that. They had the desire, and then they took action.
Kethredge: Do you not recognize a distinction between motive and intent? If a man shoots his wife to get her money, his intent is to kill his wife, but his motive is to enrich himself.
Theodore: There is a difference to the extent. I don't agree with their interpretation of the case they rely on.
Kethredge: Let's look at the particulars. How big were the hammers?
Theodore: About a foot.
Kethredge: And they hammered on the building. Does that show an intent to injure the national defense? Banners?
Theodore: They intended to disrupt the national defense.
Judge Helmick spoke for the first time: "How is that accomplished, at that time of day (4:00am), when the damage they did was $8,500, at a time when no one was working…"
Theodore: They could have reasonable foreseen…
Kethredge: But reasonably foreseen has been defined as practically certain. Could they be practically certain that they would stop shipments from coming in, or that the bomb plant would be shut down for two weeks?
Theodore: They could be sure of a strong response.
Kethredge: They would more likely be certain they would be shot.
Theodore: Which did not happen, thank God. But the intent was to overall disarm, to enter.

Judge Kethredge then proposed a scenario where 20 ardent disarmament proponents undertook to lay down on the public road leading into the bomb plant to block a shipment of nuclear materials. “Suppose it takes a long time to remove them, and you can’t have bomb material waiting by the side of the road for a couple of hours, so they have to turn around and go back, three or four states away. Would those people be guilty of sabotage?”

Theodore: They would meet the second element, intent to injure.
Boggs: Intending to keep nuclear materials from getting in.
Theodore: They have to willfully intend to injure the national defense. If they indicated their intent…these people said at trial and in the media…
Boggs: But there was a time, a long time ago, when people would lie down in front of trains. Was that obstructing and interfering?
Theodore: They have all the right in the world to be against nuclear weapon and to protest. But when they take action and they try to interfere…
Kethredge: Well, standing on top of the missile silo door is different. What is missing is the proximate effect and substantiality. It’s de minimis, in terms of expectations. It is less proximate than Platte, right?

“It is,” Theodore admitted, then argued on a parsing of the statute to defend his position that Y12 is a national defense facility. “The bottom part refers to the military and armed forces. Everything above that is broader.”

Kethredge cited a recent case, Bond, and noted an uncanny parallel. In Bond, the defendant attempted to poison a person by applying chemicals to a doorknob, a little at a time. The government charged the defendant with using chemical weapons. Kethredge said, “The court said, ‘We’re not going to read chemical weapons that closely,’ even though there were chemicals that were used. Is it fair to say, banners, hammer, spray paint and blood—those are instruments to harm the national defense?”

Theodore could not back down now. “They could be—“

“Could be?” Kethredge cut him off. “These people are in prison right now.”

In that instant, humanity entered the courtroom that usually dealt only in verbal interpretations of legal language, hypothetical cases and the intentions of legislatures long since past.

Kethredge continued, “I’m inclined to the view of Chief Justice Roberts that we have to take a step back from a definition of national defense so eggshell that banners…

Theodore tried to argue for a broad reading.

Kethredge pushed back. “Banners? Bread? To injure the national defense?

Theodore: Or obstruct.

Theodore tried to present an interpretation of another case to suggest a broad application of the law. “We would not have these weapons or the national defense without Y12,” he said. “The statute should be interpreted to fulfill its purpose.”

Boggs noted one of the cases being used, Ortiz, ended up with the court requiring the government to go back to “get better intent.” Theodore’s time was running out. “We have to make sure the military establishment is prepared,” he said. Boggs took the last word: “It takes a long time to get from Y12 to a bomb.”

Now Marc Shapiro rose for his last few minutes. Boggs asked him to address the de minimis argument by creating a hypothetical poisoning of 20 soldiers at Fort Leavenworth. Is that interference?

Marc parried deftly and returned to the question of instrumentality—it could not be lost on the court that banners and bread were not poison and guns.

Marc noted: The government says they did this surreptitiously, but the whole point was exposure. They may have gotten in at night, but they were not trying to dilute the Uranium and hide out to see what happens. The point is, in this case, they intended to be exposed.

There was a pause and he closed, plain and strong: “We ask the court to reverse the sabotage conviction.”

We rose to file out while the lawyers for the next case stepped to the lecturn. I turned at the door to look back—the courtroom empty except for three people in suits, waiting their turn to address the judges.

There are other parts to the appeal, and they were all masterfully argued in the written briefs, but the oral arguments focused on the parts the judges felt were at issue. It is impossible to know from what we saw in court how the judges will rule. It did seem clear that no weaknesses in our arguments were exposed, and the judges seemed skeptical of Theodore’s arguments.

There is also no way of knowing when we will get a ruling from the court. We can hope, since at least one judge recognized the decision has implications for people who are incarcerated, they may have incentive to rule sooner rather than later.

If the TNP three are successful on appeal, the most likely result would be a resentencing, with the sabotage charge taken out of the picture. That would cause an adjustment in the calculations used to determine maximum and minimum sentences and could very likely result in reductions for Megan, Michael and Greg.

In the aftermath of the hearing, as we gathered at Panera Bread to speculate, we were reminded of the generosity of the lawyers for Orrick, Herrington and Sutcliffe—Shapiro, Thomas McConville, and Judy Kwan, who briefed the appeal, and Bill Quigley, always faithful and almost always hopeful. It was a great team, and a very good day for truth in the courtroom, at least a slice of the truth in the courtroom in Cincinnati.

11 Mar - Abdul Haqq Released From CMU Into General Population

From Abdul:
I am no longer in the CMU! I have been placed in the general prison population of Marion. Since 2010 I have been in lockdown units no bigger than a few parallel hallways and 3 outdoor cages. Today I will go outside unimpeded and look at the sky without staring at it through a cage.

12 Mar - Rasmea sentenced to 18 months, but is coming home!

Over the objections of a prosecution team that called for 5-7 years in federal prison, a harsh sentence with terrorism enhancements, Judge Gershwin Drain sentenced Rasmea Odeh, Chicago’s 67-year-old Palestinian community leader, to 18 months for Unlawful Procurement of Naturalization, of which she was convicted last November.

MORE:
Almost 200 of Rasmea’s supporters filled two courtrooms in the Detroit federal courthouse, and left disappointed but not defeated. “This is a blow, of course, but we have to remember that the government wanted the judge to lock Rasmea up for half a decade or more,” said Muhammad Sankari of the national Rasmea Defense Committee. “Judge Drain had to weigh the outpouring of support that Rasmea has inspired from across the country. We made it impossible for the judge to justify an extended prison term, and now, we will stand with her in the fight to appeal the conviction itself, to make sure she doesn’t serve one day of that prison sentence.”

The decision came after her attorneys argued that she not be imprisoned at all. Seventy important leaders of unions and community-based, faith-based, civil rights, and student organizations, as well as prominent academics and activists, wrote letters to the judge in the past few weeks, urging him to issue a sentence with no prison time beyond the month Rasmea served in a county jail following the November verdict. They cited her invaluable service as a community leader in Chicago, as well as concerns for her age, poor health, and chronic Post-Traumatic Stress Disorder (PTSD).

One of the many letters of support came from Bishop Thomas J. Gumbleton of Detroit. He wrote, "I am asking for compassion in her sentencing. Rasmea has much to offer her community…keeping her out of prison would allow her to continue as a contributing and productive person, doing the work that is so critical to hundreds of refugee women."

For their part, prosecutors called for Judge Drain to issue a sentence far beyond standard sentencing guidelines. While prosecutors had been barred from branding her a terrorist in front of the jury last year, today they were bound by no such court orders, asking that a terrorism enhancement be added to prolong her sentence.

Frank Chapman of the Chicago Alliance Against Racist and Political Repression said, "The government showed their true colors today, making it clear this case was never about immigration, but rather, the political persecution of a Palestinian hero. What they didn't bargain for is that Rasmea would defend herself, and that thousands would rally around her."

During the trial last year, Rasmea was prevented from presenting evidence about the events that led to her conviction by an Israeli military tribunal 45 years ago. Judge Drain had ruled that the circumstances of conviction by Israel didn't matter. "Not the illegal 1967 massacres and occupation – let alone the military ethnic cleansing of 750,000 Palestinians from the land and their homes when Palestine was partitioned in 1948 – not the midnight sweeps and kidnapping by the invading Army after the 1967 war, not the torture, not the kangaroo court and false confessions, not the prison time," said her attorneys in filings to the court.

"Be strong whatever happens," Rasmea said before speaking to the judge, "I am strong."

After the sentencing, Rasmea was released on bond, as she sets out to appeal her conviction. Surprising many, the prosecution did not object, despite having pressed for her bond to be revoked after the guilty verdict. She credits the work of her supporters across the country for forcing the government's hand.

Zena Ozeir of the Z Collective in Detroit said, "I have no doubt Rasmea's freedom today is owed to the public outcry against her persecution. The government is still out to lock her up for years, but that is something they couldn't win today. We have been with her at every hearing and trial date, we've held protests across the country, and flooded their phone lines and mail boxes, with people of conscience demanding an end to this prosecution, and an end to her unjust treatment in jail this fall. We will not stop until we win justice for Rasmea!"

After today's hearing, Rasmea returns to Chicago, where she will continue her important community activism and work with her attorneys on an appeal of the verdict. If Odeh loses her case on appeal, she will have to serve the full sentence, and then lose her citizenship and be subject to immediate removal from the United States.

12 Mar - Charges Dropped Against Animal Rights Activists in Palm Beach County

Charges have been dropped against three Palm Beach County animal-rights activists accused of trespassing on a Hendry County farm that breeds monkeys for laboratories.

MORE:
by David Fleshler (*Sun Sentinel*)
Nick Atwood, of West Palm Beach, Kyle Krakow, of Wellington, and Gary Serignese, of Boca Raton, had been accused of trespassing last November at a facility owned by The Mannheimer Foundation Inc. They had been on a road trip to call attention to Hendry County's growing importance as a center for breeding monkey for scientific research.

"The charges were dropped as we discovered new evidence yesterday," said Samantha Syoen, spokeswoman for the Hendry County State Attorney's Officel. "It dealt with the way the 'no trespassing' signs were posted."

Four other activists arrested at the time had entered a diversion program, but their programs were canceled due

to insufficient evidence, she said.

Mannheimer's facility held 863 crab-eating macaques and 1,535 rhesus macaques, according to company's Sept. 11 inspection report from the U.S. Department of Agriculture.

13 Mar - Jason Hammond's 50th Day in Prison!

Having landed where he will most like do the bulk of his time, Jason Hammond has a new writing.

MORE:
Greetings from Vandalia "Correctional" Center!

After the 24 hour lock down purgatory known as Stateville NRC, I've arrived at the joint where I will mostly likely do the rest of my time.

Basically, prison is a big waste of everyone's time and resources! It angers me that the system would rather keep locking people up and give them practically nothing to do instead of putting energy and resources into social programs and schools that would enable people to do well in life. The evidence points to mass incarceration being the desired state, the wealth of empire and dependent on a class in perpetual poverty.

I am happy to say that my spirits are high and the fire in my heart is burning. I am very thankful and humbled by all the support that folks have given me through letters, books, donations and sharing my case with in their circles. I've already gotten into the flow of hitting the weights and books. Currently reading "Living My Life" by Emma Golden, "Feminism is for Everybody" by bell hooks and "Foundation" by Isaac Asimov.

Big shout out to all my homies in Chicago, ABC in NY and beyond, D.O.P.E. Collective, CrimethInc for reading my statement on their podcast, all of the Antifa crews and everyone else that has written me. (I am slow at responding because they only sell 10 stamps a month here) It is through efforts like organizing letter writing parties, benefit shows and spreading the struggle of incarcerated folks that give us hope and inspiration.

I don't see a way we can salvage any part of the PIC: is it for burning. We must start thinking in moving towards alternative models of community accountability, perhaps through restorative and transformative practices, instead of relying on the brutal and intrusive model of the pigs and prisons. I wish you all the best, be courageous and fierce!

20 Mar - Nothing to Lose But Our Chains

WHAT: Black Resistance and the Roots of Mass Incarceration
WHEN: Reception & Journal Signing 6-7PM; Panel Discussion begins Promptly at 7PM, Friday, March 20th
WHERE: Malcolm X & Dr. Betty Shabazz Memorial and Educational Center - 3940 Broadway (at 165th Street) New York City
COST: FREE!

MORE:
The journal Socialism and Democracy presents its special issue on Mass Incarceration, edited by Mumia Abu-Jamal & Johanna Fernández.
Speakers
Sekou Odinga, Recently Released Political Prisoner
Arielle Newton, Black Lives Matter
Laura Whitehorn, Former Political Prisoner
Nyle Fort, Newark-Based Youth Organizer & Writer
déqui kioni-sadiki, Educator & Activist

27 Mar - Let The Fire Burn - MOVE Bombing Event

WHAT: Film Showing with Commentary
WHEN: 6:00-9:00pm, Friday, March 27th

WHERE: Room 9T, Riverside Church - 91 Claremont Avenue, New York City
COST: FREE!

MORE:
BE IN PHILADELPHIA ON WEDNESDAY, MAY 13, 2015, THE 30TH ANNIVERSARY OF THE BOMBING OF THE MOVE ORGANIZATION IN WHICH 11 MOVE MEMBERS WERE KILLED. DEMAND THAT THE MOVE 9 BE RELEASED.

Building toward that in New York City

FILM SHOWING of Let the Fire Burn, with commentary from Ramona Africa, the sole adult survivor of that horrific governmental assault on MOVE. Though a powerful movie, its narrative needs to be challenged. (NOTE: THE FILM WILL BE SHOWN AT 6:15 SHARP.)

HONOR RAMONA AFRICA//for her unstoppable revolutionary commitment!

PAM AFRICA, on the occasion of International Working Women's Day Month, on the MOVE women.

PAY TRIBUTE TO PHIL AFRICA, one of the MOVE 9, who recently died in prison under suspicious conditions. There will be an exhibition of his wonderful artwork.

PERFORMANCE in song and words, on GENOCIDE, by the amazing AMINA BARAKA.

PERFORMANCE by the MOVE revolutionary youth hip-hop group Revolt Against Wrong (RAW).

NEW SONG DEDICATED TO MOVE, COMMISSIONED FOR THIS OCCASION, WRITTEN AND PERFORMED BY THE RESILIENT 'GRANNIES'

LONG LIVE MOVE! FREE THE MOVE 9! FREE MUMIA AND ALL OUR POLITICAL PRISONERS! FREE 'EM ALL!

Bus tickets to Philadelphia for May 13 will be sold at this event. There will be food and time to socialize.

For more information: Call hotline 212.330.8029. Leave a message. Someone will get back to you within 24 hours. Or go to www.freemumia.com

28 Mar - Kazi Toure & The United Freedom Front

WHAT: Former Political Prisoner Kazi Toure Speaking Tour
WHEN: 7pm sharp, Saturday, March 28th, 2015
WHERE: The Base – 1302 Myrtle Avenue Brooklyn, New York 11221
NOTE: The Base is on the ground floor, is wheelchair accessible, and has a gender neutral toilet.
COST: Entrance is free, but we will be passing the hat to cover travel expenses.

MORE:
As a member of the United Freedom Front (UFF), Kazi Toure was imprisoned for his role in 20 bombings combating Apartheid in South Africa and United States Imperialism in Central America. The UFF has been called "undoubtedly the most successful of the leftist [guerrilla groups] of the 1970s and '80s" and struck powerful blows to South African Airways, Mobil, IBM, Union Carbide, & various courthouses and US Military targets.

NYC ABC is happy to host Kazi as part of a limited engagement speaking tour of the northeast. Kazi will discuss his experiences of living underground, being in prison, and continuing to be a revolutionary.