NYC ABC
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Updates for July 5th

16 Jun - U.S. High Court Ruling Opens Door to New Appeal by Mumia Abu-Jamal of His 1982 Conviction

One unintended consequence of the recent U.S. Supreme Court ruling in a death penalty case that rebuked actions of a Pennsylvania Supreme Court justice and prosecutors in Philadelphia for conflict of interest was to possibly open a new avenue for activist-journalist Mumia Abu-Jamal to appeal his own 1982 murder conviction because his appellate proceedings were tainted by alarmingly similar conflict of interest, involving the same appellate jurist who was a former District Attorney.

MORE:
by Linn Washington (*This Can't Be Happening*)
That ruling by America's highest court sharply criticized former Chief Justice of Pennsylvania's Supreme Court Ronald Castille for his participation in a 2014 death penalty deliberation because that justice had approved seeking that ultimate penalty when he served as the District Attorney of Philadelphia before becoming a state supreme court member.

That U.S. Supreme Court rebuke cited judicial conduct rules in Pennsylvania applicable to judges who had previously worked for a governmental agency like a District Attorney. Those conduct rules urged judges to remove themselves from "a proceeding if [their] impartiality might reasonably be questioned" because of their former position with such a governmental agency.

The U.S. Supreme Court, in the recent 5-3 ruling that rebuked Castille, stated that an "unconstitutional potential for bias exists when the same person serves as both accuser and adjudicator in a case."

Paris protestors for 21 years have held demonstrations monthly to criticize the lack of impartiality by judges in Pennsylvania, particularly judges once employed as prosecutors and/or in law enforcement. Those protestors have also condemned misconduct by prosecutors in Philadelphia like prosecutors unlawfully withholding evidence favorable to defendants.

Paris resident Jacques Lederer, 82, has participated in each of those protests held since June 1995. Those protests, staged near the U.S. Embassy in Paris, took place weekly until two years ago when the protests shifted to once a month.

"I think the U.S. justice system is slowly changing…I hope in a good direction," Lederer said earlier this year. The latest ruling by the US Supreme Court vindicates that hope.

The U.S. Supreme Court ruled that the participation of former Pennsylvania Chief Justice Ron Castille in that 2014 decision which reinstated a death sentence violated both the constitutional protections of the death row inmate and ethical conduct rules for judges.

Castille had rejected the inmate's request to recuse (remove) himself from participation in the inmate's appeal that challenged gross misconduct by prosecutors who had worked for Castille himself when he was serving as Philadelphia's District Attorney.

A Philadelphia judge had voided the death sentence of inmate Terrance Williams due largely to prosecutorial misconduct -– withholding evidence favorable to Williams during his trial. But the state's high court reinstated Williams' death sentence in that 2014 ruling that included participation by Castille. That 2014 ruling essentially whitewashed the prosecutorial misconduct issue.

During Williams' original trial, prosecutors working under Castille withheld evidence that Williams had been sexually abused by the man he murdered in 1984. Prosecutors falsely told jurors that the murder was simply a robbery gone awry. Some jurors later said that would not have approved a death sentence for the then 18-year-old Williams had they known of the victim's repeated sexual abuse of Williams that began when Williams was only 15.

In Paris for the past two decades protestors have staged demonstrations that specifically criticize a litany of alleged misconduct by judges and prosecutors in the murder case of Mumia Abu-Jamal, the author/activist viewed by millions around the world as a victim of a wrongful conviction.

During Abu-Jamal's trial Philadelphia prosecutors, as in the Terrance Williams trial, withheld important evidence favorable to the defense and made secret deals with prosecution witnesses, encouraging some to offer perjured testimony.

The connection between the recent U.S. Supreme Court ruling in the Williams case and the Abu-Jamal case is Ronald Castille, the Philadelphia DA turned state Supreme Court justice.

While Castile was not DA during Abu-Jamal's trial, during his stint as Philadelphia DA a few years later, he approved that office's legal arguments against Abu-Jamal's first appeal of his conviction. Then later, during Castille's tenure on Pennsylvania's highest court he rejected a recusal request by Abu-Jamal's atttorneys during a critical post-conviction act (PCRA) appeal by Abu-Jamal.

During that PCRA hearing, Abu-Jamal's attorneys argued and presented witnesses who exposed misconduct by Philadelphia prosecutors during Abu-Jamal's original 1982 trial and as well as offering evidence of misconduct by the Philadelphia judge who presided over both Abu-Jamal's trial and that crucial 1995 post-conviction appeal itself.

Castille, in the appeals from both Abu-Jamal and Williams, issued written defenses of his refusal to recuse himself that castigated both inmates for daring to question his role as a former District Attorney.

Castille, in defense of his refusal to recuse himself in both the Abu-Jamal and Williams appeals, claimed he played only a minor role in the respective cases handled by his subordinate prosecutors.

Castille framed his participation in the Abu-Jamal appeal and Williams' trial as merely administrative: signing his name to court documents as the top administrator yet knowing none of facts about the respective cases. Castille's proclaimed defense of arguing he played just a minor role in death penalty cases contradicted the posture he presented when he campaigned successfully for seat on the Pennsylvania Supreme Court in the early 1990s as a 'hands-on, tough-on-crime' prosecutor.

In the Williams case the U.S. Supreme Court stated Castille's role was far from minor because Castille was the person who personally approved seeking a death sentence for Williams. That Court's recent Williams case ruling stated the constitutional guarantee of due process "would have little substance if it did not disqualify a former prosecutor from sitting in judgment of a prosecution" where that prosecutor made a "critical decision."

Castille, in his written 1998 opinion that rejected recusal in Abu-Jamal's appeal, also included a startling detail that trashed constitutional equal justice protections.

One claim made by Abu-Jamal was that Castille's participation in that appeal violated the appearance of impartiality required for judges because Castille has received avid political and financial support from Philadelphia's police union, the Fraternal Order of Police. The FOP is the entity that has strenuously sought Abu-Jamal's execution for killing a Philadelphia policeman in 1981.

In rebutting Abu-Jamal's contention that police union support corrupted the appearance of impartiality, Castille revealed the damning detail that four other members of the seven-member state supreme court at the time had also received FOP support during their elections to the high court. Castille claimed it was unfair for him to recuse himself when recusal was not requested of those four other members. Castille's claimed victimhood omitted the salient context that none of those four court members had served as DA of Philadelphia and none personally approved opposition to Abu-Jamal's appeals.

Castille declared that Abu-Jamal's claims against him for ethical problems arising from his long record of being backed by the FOP were "not compelling."

The U.S. Supreme Court, however, in its recent Williams ruling, rejected that argument, stating that both the "appearance and reality of impartial justice are necessary to the public legitimacy of judicial pronouncements and thus to the rule of law itself."

Philadelphia FOP campaign support for and special union awards to five members of the state Supreme Court that unanimously rejected Abu-Jamal's appeal in 1998 certainly tainted that "appearance and reality of impartial justice" standard professed in the U.S. Supreme Court's recent Williams ruling.

An Amnesty International report on the Abu-Jamal case, issued in 2000, raised concerns about "the strong links between members of the Pennsylvania Supreme Court and the local law-enforcement community."

That linkage, the AI report stated, may have rendered the state's highest court "unable to impartially adjudicate this controversial case."

The U.S. Supreme Court upheld the Pennsylvania Supreme Court's 1998 rejection of Abu-Jamal's appeal. America's highest court in that ruling whitewashed the unethical participation of Castille and the documented pro-prosecution bias of the PCRA judge, Albert Sabo when it upheld the actions of Castille and his confederates.

Sabo, now deceased, was not just a recipient of FOP campaign swag; he had also been a longtime Philadelphia FOP member. This infamous jurist rejected Abu-Jamal's request to recuse himself from handling that 1995 PCRA based on concerns about the overt bias Sabo exhibited when he presided over Abu-Jamal's 1982 trial. (Abu-Jamal's original death sentence was overturned largely on errors by Sabo, including that Judge Sabo's instructions to the jury in the penalty phase of the trial had been critically flawed.)

Sabo's disdainful antics against Abu-Jamal's defense team during his 1995 PCRA were so egregious they drew wide rebuke from the news media, including Philadelphia-based columnists and editorial writers who had earlier dismissed any claims that Sabo was biased against Abu-Jamal.

Castille and his Pennsylvania high court confederates in 1998 blithely dismissed the dozens of news media criticisms of Sabo's 1995 antics with the curious observation that the "opinions of a handful of journalists do not persuade us" that Sabo lacked impartiality. That ruling denied overt hostility by Sabo despite acknowledgement that Sabo in 1995 repeatedly made "intemperate remarks" and Sabo's outbursts exceeded "judicial decorum."

The failure of the U.S. Supreme Court to render any relief to Abu-Jamal highlights an observation contained in that Amnesty International report issued in 2000: “The politicization of Mumia Abu-Jamal’s case may not only have prejudiced his right to a fair trial, but may now be undermining his right to a fair and impartial treatment in the appeal courts.”

It remains to be seen whether the "Mumia Exception" continues, again blocking his benefit from rulings that overturn other state convicts' convictions. Will that unlawful "Mumia Exception" finally cease, permitting Abu-Jamal to obtain justice from this latest U.S. Supreme Court precedent?

23 Jun - Montrose 9 Assert the “Necessity Defense” at Trial

Nine community members arrested for blocking construction on Spectra Energy’s AIM pipeline expansion – known as the “Montrose 9″ – join the national debate over harms caused by fossil fuel infrastructure.

MORE:
by Nancy Vann
The “Montrose 9” are nine community members arrested for disorderly conduct for allegedly blocking traffic near the access to a Spectra Energy construction yard used for the expansion of a high-pressure fracked-gas pipeline known as the AIM pipeline. Their trial, which resumed in Cortlandt, NY at 8:30 yesterday morning, has the potential to become a landmark case with national implications involving the “necessity defense.” Defense counsel Martin R. Stolar is a prominent social justice attorney who argues that the defendants’ actions were justified since they were undertaken to stop a greater harm and were carried out only after all other legal and regulatory options had been exhausted. At 3:00 PM yesterday afternoon, the court adjourned until July 15th at 1pm, when the other seven defendants are expected to testify regarding their reasons for taking direct action against the project.

While the necessity defense has been used in other types of cases, it is unusual in environmental litigation. One case occurred in May 2013 in Massachusetts when a small lobster boat managed to blockade a barge containing 40,000 tons of coal near the Brayton Point Power Plant. The charges of obstruction were dismissed and the presiding judge stated that the actions were morally justified. In a recent Seattle case, the “Delta 5” were found guilty of trespass for blocking an oil train but not guilty of obstruction. Jurors in that case cited sympathy for the activists and feeling of gratitude for their personal sacrifice for the good of all.

In questioning the prosecution’s police witnesses, Mr. Stolar also suggested a more traditional reason to dismiss the charges. He established that the defendants were not, in fact, causing the traffic jam on Route 9A as was charged. Rather, the Spectra workers caused the tie up when they obstructed the roadway with their cars. Police testified that once they began directing the workers to move, the congestion began to clear up even before the arrests took place. When asked how he determined that the cars belonged to pipeline workers, one officer replied that “there were a lot of out of state license plates.”

The greater harm to be prevented: Defense witnesses, Cortlandt Councilman Seth Freach and two nuclear experts, testified to the dangers posed by the AIM pipeline. Councilman Freach discussed his own, and the Town Board’s, concerns about public health and safety and described letters that were sent to the Federal Energy Regulatory Commission (FERC) and other regulatory agencies expressing those concerns. Among the materials Cortlandt submitted to FERC was a report from an independent study that the Town had commissioned. Councilman Freach

noted that, based on the Board’s thorough evaluation of the project, members had voted unanimously in opposition to the pipeline. Paul Blanch, an engineer with over 50 years of nuclear experience, stated that

there were “very significant unaccounted for risks” with the AIM pipeline and “an unacceptable probability” of a serious or catastrophic accident due to the pipeline’s close proximity to the Indian Point nuclear power plant. He also provided details of his efforts opposing the pipeline at the Nuclear Regulatory Commission and the Department of Transportation’s (DOT) Pipeline and Hazardous Materials Safety Administration. Physicist Paul Moskowitz described the radioactive materials, including lead 210 and polonium 210, that result from decay of the radon in fracked gas. He went on to discuss regulatory filings he’d submitted detailing his concerns about radioactive emissions from the AIM pipeline and their impacts on human health. He testified that FERC’s response to his concerns were “a total fabrication” that “ignored over 50 years of established science.” When asked about what process would be used to deal with these dangerous substances, he responded that since FERC denies the existence of those known radioactive materials in pipelines there is no process in place for dealing with them.

Two defendants explain their actions: Only two of the Montrose 9 defendants were able to testify before court concluded for the day. Both told their own individual stories of why they had stepped up to protest in such a compelling way. Although members of the community have been working through regulatory channels, their efforts have been met with delays and legal maneuvers, leaving them no recourse but to pursue more direct actions. Linda Snider testified that since all of the regulatory agencies had ignored the issues, she felt she needed to stop AIM construction herself. She stated, “I wanted to stop the Spectra trucks and stop them from putting in this pipeline. We’ve just got to stop this.”

Defendant Susan Rutman, a landscape photographer who lives next to the Hudson River, was the final witness for the day. She explained she had sought to stop the work through writing to officials. “My intention was to stop the pipeline, because I knew it would prevent a far greater harm.” she said.

24 Jun - Mondo's final journey to Mount Kilimanjaro

With the help of Pete O'Neal the ashes of Mondo were released on Mount Kilimanjaro.

MORE:
by Michael Richardson (*The Examiner*)
Wopashitwe Mondo Eyen we Langa, former David Lewis Andrew Rice, was born in Omaha, Nebraska, however his ashes now touch the sky on the summit of famed Mount Kilimanjaro, Africa's highest mountain. Mondo joined the ancestors in March, passing at the maximum-security Nebraska State Penitentiary where he was serving a life sentence for the 1970 bombing murder of an Omaha policeman.

At a memorial service in Omaha, held at Malcolm X's birthsite, Mondo's friends and relatives thought it would be a fitting tribute to Mondo to have his cremated remains sent to Africa, the homeland Mondo never saw. Donations were made in Tanzania to film Mondo's final journey to the land he loved.

Pete O'Neal, the former head of the Black Panthers in Kansas City, now exiled in Tanzania, undertook the passage for his old friend. Mondo was a leader in the National Committee to Combat Fascism in Omaha and was targeted by J. Edgar Hoover's counterintelligence COINTELPRO operation. O'Neal, himself a fugitive facing a four year prison sentence for transporting a shotgun across a state line, understands the clandestine forces that deprived Mondo of a fair trial.

Mondo denied any role in the death of Patrolman Larry Minard, Sr. and was in Kansas City at a rally supporting O'Neal when Omaha police decided to search Mondo's house where they claim they found dynamite. Before his death Mondo spoke about his fateful trip to visit O'Neal.

“Sometime in the course of the week I was asked to go to Kansas City to give a talk to raise moral and financial support and so forth for Pete O’Neal who was facing some federal gun charges. So there is a hell of an irony in this whole business. He winds up in Africa and I wind up in prison.”

O'Neal put out a call for a volunteer to climb Mount Kilimanjaro for Mondo. Emmanuel Mollel, better known as Emma Maasai, stepped forward to make the climb. Accompanied by noted hiker Athuman Juma, the pair carried Mondo's ashes to Uhura Peak where they were released to the wind, surrounded in every direction by the vast landscape of Africa below.

Mondo identified with Africa and studied the history and culture of the continent as best he could from his tiny prison cell. While in prison, Mondo decided to abandon his birth name as an artifact of slavery and adopted his own new name from four African languages.

“My name, Wopashitwe Mondo Eyen we Langa, is from the Kwanyama, Gikuyu, Ibibio, and Hausa languages which means Wild Man Child of the Sun. In African languages, typically there aren’t first and last names as in English. Though since colonialism, this has become a feature of many of the languages.”

Mondo was once written up with a disciplinary ticket in prison for violating a ban on jewelry. Mondo had fashioned a simple necklace with string and cardboard in the shape of Africa. Mondo showed his respect for his adopted homeland he would never see. Mondo carefully stepped around a puddle, shaped like Africa, that formed when it rained in a depression on the sidewalk between his cellblock and the dining hall.

Mondo saw African communalism and the role of the community in ones life as a guide to the future. Mondo stated, “In this day and time, the cultivating of traditional African values and a sense of loyalty to and love for our African communities may very well be crucial for our survival.”

Freed only by death, Mondo left behind his co-defendant, Edward Poindexter, who is still imprisoned at the prison where Mondo died. Poindexter, like Mondo, insists on his innocence, the victim of a wrongful conviction. No doubt shaken by the loss of his best friend, Poindexter still hopes for exoneration and freedom. Poindexter has said, “I honestly believe that I’m going to get justice eventually.”

25 Jun - Books added to Jay Chase's booklist

Books added to Jay's book wish list! Please take a look and get him one or more. These were specifically requested by Jay.

MORE:
https://www.amazon.com/gp/registry/wishlist/1ZYU2MW7KDDON

Jared (Jay) Chase is an anarchist doing time in Illinois prison after being entrapped by Chicago police during the lead up to the NATO meetings in 2012. He is also doing another year of time based on allegations he threw feces at cops while in the SHU at Coo County Jail.

Jay has been struggling with the medical neglect of his Huntington's Disease, Hep C and an injured face after getting assaulted by a guard in December 2015. He needs our support and solidarity.

Please send a book and see what you can at
https://freethenato3.wordpress.com

(If you order books via the link above, just choose his name. The address will populate on its own).

26 Jun - June 26 Statement of Leonard Peltier

Please read the latest from Leonard Peltier.

MORE:
June 26th marks 41 years since the long summer day when three young men were killed at the home of the Jumping Bull family, near Oglala, during a firefight in which I and dozens of others participated. While I did not shoot (and therefore did not kill) FBI agents Ronald Williams and Jack Coler, I nevertheless have great remorse for the loss of their young lives, the loss of my friend Joe Stuntz, and for the grieving of their loved ones. I would guess that, like me, many of my brothers and sisters who were there that day wish that somehow they could have done something to change what happened and avoid the tragic outcome of the shootout.

This is not something I have thought about casually and then moved on. It's something I think about every day. As I look back, I remember the expressions of both fear and courage on the faces of my brothers and sisters as we were being attacked. We thought we were going to be killed! We defended our elders and children as they scattered for protection and to escape. Native people have experienced such assaults for centuries, and the historical trauma of the generations was carried by the people that day -- and in the communities that suffered further trauma in the days that followed the shootout, as the authorities searched for those of us who had escaped the Jumping Bull property.

As the First Peoples of Turtle Island, we live with daily reminders of the centuries of efforts to terminate our nations, eliminate our cultures, and destroy our relatives and families. To this day, everywhere we go there are reminders -- souvenirs and monuments of the near extermination of a glorious population of Indigenous Peoples. Native Peoples as mascots, the disproportionately high incarceration of our relatives, the appropriation of our culture, the never-ending efforts to take even more of Native Peoples' land, and the poisoning of that land all serve as reminders of our history as survivors of a massive genocide. We live with this trauma every day. We breathe, eat and drink it. We pass it on to our children. And we struggle to overcome it.

Like so many Native children, I was ripped away from my family at the age of 9 or so and taken away to get the "Indian" out of me at a boarding school. At that time, Native Peoples were not able to speak our own languages for fear of being beaten or worse. Our men's long hair, which is an important part of our spiritual life, was forcibly cut off in an effort to shame us. Our traditional names were replaced by new European-American names. These efforts to force our assimilation continue today. Not long ago, I remember, a Menominee girl was punished and banned from playing on the school's basketball team because she taught a classmate how to say "hello" and "I love you" in her Native language. We hear stories all the time about athletes and graduates who face opposition to wearing their hair long or having a feather in their cap.

With this little bit of my personal history in mind, I think it is understandable that I would then, as a young person in the 1960's and 70's, be active in the Indigenous struggle to affirm our human, civil, and treaty rights. Our movement was a spiritual one to regain our ceremonies and traditions and to exercise our sovereignty as native or tribal nations. For over 100 years some of our most important ceremonies could not be held. We could not sing our songs or dance to our drum. When my contemporaries and I were activists, there were no known sun dances. Any ceremony that took place had to be hidden for fear of reprisals. One of our roles as activists for the welfare of our Peoples was to create space and protection for Native peoples who were trying to reconnect to our ancient cultures and spiritual life. This was dangerous

and deadly. It meant putting our lives on the line because people who participated in these ceremonies, and people who stood up for our elders and our traditional way of life, were brutally beaten, killed or disappeared. Paramilitary groups and death squads ruled some reservations and each day was a battle. If an uninvited, unknown or unrecognized vehicle pulled up to your house, the first reaction was that you were being visited by someone who meant to do you harm in some way. This was learned behavior on the reservations. This was excruciatingly true in the 1970's.

Hey, I don't want to be all doom and gloom here. I see over the decades that in some important ways, life has improved for our Peoples. President Obama's extraordinary efforts to forge a strong relationship with our Tribal Nations is good cause for a new sense of optimism that our sovereignty is more secure. By exercising our sovereignty, life for our people might improve. We might begin to heal and start the long journey to move past the trauma of the last 500 years. But what will we do if the next Administration rolls back those gains made over the past 8 years?

I often receive questions in letters from supporters about my health. Yes, this last year has been particularly stressful for me and my family. My health issues still have not been thoroughly addressed, and I still have not gotten the results of the MRI done over a month ago for the abdominal aortic aneurysm.

As the last remaining months of President Obama's term pass by, my anxiety increases. I believe that this President is my last hope for freedom, and I will surely die here if I am not released by January 20, 2017. So I ask you all again, as this is the most crucial time in the campaign to gain my freedom, please continue to organize public support for my release, and always follow the lead of the International Leonard Peltier Defense Committee.

Thank you for all you have done and continue to do on my behalf.

In the Spirit of Crazy Horse...

26 Jun - Update about Nicole Kissane

On June 20th, Nicole appeared before Judge Larry Burns in the U.S. District Court of Southern California for her scheduled sentencing hearing.

MORE:
In February of 2016, Nicole entered into a non-cooperating plea agreement in which she pleaded guilty to Conspiracy to Violate the Animal Enterprise Terrorism Act. Unfortunately though at her sentencing hearing, Judge Burns rejected the plea deal that Nicole’s lawyers and the prosecution had agreed to. He expressed that he was not inclined to accept the amount of prison time being requested, due to the severity of the “terror-related acts.” Her next hearing is scheduled for July 5th.

26 Jun - Reflections on SF Pride

Chelsea Manning blogs about pride.

MORE:
First, I’d like to thank all of you for your warm love and strong support over the years. You never cease to amaze me with how truly extensive and long-lasting your support has been. I am always hearing about your messages being posted on Twitter and Facebook, and more than anything else, I love getting letters and cards from you all. I often receive so many that I can hardly keep up with them.

This time last year many of us were here celebrating the Supreme Court ruling across the United States. This year, tragedy looms over the entire queer and trans community, and this month's shooting in Orlando reminds us. Our community had already suffered its fair share of loss, setbacks, anger, and devastation, during all the countless years before the movement's rise at Stonewall Inn.

The San Francisco Bay Area community has had a lot to deal with over the years. The Harvey Milk assassination and Dan White's subsequent acquittal. Watching thousands of our siblings die during the HIV epidemic in the 80s and 90s. Suffering through Prop 8 passing and then rejoicing later at achieving full marriage equality, once and for all. At the same time, as we face this violent tragedy, we are fighting against mean and discriminatory bathroom laws. Today, we witness a dangerous militarized presence here at Pride, theoretically for our own protection. Despite the circumstances, it truly warms my heart that you've all come out to support me today—In San Francisco, New York, and even Seattle—and earlier this month, in Boston, Philadelphia, and Salina.

I needed a little time by myself last week to mourn. I went over the profiles of the victims in Time, People, and the New York Times. In the absence of a vigil to attend, I instead meditated in my cell listening to soft ambient music.

A few weeks ago, I filed my appeal. Among other things, I challenge the length of my sentence, the unfairness of the conditions my pre-trial solitary confinement, and the unconstitutionality of the Espionage Act.

Thanks for all your continued support during the duration of my ongoing fight. I am hearing your outspoken voices. I can see your beautiful pictures. I can read all of your colorful and thoughtful words. I feel your endless love. I know that—despite our distance apart, and the fact that the public is not allowed to see me or hear my voice—I am not forgotten. I want you to know that you all are not forgotten either. You all mean a lot to me and give me the strength to keep going, every day.

Have a wonderful day!

28 Jun - Political Prisoner Jalil Muntaqim Denied Parole for the Ninth Time

We are enraged to report that Jalil Muntaqim received notice on June 28, 2016, that he was once again rejected by the Parole Board.

MORE:
This is the ninth time Jalil has been to the Board, and the ninth time he has been denied, despite having an excellent record and meeting all requirements to be released on parole.

There will definitely be an Article 78 appeal of this denial. We will need everyone's help in preparing for the appeal and will definitely be waging a strong campaign.

We cannot continue to allow the Fraternal Order of Police (FOP), the Patrolmen's Benevolent Association (PBA) and the New York State Correctional Officers & Police Benevolent Association (COPBA) to impose their will upon the Parole Board. The FOP, PBA and COPBA have made it clear that they are trying to impose Life Without Parole (LWOP) on our Political Prisoners. THIS IS NOT LAW AND NOT WHAT THEY WERE SENTENCED TO. They must be held accountable for their actions!

We will keep everyone posted on upcoming steps and actions to take. In the meantime, please take the time to write to Jalil and him know he is in our hearts and on our minds.

June 28th - Jalil Muntaqim's Response to Parole Denial and Parole Board Decision

As many of you have learned, I was interviewed on June 21, 2016 by the parole board for the ninth time. On June 27, 2016, I received their decision (attached) denying my release, basically reiterating all that has been said the previous eight times I was denied parole. The denial is based primarily on the "nature of the crime" and "criminal history"—something that will never change. Reading this denial, we can see they doubled-down on attempting to characterize me as an unremorseful "cop killer," absent any evidence to support their position after 44 years of imprisonment.

As previously mentioned, Edward Sharkey, one of the parole commissioners who conducted this hearing, was the same parole commissioner who conducted the hearing in 2012, and was on the panel denying parole in 2014. This 2016 parole hearing is the third consecutive time he was present on the panel and voted to deny release. Although in 2014 one commissioner voted for my release, notably an African-American woman, this time all three commissioners denied my release. Significantly, one of the commissioners, Ellen Alexander, was on the March 2016 panel of my co-defendant Herman Bell and denied his release on parole. It has become ever more apparent that a fair and impartial parole hearing is not possible, despite 44 years of having done everything necessary to be granted parole.

For example, in the parole hearing of 2014, one of the commissioners raised that I received a disciplinary report in 2013 (for having two stamps on my way to the library), and that the COMPAS Risk Assessment reported "Prison Misconduct – High." The 2014 parole decision denying release stated in part: "You have multiple prior disciplinary violations during this term and your risk because of prison misconduct is scored as 'HIGH' ... You need to improve your behavior to demonstrate the ability to comply with rules, which will be necessary when in the community."

However, the 2016 COMPAS Risk Assessment reports: "Prison Misconduct – Low," having demonstrated the correction of the previous report and behavior. Furthermore, previous assessments of 2014 read: Risk of Felony Violence 2 Low; Arrest Risk 2 Low; Abscond Risk 4 Low. The 2016 COMPAS Risk Assessment reads in these same areas: Risk of Felony Violence 1 Low; Arrest Risk 1 Low; Abscond Risk 1 Low. Therefore, I not only addressed and lowered the Prison Misconduct issue used to deny release in 2014, all other concerns which were low in 2014 are lower in 2016. In essence, there is no risk of felony violence, arrest risk, abscond risk, and prison misconduct as a reason to deny release. So, what did they rely on to deny release? History of Violence—a history that is subject to the history and nature of the crime from 1971, 45 years ago when I was originally arrested. Something that will never change!!!

Given the fact that I am unable to obtain a fair and impartial parole hearing, I am urging family, friends and supporters to initiate a national campaign directed to NYS Governor Andrew Cuomo, persuading him to grant Commutation of Sentence to Time Served. Governor Cuomo has the authority to commute this 25 to life sentence to time served, giving consideration to all that I have accomplished in 45 years of imprisonment, the degree of family and community support, and the original sentence has for all intents and purposes been served. I am asking everyone who recognizes the NYS Parole Board is biased as a law enforcement agency in cahoots with the PBA's opposition to my release, to initiate a national campaign calling and writing to NYS Governor Andrew Cuomo, urging that he commute my sentence to time served.

In closing, I need to extend my gratitude to all those who wrote letters and signed petitions in support of my release on parole. It has been your support that has strengthened my resolve and kept me determined to continue to fight for freedom. Over the years, we have witnessed the release of Marshall Eddie Conway, Albert Woodfox and Sekou Odinga, all of which leads to the reality that, with a solid tenacious determination, we can win over the injustice of repression. This is extremely upsetting to me and my family, especially when knowing there is absolutely nothing I can do alone, having already done everything

asked of me by the parole board, to persuade them to grant parole. Therefore, we need to up the ante in our demand for fair and impartial parole hearings by putting the onus for change in parole and my freedom in the hands of NYS Governor Cuomo. Please call and write often demanding commutation of sentence to time served, and my immediate release from prison.

28 Jun - Eric King Sentenced to 10 Years

On June 28th, Eric King was sentenced to 10 years after accepting a non-cooperating plea deal for one count of the "use of explosive materials to commit arson of property used in or affecting interstate commerce" (18 U.S.C. § 844[h]). Eric admitted to an attempted attack on the office of U.S. Congressional Representative Emmanuel Cleaver on September 11th, 2014.

MORE:
From Eric's Support Crew:
A number of people gathered together today and made it through the court's security check to fill the rows with love and solidarity. Thank you to everyone who came out! Eric was in the best spirits one could anticipate considering the grim circumstances at hand. As always, he demonstrated the incredible balance of light-heartedness and serious commitment to his values that we have come to appreciate in him so much. He entered the courtroom smiling at supporters and signed "I love you," to his partner, a gesture of affection that was quickly squashed by a US Marshall. Despite the shackles on his ankles and wrists, he was warmly animated throughout the proceeding, smiling and rolling his eyes at the more laughable court proceedings, and even flipping off the prosecutor. He also delivered a powerful sentencing statement to the court, refusing to back down. Not even the gravity of the moment could keep his spirit down or his words in check.

Putting into words the emotions we're all feeling right now is difficult. There is a certain sense of relief in knowing that he will soon be transferred out of Corrections Corporation of America (CCA) Leavenworth. CCA is notorious for abhorrent prison conditions, and Eric's time there has consistently shown that infamous reputation to be well deserved. We do not expect his time in federal prison to be good, but hope that he will have a better chance of getting his basic needs met in that system than he was able to find in the for-profit, slave-holding facility in Leavenworth. While there is a feeling of closure in this chapter of Eric's story, there is also a palpable rage as Eric has been stolen from us and will remain locked away for the next eight years.

Prior to imposing the sentence and conditions of release, Judge Fenner felt it necessary to announce to Eric and enter into the court record that Eric is "obviously a sick, deranged and dangerous person" with a "history of mental illness." While there is always room for learning and growth every time a comrade is imprisoned, we refuse this narrative that Eric's actions can be summed up as those of a deranged individual. We want to strongly counter this assertion of the state and remind those who hold power that resistance to and direct attacks against systems and structures of oppression is not a sign of mental illness nor delusion. In fact, in many cases these acts of resistance, large or small, are the most sound reaction one could take when faced with the daily horrors and brokenness that are imposed on us all. Eric expressed no regrets today in court and we continue to stand in solidarity with him.

While the state and media wish to portray Eric as a "mentally ill and deranged," individual, as Judge Fenner stated prior to announcing the imposed sentence, it remains ever clear to those of us on the outside engaged in struggle that there is nothing ill nor deranged about a refusal to accept the conditions under which we all live. Eric took to action in Kansas City after participating in the initial uprising in Ferguson, Missouri in August 2014. The state has made it their goal to disconnect Eric's case from the streets of Ferguson, so much so that Eric's attorney made a statement today to the court to correct media rumors that the attempted arson was racially motivated and to clarify for the record that Eric is not a white supremacist. It seems clear that the state's desire is to create distance and divide amongst those who share intersecting struggles.

We had the opportunity to speak briefly with one of the people from the support crew who has been working on Eric's case since his initial kidnapping by the state. They had this to say:

Today was a hard day in many ways. This chapter of the story has come to a close for Eric, for his support crew and for his loved ones, but there is a new chapter in the story that will begin to unfold over the next eight years. I didn't know Eric prior to his arrest and incarceration, but over the last nearly two years I have come to call him a friend. His strength and resolve has always remained unwavering, a quality that I hold admiration for. He has held strong to his convictions and never allowed the conditions of his incarceration, which have often times been horrific, to break his spirit.

Watching him in court today was both heartbreaking and heartening. I feel proud that he refuses to back down from the actions he chose to take, even while shackled in a courtroom surrounded by enemies he expressed no regrets. While his actions may not be those others would choose they are his and he owns them.

I also feel proud to say that this is an instance when prisoner support has made all the difference. When we first contacted Eric back in the fall of 2014 the state was threatening 30 years in prison, terrorism enhancements, supermax prison and Eric was ready to sign a plea deal for 15-20 years. By providing him support from the outside it gave him the strength necessary to advocate for himself and hold strong. While today feels heavy and the loss is certainly palpable, there is a victory in there to be found. I hope that this can be an example to others of why support is vital, how it impacts outcomes and that others will continue to dream impossible dreams knowing that someone will have their back.

While the court transcript will take a few weeks to become available, Eric did communicate a brief statement the night before his sentencing to be disseminated:
There have been so many people that interjected themselves in my life with the sole purpose of being there for me and limiting the state's crushing effect. I don't know what I would do without those people. From the smallest greeting to the big gestures, everything has meant so much to me. Prison support is a real tangible thing that people can do for each other. We cannot have a functioning radical community without it. So thanks to everyone who reached out to me, if we still talk or not, you have been awesome.

Now that said, I stand by my actions. After seeing what happened in Ferguson, so close down the road, I was disgusted by the lack of mobilization in my city. Three hours away people were fighting for their lives and we weren't even taking to the streets. We were doing nothing. My act as a very personal display of my anger and rage toward the state as well as an act of solidarity to everyone in Ferguson. We never know our own strength until we are tested and even with my ridiculous sentence I feel at least proud to have been able to stand strong and refuse to cooperate with the state.

I am just really happy that I don't have to take this alone and have so many amazing people standing next to me. Until all are free.

Thank you for your roles in my life and for your support.

July 4th - Update, poem and call for support

In the time since his sentencing, Eric has experienced an unexpected response from the prisoners back at CCA Leavenworth. Other prisoners heard about his outspoken attitude in court against the role Judge Fenner plays in the war against poor, black and brown folks. When it comes to survival based drug "crimes," the rich and powerful draw the line between what they consider to be acceptable and unacceptable ways of supporting one's family while the judges and courts act as enforcer. EK spoke directly against the harsh sentences for poor folks and contrasted them against the immunity that the police possess in regards to the violence they inflict on marginalized communities.

Be it a fist of solidarity, a vegan meal prepared for him, or a conversation about the function of prisons in class war, many have reached out to EK to say thank you. Folks were touched by him using his position of privilege to speak up against the war being waged against them. Sentencing is traditionally a time to beg for forgiveness and mercy from the omnipotent judge in hopes of garnering a lighter sentence. Most prisoners do not have the same privilege of speaking so freely in such a moment.

In what can only be seen as immature retaliation, Judge Fenner refused to put in a recommendation for EK's placement within the federal prison system. Eric requested placement in FCI Florence (his desire to be sent there is due to the proximity to his partner). Judges don't have to make a recommendation about placement and the BOP certainly doesn't have to honor these, but prisoners can ask for a recommendation to be made in the hope that it will help them get placed closer to loved ones.

Now begins the "waiting game" for EK. From what we understand of what will likely happen to EK, he could be picked up without any word to his friends or family and taken to a federal sorting facility in Oklahoma at any time within the next 2 months. He will then likely stay in Oklahoma while the BOP prepares to transfer him to his designated facility. Prisoners typically stay at this transitional facility for 2-8 weeks before being transferred. Unless he is able to get information from the US Marshalls (which is unlikely, but has happened before), neither he nor his support crew will know where he will be transferred until it happens.

How you can support Eric in this transition

We ask that you keep your eyes open and be ready to send out a quick card or letter to EK as soon as he gets sent to Oklahoma. Because of his unknown length of time at this facility it is going to be important to blast out messages of strength and solidarity fast. You can even host a letter writing night and save all of the letters and shoot them out when you get word.

Also, please remember to donate to the fundraiser or share the fundraiser page! Eric has 8 years of time ahead of him and we want to ensure that he is able to maintain contact with the world and his loved ones through funds for his phone, stamps and envelopes. As a vegan in prison he will have a constant need for commissary as a way to supplement his diet. https://fundrazr.com/316cDf?ref=ab_a4jVK6

We even have some pretty sick t-shirts that are available through the fundraiser by making a donation of $20 or more! Make sure to hit us up with addresses and sizes.

Also if you are interested in becoming one of the folks that contributes to EK's commissary directly every month get in touch with us at erickingsupportcrew(a)riseup.net

When Eric arrives at his facility books will be greatly appreciated! We have temporarily disabled his Amazon Wishlist until he is transferred because books sent to him during his transfer may be lost. But keep an eye out for the opportunity to send him some books as soon as he is placed.

Lastly a poem that Eric wrote for all of the folks that have held it down and supported him over the last two years

Sitting on this dock, looking at a sea
that I can't believe
I don't know how to maneuver a ship
scared & lost as shit
Footsteps confuse me, a captain shouting commands
stuck in a place where I have to stay
thanking the universe for the hands that steady the waves
I don't understand all of this, so many doing so much
ship steadies as the sails group
Stars free themselves from the shackles of clouds

a warm voice, a warm heart, tells me not to fear now
Waters going overboard, we're not sinking anymore
This ship still holds me captive, but at least
I'm not sailing alone.

29 Jun - If the Risk Is Low, Let Them Go

How a man who served 33 years on a 15-to-life sentence is pushing New York's intransigent parole board to release violent offenders who have aged out of crime, the fastest growing segment of the prison population.

MORE:
by Renee Feltz (*The Indypendent*)
Back in 1978, Mujahid Farid had already decided to turn his life around when he entered the New York prison system to begin a 15-year-to-life sentence for attempted murder of an NYPD officer.

Held in Rikers Island while his trial was pending, Farid studied for — and passed — a high school equivalency exam. Over the next decade and a half "behind the walls" he earned four college degrees, including a master's in sociology from SUNY New Paltz and another in ministry from New York Theological Seminary.

In the late 1980s he helped establish an HIV/AIDS peer education project that grew into the acclaimed program known as PACE, Prisoners for AIDS Counseling and Education, and began teaching sociology courses to people seeking their alcohol and substance Abuse counseling certification.

By 1993, Farid had served his minimum sentence and was eligible for a hearing before the New York Parole Board. Given how hard he had worked to redeem himself, no one could blame him for being optimistic that they would agree to his release.

Instead, they spent five minutes asking him curt questions focused entirely on his original offense. Then the hearing ended.

"Not one bit of my progress and rehabilitative efforts mattered," Farid recalls. "I was denied parole because of something that was immutable, that could never change."

He was denied parole "again and again," until his 10th attempt in 2011, when he was 61 years old.

"Over the years, the process breaks a lot of people down," he says. "Many take it personally. I realized it was common parole board practice."
• • •
Now aged 66, Farid recently met me at 8:30 am on a Monday morning at his office in Harlem, where he had been at work since the building opened hours earlier. In a firm and encouraging tone, tinged with polite impatience, he explained how upon his release from prison, he couldn't forget "the broken parole system I had dealt with" and the men he left behind.

New York's prison population has greyed rapidly in the last 15 years. Even as the number of people locked up fell by 23 percent, those aged 50 or older ballooned nearly 85 percent, reaching 9,200 people. This echoes a national trend of the elderly being the fastest growing part of the prison population. By 2030, they will number 400,000, or nearly one-third of the U.S. prison population.

While 50 may not seem that old, most medical experts agree that incarcerated people age much faster than those on the outside. They suffer higher rates of chronic illness and conditions related to drug and alcohol abuse, such as liver disease and hepatitis. Data from the New York Department of Corrections show prisoners aged 51 to 60 have the highest rate of mortality due to illness of any age group behind bars.

Most of these older prisoners are serving long sentences for committing violent crimes. Their first hurdle to release is a parole board that refuses to provide them with fair and objective hearings because of their original offense, even though they have not posed a threat to society in years.

“The parole board is co-opted by the punishment paradigm,” Farid says. “Even though the elderly have the lowest of risk of committing a crime upon release, they are being denied similarly to everyone else.”

Meanwhile, this public health and humanitarian crisis has gone unaddressed despite a renewed interest in criminal justice reform that has focused narrowly on nonviolent offenders.

So in 2013, Farid founded a group called Release Aging People in Prison, or RAPP.

“We realized we had to change the narrative from talking about long termers and lifers — which people in the community couldn’t really connect with — to talking about the elderly,” he says.

RAPP’s slogan—- “If the Risk is Low, Let Them Go” — draws on the New York Department of Corrections and Community Supervision’s own data.

According to the state’s most recently available report on recidivism by age, those released after the age of 65 return for new commitment at a rate of just 1 percent, compared to a 40-60 percent return rate for the general prison population.

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In 2011, the same year Farid was released, New York actually passed a law that requires the parole board to adopt a more forward-looking approach when deciding whether to release someone. Tacked onto the budget bill as an amendment, it instructed the board to “establish written guidelines” that include rational standards that measure a potential parolee’s current risk to society, in addition to noting their initial crime.

New York is one of at least 23 other states that measures those standards with a risk and assessment tool called COMPAS, which has proven to be more accurate than human intuition in predicting the likelihood that a prisoner will break the law again if freed.

“Even though COMPAS isn’t perfect, it gives us an advantage,” Farid notes, “because the aging population we are focused on scores low risk.”

It seemed like a victory. But even after COMPAS was adopted, the parole board waited until December of 2014 to issue formal rules on how to use the tool in its decisions. Afterwards, most of its denials remained focused on the criminal history of potential parolees.

This was the case for Dempsey Hawkins, who had been denied parole since he became eligible in 2000. Hawkins murdered his teenage girlfriend in 1976 when he was 16 years old. He had spent his entire adult life in prison and made extensive efforts to rehabilitate in the other areas the parole board would consider: he completed counseling programs and educational courses and had an excellent behavior record.

But in 2002, the board said Hawkins had “demonstrated no remorse nor compassion for her family,” even though he had written a long letter of apology to the family taking full responsibility for his crime with an extended discussion of shame, remorse and consideration of the family’s pain and suffering.

Then in 2004, all but two words of the board’s written decision were about the teenager who committed the crime, not the man before them: “We note your positive programming but find more compelling your total disregard for human life.”

During the hearing, Hawkins asked if there was anything he could do to “increase my chances for my next hearing.” A commissioner responded, “You’ve done many of the right things. You’ve continued to program well, and stayed out of trouble. Clearly, there’s no, you know, 14-year-old girls here to kill in prison, so we have to consider the crime.”

After the 2011 reform, Hawkins continued to be denied parole. In 2012, the board refused his release but noted that “[c]onsideration has been given to the assessment of your risks and needs for success on parole, any program completion, and any satisfactory behavior.”

In 2014, board members spent most of his brief hearing asking about the crime he had committed more than 35 years earlier and denied him again.

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At this point, Farid’s legal instincts kicked in from his days as a jailhouse lawyer.

“I always knew the parole board was contemptuous,” he recalls.

He suspected board members were now violating state law by failing to consider all factors in a person’s record when deciding whether or not to release them. So he began advising prisoners to file what is called an “Article 78” with the state Supreme Court, which is basically a request for a judge to review a decision made by a New York State agency.

Some judges responded positively and ordered the board to hold a new hearing — called a de novo hearing. Farid realized the parole board would likely issue similar denials. But this would allow a prisoner to then file a contempt of court motion.

“It is not common, especially for someone behind the walls, to get a contempt order in their favor against government authorities,” Farid says. “But the dynamics at play now are that the courts feel they are being disrespected by the parole board.”

“One of the real positive things about a contempt petition is it allows the person to escape an onerous process called exhaustion,” he adds, pausing. “I don’t want to lose you on this.”

Before a prisoner can even ask a court to review the parole board’s decision, they have to complete every other means of appeal. While this process can take as long as a year, he notes, “a judge can review a contempt petition within a month.”

In May of 2015, Judge Sandra Sciortino issued the first contempt of court decision for the parole board’s “failure to have complied” with her order to give a prisoner named Michael Cassidy a de novo hearing “consistent with the law.”

Cassidy was convicted in 1984 of killing his girlfriend and had covered up the murder until her body was discovered. Over the past three decades in prison he had worked hard to redeem himself, and his favorable

COMPAS ratings predicted a low risk for violence, re-arrest, absconding or criminal involvement. But after his new hearing, the board again said his release "would be incompatible with the welfare of society and would so deprecate the serious nature of the crime as to undermine respect for the law."

Judge Sciortino responded that while "the Parole Board retains substantial discretion, and need not enunciate every factor considered, a denial that focused almost exclusively on the inmate's crime while failing to take into account other relevant statutory factors, or merely giving them a 'passing mention' [is] inadequate, arbitrary and capricious."

The state appealed. Then about a year later, a second judge held the board in contempt. This time the case involved John Mackenzie, an older prisoner who sought Farid's advice after reading instructions in a packet distributed by RAPP that includes boilerplate samples of how to file a contempt motion.

"It's not a lot of paperwork," he says. "I explain some of the complications a person may encounter so they don't get summarily dismissed."

Mackenzie's motion succeeded.

"It is undisputed that it is unlawful for the parole board to deny parole solely on the basis of the underlying conviction," an exasperated New York Supreme Court Judge Maria Rosa wrote in her May 24 response to the board's denial of parole to Mackenzie. "Yet the court can reach no other conclusion but that this is exactly what the parole board did in this case."

MacKenzie was convicted of murdering a Long Island police officer in 1975, and went on to turn his life around, earning degrees and even establishing a victims impact program. The board has denied him parole eight times since he became eligible in 2000. He is now 69 years old.

"This petitioner has a perfect institutional record for the past 35 years," Judge Rosa wrote in her order, as she demanded to know: "If parole isn't granted to this petitioner, when and under what circumstances would it be granted?"

She ordered the state to pay a $500-per-day fine for each day it delayed giving him another de novo hearing. Again, the state appealed.

In June a higher court dealt reformers a setback when it reversed the Cassidy decision. It said the board had recognized factors other than his original crime when it noted he "had serious alcohol problems since he was a teenager," and concluding he had "a high probability of a return to substance abuse upon his reentry into society" even though he had been sober since 1997.

Cassidy's lawyer Alan Lewis plans to ask the Court of Appeals to reinstate the lower court's contempt finding.

"Every litigant has an obligation to abide by a court's order, government agencies included," Lewis told The Indypendent.

He praised RAPPs work on similar cases, saying, "It raises awareness of the plight of aging inmates and the injustices sometimes suffered by them."

"Judges are starting to realize there is this huge problem," agrees MacKenzie's lawyer, Kathy Manley. She says other attorneys have sought her advice and are filing additional contempt motions.

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As these contempt cases wind through the legal system, no judge has taken the next step to override the parole board and release a prisoner who has been denied a fair hearing, out of deference to separation of powers. But Manley notes this concept can be applied in another way.

"If the original judge sentences a person to 30-years-to-life, then once they reach the minimum point there is an expectation they should be released if they've done well," Manley explains. "But in my client's case the judge said the board is applying its own penal philosophy."

The former chair of the state's parole board, Edward Hammock, made a similar point in an essay titled, "A Perspective on Some Procedures That Unfairly Delay Prisoner Release."

"Some of these determinations fly in the face of judicial sentencing and sentences that flow from plea agreements between the court, counsel for the defendant, and the prosecutor," Hammock observed.

Ultimately, the parole board falls under the authority of the executive branch. Its members are appointed by the governor for 6-year terms. But beyond backing the reform in 2011, Governor Andrew Cuomo has done little to address the problem, and cut the board down from 19 to 14 members during his first year in office and appointed as its chair Tina Stanford, former Director of the state's Office of Victim Services. She has been Chairwoman of the Crime Victims Board since 2007 and before that was an Assistant District Attorney and prosecutor.

Advocates note New York Attorney General Eric Schneiderman's office could also decline to file appeals as it represents the board in the contempt of court cases. RAPP is currently approaching state lawmakers to ask them to request that Schneiderman issue an advisory to the board in response to the contempt rulings.

Meanwhile these lawmakers continue to consider additional legislative reform, such as the SAFE Parole Act, which would require parole hearings to take place in person instead of via video stream. It would also record the hearings, which are currently closed to the public. But this is the second year it failed to reach a vote.

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As the legislature's 2016 session ends and advocates wait to hear from the attorney general whether he plans to reign in the state's parole board, RAPP continues its community outreach. When the group's older members meet with policy makers and the public, their very presence helps give a face to elders who are still behind bars and could be included in the push to end mass incarceration.

At a recent RAPP meeting, 71-year-old Abdul Rahman, who served 45 years in prison, apologized for being late, noting he was suffering from a cold that had "slowed me down." At the same time, he pulled out a stack of business cards he collected after speaking to advocates for the elderly in Brooklyn.

"Many of them approached me afterwards with great interest," he said.

The meeting was a mix of people over age 60 who had been released from prison in recent years or had loved ones still inside, and interns in their twenties. One asked for advice on discussing the needs of elders during an upcoming exchange with the city's Department for the Aging or DFTA.

"They should be ready for more people getting out than before," Farid responded.

"Emphasize their post-prison potential and the contributions they can make to society," added Laura Whitehorn. "People should be judged on who they are now."

Whitehorn spent 14 years behind bars for a conspiracy to blow up symbols of domestic racism and U.S. foreign policy, and has helped ensure aging political prisoners and their analysis are included in RAPP's efforts.

This comes across in the lineup of a July 9 event RAPP is hosting with the Senior Citizen & Health Committee of Community Board 12 in Queens, an area that is home to 10 senior centers and where many former inmates are being released. The event includes a workshop titled "Breaking the Cycle of Permanent Punishment," and one of the speakers is Sekou Odinga, a former member of the Black Liberation Army who spent 33 years in federal and state custody.

"We incorporate the political prisoner issue in our work because we are dealing with the punishment paradigm as the root of what we have to get at," Farid notes.

In early June, a former Black Panther locked up on charges related to his activities more than three decades ago was denied parole, and another lost his Article 78 challenge: Robert Seth Hayes and Maliki Shakur Latine, who both have at exemplary records, and COMPAS scores that show them to be at low risk of reoffending. Hayes suffers from Hepatitis C and Type II diabetes.

"These are the people who I consider to have been the canaries in the coal mine," Farid says. "I don't think we're going to really see anything substantive take place unless we see it happen with them."

It is another example of how RAPP is making sure that no one is left behind.

"It's not about getting handrails in the prisons," Farid says of RAPP's strategy. "It's about getting people out."

Then he turns to answer the phone call of a prisoner who says he's been denied parole, again.

4 Jul - Ride and Denied

This is a brief recap of Sundiata Acoli's parole hearing and denial.

MORE:
by Sundiata Acoli (*San Francisco BayView*)
Almost two years ago, Sept. 29, 2014, the New Jersey Appellate Court ordered the New Jersey Parole Board to "expeditiously set conditions" for my parole. The Parole Board appealed the order on grounds that I had not undergone a hearing before the full Parole Board prior to securing the order for release.

The New Jersey Supreme court reversed the Appellate Court's order and remanded the case to the full Parole Board for completion of the administrative process, which, for a convicted murderer like me, requires a full hearing before the Parole Board prior to securing release from incarceration.

The process further requires that the victim be given the opportunity to address the board and to witness the full board's interaction with the incarcerated murderer prior to his or her release.

The Ride
So on June 6, 2016, I was transported by van to Trenton, N.J., for a parole hearing – without my attorney present – before the full New Jersey State Parole Board. Upon arrival at New Jersey State Prison (NJSP), formerly Trenton State Prison (TSP), the driver of the van reported that he had "inadvertently" left my legal valise, containing ALL my legal material, at FCI Cumberland, Maryland.

Most importantly, the valise contained my speech, “Why I Should Be Paroled,” co-written by my dear comrade-daughter Fayemi Shakur and me, which I planned to deliver before the full board two days hence. I asked the driver to call R&D at FCI Cumberland and have them mail my valise overnight.

NJSP immediately mug shot me, gave me a Sundiata Acoli NJSP photo ID with my height reset from 5 feet 9 inches to 5 feet 5 inches by a spiteful guard, took me to lockdown and cut off all communications and contact between me and the outside world: NO incoming or outgoing mail, telephone, telegram, email, visitor, money transfer, commissary, pen, paper, pencil, eraser, stamps, envelopes, towel, face cloth or pillow.

I told them I was from a medium security federal prison with no reason to be locked down. They ignored me. My attorney, Bruce Afran, was scheduled to visit me the next day, the cell was freezing cold, it was near sundown so I called it a night and slept in my jumpsuit.

Next day I arose at sun-up, stiff necked, showered and shook myself dry like a wet dog. I was given two-thirds of my normal medication dosage at FCI Cumberland and when I asked why, I was given no reason but simply told “No.”

I was four-man escorted to Health Services for a Hep-C blood test and returned to my cell when I noticed they had written “PC” and “NO-CON`” (i.e., “Protective Custody” and “NO CONTACT” respectively) on my cell ID card. I told the escort sergeant that I was not PC, had not requested PC and would sign any release form necessary to remove myself from PC custody.

He said “No,” nor would he summon a lieutenant or the captain to that effect, so I resigned to put my attorney on the matter when we met. A prisoner overheard my complaint to the sergeant and sent me a stub pencil with no eraser. I was most thankful and sat down to write what I could remember of my “parole” speech when the guard called out that my attorney is here.

Bruce’s father had died the previous week, but he was holding up well. He shared some youthful photos of his father and family with me, I expressed my condolences and we got off into the work.

I told him they had lost my legal material, they have me in “total” lockdown, have a “PC” sign on my cell door and have cut my meds to two-thirds of the dosage I received at FCI Cumberland. Bruce said he’d look into it and that meanwhile we needed to focus on the parole hearing tomorrow.

Hearing day

On June 8, 2016, I arose and told the guard I had no clean clothes and no (safety) razor but I did have a parole hearing today and I’m NOT going to the hearing unless I get a shower, razor and clean clothes. He produced all three within the hour except he substituted a barber for the razor.

I noticed that my ankles had begun to swell from water accumulation due most likely to the change in my medication. I was escorted to take a TB x-ray and returned to put the finishing touches on my speech when the guard said, “Parole Board’s calling!”

The hearing lasted from about 9 a.m. until about 4 or 5 p.m. It reached a new level of examination, cross-examination and recrimination.

Again they questioned me primarily about the events on the turnpike and almost nothing about my many positive accomplishments. They also asked: “Aren’t you angry that they broke Assata out of prison instead of you?” My response was: “No, I don’t or wouldn’t wish prison on anyone.”

At the end, they again denied parole and plan to go outside the guidelines to give me an “extended” (longer than usual) “hit” (time until next parole hearing.) Since Blacks, others of color and the oppressed are the overwhelming majority of people in prison, we need to seriously think about creating parole boards that mirror the people in prison, that is, “People Parole Boards.”

My remaining two weeks at NJSP were spent in almost complete isolation from the outside world, except my last night there the Inmate Legal Association (ILA) sent me a free permit for an outgoing legal letter. By then my ankles were almost continually swollen from excess water buildup. I wrote my favorite attorney and next morning they packed me out for the return trip to FCI Cumberland.

7 Jul - Fight Training for Revolutionaries

WHAT: Skillshare
WHEN: 7:00pm Thursday, July 7th
WHERE: The Base - 1302 Myrtle Avenue
COST: FREE

MORE:
As the fighters in Rojava have said, we fight better when we fight in the right way – the right way in this case is with the solid relationships between folks. So many of us have been training independently, and many have expressed a need to increase their skills in this arena. We invite folks to come together to get to know each other better, to help each other learn new techniques and practice old ones.

This will be a fight training skillshare. Two trainers will be present to facilitate, but we also encourage people to come who are trained in other fighting arts. We can exchange skills and knowledge and practice together. Beginners are welcome and encouraged!

This will be a practical workshop. Come ready to do calisthenics, other exercises and practice fight techniques.

Wear something comfortable to work out in. If you have some, you can bring: hand wraps, boxing gloves, mitts, jump ropes, or other equipment that could be useful.

We'll be meeting every Thursday evening following this schedule:
Every 1st Thursday: 1 hour beginner, 1 hour intermediate
Every 2nd Thursday: 1 hour beginner, 1 hour intermediate
Every 3rd Thursday: Women, Trans, Non-Binary, and Gender Non-Conforming Folks
Every 4th Thursday: Tactical Applications

9 Jul - RAPP Community Forum: Elders In Prison

WHAT: Forum
WHEN: 9:00am-3:00pm Saturday, July 9
WHERE: SUNY Queens Educational Opportunity Center - 158-29 Archer Avenue, Jamaica, New York
COST: FREE

MORE:

Come out to Queens, Saturday, July 9, 9 am to 3 pm (free breakfast & lunch) and work to release incarcerated people, political prisoners—what more could you want?

9 Jul - Prison Strike Letter Stuffing by IWOC

WHAT: Prisoner Support
WHEN: 4:00pm Saturday, July 9
WHERE: The Base - 1302 Myrtle Avenue
COST: FREE

MORE:
A new chapter has dawned in the fight against the American plantation: the self-organization of those behind prison walls. This new chapter brings the tactics of labor and anarchism to the fight against mass incarceration – the direct descendant of American chattel slavery. We are facing an updated system, codified by the 13th amendment, in which predominately poor and black and brown bodies are captured and used (or simply relegated to a slow death of boredom) for the profits of capital and the further stability of the white-supremacist state.

This fresh turn in tactics is a new opportunity to build power and solidarity between those behind prison walls, and those on the outside who cannot be free until all are free.

So, this month we will be reaching out to incarcerated workers producing products for CORCRAFT an evil company that contracts prisoners to create cheap goods for the state, including (seriously!) the courtroom benches! Come through and help build for the Sept 9th nation-wide prison strikes!

Join IWOC (the Incarcerated Workers Organizing Committee), an organization devoted to organizing all people inside and their communities outside to fight abusive conditions in prison, and harassment on the street.

We'll be continuing our work reaching out to people currently incarcerated across the state of New York.

All materials provided, just bring yourself!

9 Jul - Solidarity Dance Party for West Coast Comrades

WHAT: Party
WHEN: 11:00pm Saturday, July 9
WHERE: Silent Barn - 603 Bushwick Avenue, Brooklyn
COST: $5-50

MORE:
This party is a fundraiser for comrades in California who were injured in the action in Sacramento. All the funds will go directly to their medical fund. This small act of solidarity will hopefully go a long way, particularly since so many brave people put their lives on the line.

An opportunity to come together in solidarity and dance! We will be providing a dance party of epic proportions. Expect tons of bangers and no judgment for enjoying them.

Sounds:
x-coast, debbiedahmer, fakedj, bdaybitches, Danik, PF