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Updates for April 7<sup>th</sup>

## **21 Mar - DOJ seeks new emergency powers amid coronavirus pandemic**

*One of the requests to Congress would allow the department to petition a judge to indefinitely detain someone during an emergency.*

### **MORE:**

by Betsy Woodruff Swan (*Politico*)

The Justice Department has quietly asked Congress for the ability to ask chief judges to detain people indefinitely without trial during emergencies — part of a push for new powers that comes as the novel coronavirus spreads throughout the United States.

Documents reviewed by *POLITICO* detail the department's requests to lawmakers on a host of topics, including the statute of limitations, asylum and the way court hearings are conducted. *POLITICO* also reviewed and previously reported on documents seeking the authority to extend deadlines on merger reviews and prosecutions.

A Justice Department spokesperson declined to comment on the documents.

The move has tapped into a broader fear among civil liberties advocates and Donald Trump's critics — that the president will use a moment of crisis to push for controversial policy changes. Already, he has cited the pandemic as a reason for heightening border restrictions and restricting asylum claims. He has also pushed for further tax cuts as the economy withers, arguing it would soften the financial blow to Americans. And even without policy changes, Trump has vast emergency powers that he could deploy right now to try to slow the coronavirus outbreak.

The DOJ requests — which are unlikely to make it through a Democratic-led House — span several stages of the legal process, from initial arrest to how cases are processed and investigated.

In one of the documents, the department proposed that Congress grant the attorney general power to ask the chief judge of any district court to pause court proceedings “whenever the district court is fully or partially closed by virtue of any natural disaster, civil disobedience, or other emergency situation.”

The proposal would also grant those top judges broad authority to pause court proceedings during emergencies. It would apply to “any statutes or rules of procedure otherwise affecting pre-arrest, post-arrest, pre-trial, trial, and post-trial procedures in criminal and juvenile proceedings and all civil process and proceedings,” according to draft legislative language the department shared with Congress. In making the case for the change, the DOJ wrote that individual judges can currently pause proceedings during emergencies but that their proposal would make sure all judges in any particular district could handle emergencies “in a consistent manner.”

The request raised eyebrows because of its potential implications for habeas corpus — the constitutional right to appear before a judge after arrest and seek release.

“Not only would it be a violation of that, but it says ‘affecting pre-arrest,’” said Norman L. Reimer, executive director of the National Association of Criminal Defense Lawyers. “So that means you could be arrested and never brought before a judge until they decide that the emergency or the civil disobedience is over. I find it absolutely terrifying. Especially in a time of emergency, we should be very careful about granting new powers to the government.”

Reimer said the possibility of chief judges suspending all court rules during an emergency without a clear end in sight was deeply disturbing.

“That is something that should not happen in a democracy,” he said.

The department also asked Congress to pause the statute of limitations for criminal investigations and civil proceedings during national emergencies, “and for one year following the end of the national emergency,” according to the draft legislative text.

Trump recently declared the coronavirus crisis a national emergency.

Another controversial request: The department is looking to change the Federal Rules of Criminal Procedure in some cases to expand the use of videoconference hearings and to let some of those hearings happen without defendants’ consent, according to the draft legislative text.

“Video teleconferencing may be used to conduct an appearance under this rule,” read a draft of potential new language for Federal Rule of Criminal Procedure 5(f), crossing out the phrase “if the defendant consents.”

“Video teleconferencing may be used to arraign a defendant,” read draft text of rule 10(c), again striking out the phrase “if the defendant consents.”

Reimer said forcing people to have hearings over video rather than in person would threaten civil liberties.

“If it were with the consent of the accused person it would be fine,” he said. “But if it’s not with the consent of the accused person, it’s a terrible road to go down. We have a right to public trials. People have a right to be present in court.”

The department also wants Congress to change the law to explicitly say that people with COVID-19 — the illness caused by the novel coronavirus — are not included among those who may apply for asylum. And the department asked for the same change regarding people who are “subject to a presidential proclamation suspending and limiting the entry of aliens into the United States,” according to the draft legislative language.

Layli Miller-Muro, the CEO of the Tahirih Justice Center, which advocates for women and girls fleeing violence, said the language would block anyone on a presidential travel ban list from seeking asylum in the U.S.

“I think it’s a humanitarian tragedy that fails to recognize that vulnerable people from those countries are among the most persecuted and that protecting them is exactly what the refugee convention was designed to do,” she said.

The asylum request comes as the Trump administration says it will begin denying entry to all migrants illegally crossing the U.S. southern border, including those seeking asylum.

“I hope we come out of this with a sense of oneness, interconnectedness,” Miller-Muro said of the coronavirus pandemic. “Borders can’t protect us. Viruses do not care.”

## 22 Mar - Ramsey Orta denied basic safety measures in Solitary Confinement as COVID-19 virus spreads

*Ramsey Orta and other inmates in the New York State Prison system are extremely vulnerable to the COVID-19 virus. If Governor Cuomo does not act now, it will be blood on his hands.*

### **MORE:**

by Jacob Crawford (*Indybay*)

Our lives changed on July 17, 2014 as images were broadcast across the globe of Staten Island plain clothes officers choking Eric Garner to death. For Ramsey Ora, the young man who filmed the killing, it would start a cycle of state sponsored repression that continues to this very day.

After the release of the Eric Garner video, Ramsey was targeted and arrested by NYPD officers on trumped up gun charges and only a few months later was also indicted on multiple drug charges. It didn't stop there. While locked up on Rikers Island, Ramsey, along with other inmates, was able to document that yes, rat poison had intentionally been put in their food.

Upon his release, Ramsey was attacked by the media in a coordinated campaign to paint him as a criminal. However, Ramsey stood strong and in October of 2016, he began a four year prison sentence as part of a plea bargain. But the abuse did not end there. Early on, Ramsey was informed by corrections officers that they knew who he was and he was relocated to the Canadian border hours away from his community.

Throughout Ramsey's incarceration, he has been harassed by guards, ticketed, and systematically isolated. He has been transferred to 10 different facilities, and been put into solitary confinement 7 times, where he has spent well over a year all together. To put it bluntly, Ramsey has been tortured by the New York State Department of Corrections.

For his fiancé Deja Richardson, and myself Jacob Crawford, this has been a journey of disempowerment and despair. For the first two years of Ramsey's incarceration, we couldn't get a lawyer to even listen to us. As we get closer and closer to Ramsey's release this summer, the abuse is only increasing.

As the world is changing before our eyes, we must not forget about our community behind bars. This past week a corrections officer in Rikers Island prison has died and from the COVID-19 virus and there are over 40 more incarcerated people infected there.

This pandemic is not isolated to Rikers Island. It is spreading and it is spreading fast. Ramsey has been in solitary confinement up at Midstate Correctional Facility since the outbreak. We are concerned that under the current situation that the NYDOCC will take this opportunity to allow Ramsey to die so they can be done with him once and for all. The letter below is written by Ramsey's fiancé, Deja Richardson who has bottom-lined his support these past three years. She has been his rock, the source of his strength, and we are encouraging anyone reading this to contact the Governor of New York, the New York Prison systems, and the ACLU and demand that Ramsey and other inmates are released. People behind bars don't deserve to die because of government negligence:

Governor Cuomo

[governor.ny.gov/content/governor-contact-form](https://governor.ny.gov/content/governor-contact-form); phone: 518.474.8390

Office of Special Investigations (OSI) - DOCCS

[OSIComplaint@doccs.ny.gov](mailto:OSIComplaint@doccs.ny.gov); 844.674.4697

Deja Richardson: "First and foremost, I hope everyone is staying safe in these unfortunate circumstances. This epidemic is taking the world by storm. So I know everyone is focused on a lot including themselves, their family, and friends. As everyone should be. But I'd also like to keep everyone informed about Ramsey and his well being.

Ramsey is being stripped of EVERYTHING day by day. They've taken away his God given right to wash up and have simple toilet paper. He's not even been given the bare necessities he needs. All he has is a cot to sleep on because they've taken everything down to his bed sheets. If this isn't inhumane I don't know what it is.

Ramsey has had to endure so much in these three years that I couldn't handle just one day of. This man has almost been poisoned, has been thrown from facility to facility, harassed, physically abused, talked to like a dog, stripped of recreation time, his mail has been toyed with, his property thrown away, packages tarnished. He has been verbally abused, lied to, further isolated by being thrown into solitary confinement numerous times, and phone calls have been restricted. I got overwhelmed just writing what he's been thru so just imagine how it feels for him to live it. As of late, a lot of inmates have been granted permission to go home because of this virus. I think that is the best thing this country has done for inmates. I hope people you may know were released from that hell hole. As for me I don't have high hopes in thinking Ramsey would have that chance because my heart was broken when he was denied early parole. I'm truly scared for Ramsey being incarcerated under these conditions. If he would, by the grace of God be given early release, I'd be whole again because we'd be together instead of me worrying everyday for his safety. But I feel like knowing who he is and what he's been thru I don't have high expectations. Unfortunately. I'm just grateful for you guys and all that you do for him. Stay safe out there.

This last letter has been written by Andrea Pritchett, founder of Berkeley Copwatch who in March of 1990 began filming the police in the Berkeley area to document and deter police misconduct, setting a standard in best practices in monitoring the police with cameras.

"As part of a national network of police accountability groups, Berkeley Copwatch demands that Ramsey Orta be provided with opportunities for basic hygiene and washing. In these times of rampant coronavirus and increased risk of transmission, it is unconscionable that prisoners are being so deprived of basic sanitation. It is highly suspicious that Ramsey Orta, the man who made the world know Eric Garner, is being singled out for such deprivation and cruelty. It is political vendetta against him because he made the world know Eric Garner's name and exposed us to the gross, racist behavior of numerous NYPD cops. This kind of mistreatment is politically motivated and we demand an end to such violations of his civil and human rights." - Andrea Pritchett

We, along with thousands of others, are concerned about the well-being of Ramsey and everyone locked inside the prison industrial complex. We are asking you to help us get our people free. Inmates dying from the COVID-19 will be blood on the government's hands. If you can help us pressure Governor Cuomo or have ideas on how we can get Ramsey and other inmates free, please contact us at [OfficialRamseyOrta@gmail.com](mailto:OfficialRamseyOrta@gmail.com)

### **23 Mar - COVID-19 Update by David Campbell**

*David Campbell is imprisoned on Rikers Island, where the first prisoner in the state just died of COVID-19.*

#### **MORE:**

Hope you're staying safe & sane out there! Things have gotten hectic in here. As public health officials, including the current and former top doctors for DOC [Department of Corrections], and even COs, off the

record, will tell you — the DOC cannot possibly prevent or contain this outbreak without taking immediate steps to drastically reduce the inmate population. They are very slowly releasing people, but not nearly enough, and not nearly fast enough. They almost NEVER provide us with sufficient or appropriate cleaning supplies. They post signs advising us to stay 6 feet apart and then move even more people into an already crowded 48-bed dorm, including people, as we later found out, who had been tested for coronavirus in their previous housing unit. The DOC moved them into our dorm before their test results came back. Less than 24 hours later they were moved out because their results were positive. Captains and Deputy Wardens give us the usual lies, non-answers and obfuscations. Yesterday, my dorm and the dorm across the hall carried out a 24-hour meal and work strike to protest these conditions and to demand the immediate release of all inmates 50 and older, all inmates with chronic health issues, all parole violators, and all inmates with less than a year remaining, as recommended by the Board of Corrections itself. In response, DOC provided us with cleaning supplies, PPE, and promised regular screenings — but these are things they should have been doing for weeks anyway.

This is a huge problem for incarcerated folks, of course, but it's also a public health issue. If the virus continues to spread in here, it will serve as a reservoir for the disease to reinfect the community, outside through COs and other staff, who come and go everyday, and inmates returning home, long after the curve is flattened outside.

Other than that I'm holding up OK. Trying to stay busy & stay healthy.

### **24 Mar - "It Spreads Like Wildfire": The Coronavirus Comes to New York's Prisons**

*Last week, Adam Roberts, who has been incarcerated in New York State since 1999, began to prepare for the arrival of COVID-19, the respiratory infection caused by the novel coronavirus, at Fishkill Correctional Facility, in Beacon.*

#### **MORE:**

by Daniel A. Gross (*The New Yorker*)

He began washing his hands more often and keeping his distance from men in the mess hall; he noticed someone in a common area using a TV remote through a plastic bag. Roberts has an intolerance to dairy and worries about losing access to foods he can eat, so he planned to buy as much instant ramen, tuna, mayonnaise, peanut butter, and tea from the commissary as he could. "It seems like things are slowly shutting down," he told me on Thursday. "Funny that prison may be safer than the outside—until, that is, COVID inevitably finds its way in here. At which point it spreads like wildfire."

The coronavirus has now found its way into New York's prison system. On Sunday, the state's Department of Corrections and Community Supervision, or D.O.C.C.S., confirmed that two prisoners at Wende Correctional Facility had tested positive for COVID-19. (One of them, according to multiple reports, is the former movie producer Harvey Weinstein, who was sent to the facility only recently after being convicted of rape.) Health officials in Cayuga County announced that the coronavirus had infected a man who had been incarcerated at Auburn Correctional Facility. D.O.C.C.S. has also confirmed three cases of COVID-19 in its ranks: one officer at Sing Sing Correctional Facility, another at Shawangunk Correctional Facility, and one civilian staff member in Albany.

"It is absolutely impossible to practice social distancing in prison," Laron Rogers, who is serving twenty-five years to life at Sing Sing, wrote to me on Wednesday, a day after officials confirmed that the Sing Sing officer had tested positive for COVID-19. Rogers learned about the positive test from his peers, not the prison administration. "As you might imagine, we are extremely concerned with the lack of information concerning a contingency plan," he said. "We all feel like it is only a matter of time before this virus enters and spreads rapidly in here." At the time, Rogers said, many correctional officers were not wearing rubber

gloves, even when collecting large numbers of I.D. cards or patting men down for contraband. (The D.O.C.C.S. did not respond to a request for comment on this matter.)

Preparations for the coronavirus have now seeped into nearly every aspect of life in state prisons, according to about a dozen incarcerated sources in five different facilities. Ten days ago, D.O.C.C.S. closed all its prisons to visitors—with the exception of non-contact legal visits—and issued each prisoner five postage stamps, two electronic messages, and one free phone call per week. (Roberts had been expecting a visit from his cousins, their first in more than a year.) Prisons are distributing bleach and have been posting memos that encourage hand washing. But experts say that none of these measures can prevent a widespread outbreak of COVID-19. “It’s nearly impossible to provide infection control in these settings,” Gregg Gonsalves, an epidemiology professor at Yale School of Public Health, who has researched access to treatment for hepatitis C in state prisons, told me. “If you wanted to set up a situation that would promote rapid transmission of a respiratory virus, you would say prison: it’s close quarters, unsanitary, individuals in frequent contact.” Across the state, prisoners are trying to stand a few feet apart in long lines and crowded mess halls; educational and vocational programs have been cancelled—though some jobs have not.

“All programs have been cancelled except the Soap Shop,” Shakim Allah, who has been incarcerated for forty-three years, wrote to me from Great Meadow Correctional Facility, in Comstock. Earlier this month, about a week after New York reported its first case of COVID-19, and when stores were beginning to run out of toilet paper and hand sanitizer, Governor Andrew Cuomo announced that incarcerated workers had begun producing a state-branded hand sanitizer, called NYS Clean. The soap shop is part of Corcraft, a state entity that pays workers between sixteen and sixty-five cents per hour, and has been operating around the clock at Great Meadow. “There are major complaints about the conditions men are being forced to work under as well as pay,” Allah told me. He said that men are working eight-hour shifts and have been promised letters of commendation from the Governor. Allah also alleged that some workers have been unable to punch time cards, to record their hours worked, have worked double shifts, or have worked on the expectation of future pay. Until recently, alcohol-based hand sanitizer was not available in state prisons, even to the workers who produced it; late last week, a journalist asked Cuomo about the issue, and D.O.C.C.S. announced that it would begin to distribute sanitizer in common areas.

Victor Garcia, who is also incarcerated at Great Meadow, serving fifty-five years to life, told me that fears of an outbreak have grown by the day. He wrote that staff members had distributed spray bottles of bleach and extra bars of soap; only two men were allowed to sit at mess-hall tables that were previously used for four. “It seems like the department is doing everything in its power to keep the virus from entering and spreading,” he said. Still, he has been alarmed by news reports about the rapid spread of COVID-19, and worries about his family, especially his ninety-six-year-old grandmother. “I have never experienced this level of panic coming from our families, corrections staff, government, and the media,” he told me.

At Bedford Hills Correctional Facility, the state’s largest women’s prison, officials have been distributing bleach and telling women to wash their hands, avoid groups and sick people, and cough into a tissue; movement between housing units was cut off on March 17<sup>th</sup>, according to Misha Louis, a member of the prison’s Inmate Liaison Committee. The restrictions initially caused an uproar, Louis said, and some women experienced anxiety attacks. “We are keeping each other strong,” she told me. Another woman at the prison, who earns about a quarter per hour distributing bleach, said on March 20<sup>th</sup> that most programs had closed but that general medical appointments had not stopped, and that incarcerated women were still working at a D.M.V. call center located at the prison. She had been working overtime every day for a week. “I’m tired but I love my job,” she told me. Women were eager to protect themselves by cleaning their living spaces, the woman said, but some officers were allegedly hoarding the bleach that her crew was

distributing. “There’s an unspoken understanding amongst us as inmates, too, that, if we were to fall terribly ill, precious resources may not be ‘wasted’ to save one of our lives,” she said.

When I asked D.O.C.C.S. about preparations for the coronavirus, a spokesperson told me that every facility has an emergency control plan, and that state prisons were used to dealing with infectious diseases, such as tuberculosis, hepatitis, influenza, and H.I.V./AIDS. (All of these infections spread in different ways and at different rates than the coronavirus, and can be treated with medication.) “At all times, D.O.C.C.S. retains supplies, equipment and other resources that can be readily available, if needed, to those impacted in correctional facilities during the spread of an infectious disease,” the spokesperson said. “Additionally, the Department has medical staff specially trained in infection control employed in facilities across the state.” According to the Correctional Association of New York, which oversees D.O.C.C.S., emergency control plans are considered security directives and are not available to the public. (The association shared a hundred and seventy-five page D.O.C.C.S. manual on infectious diseases, meant to guide employees on such practices as personal hygiene, infection surveillance, disinfection and decontamination, and the use of personal protective equipment. It lists policies for the control of about twenty specific diseases.)

On Friday, I summarized my reporting for Gregg Gonsalves, the epidemiologist, and asked him whether he considered the prison system’s preparations sufficient. “You have a gaping wound and you’re giving a Band-Aid,” he replied. Although the U.S. as a whole may be able to flatten the curve of the outbreak through social distancing, Gonsalves said, he expected to see in prisons, jails, and immigration detention centers a largely “uncontrolled, unflattened curve,” even if the incarcerated try to practice social distancing and have constant access to soap and hand sanitizer. Oluwadamilola Oladeru, a resident at the Harvard Radiation Oncology Program, who co-authored an op-ed, with Gonsalves, on the threat that COVID-19 poses to those who are incarcerated, pointed out that, if the health system is overwhelmed, people in prison may not only get sick from the coronavirus but may also lose access to ongoing care for chronic conditions, such as diabetes and respiratory illnesses. The U.S. prison population currently includes more than a hundred and seventy thousand people over the age of fifty-five, an age group that is particularly vulnerable to COVID-19.

“Sick inmates, elderly, and women who are not dangerous as well as parole violators should be released,” Misha Louis wrote to me from Bedford Hills. “That way they will not be exposed in large numbers to the virus and take up hospital beds that the state does not have to spare.” She is not alone in calling for these steps: in the past week, activists, legislators, judges, public defenders, and prosecutors have all advocated for decarceration to slow the spread of the pandemic. Gonsalves suggested medical furlough for elderly and at risk prisoners and the release of people near the end of their sentences. “You have to reduce the population load to reduce the risk of infection,” he said.

In Fishkill, Adam Roberts had as normal a weekend as he could: he listened to coverage of COVID-19 on the radio, cooked apple turnovers, and watched long stretches of Animal Planet, which has become one of his go-to distractions. No inmates have tested positive at Fishkill, but D.O.C.C.S. told the prison’s Inmate Liaison Committee that some men are under quarantine. For a few days now, Roberts has been expecting the start of an outbreak. “I have to believe it’s here,” he told me. “The numbers say it has to be here.”

### **25 Mar - No, Your Coronavirus Quarantine Is Not Just Like Being in Prison**

*For those of you reading this who feel trapped or are going stir-crazy due to your coronavirus-induced confinement, the best advice the author can give you—as someone used to suffering in long-term confinement—is to take a pause, inhale a few deep breaths, then look around at all the things you have to be grateful for.*

**MORE:**

by Jerry Metcalf (*The Marshall Project*)

That's what I've done each and every day for the past 25 years. Every morning when I awaken in my 8-by-10-foot cell, I peer out my small window and thank the Universe for such a view. It's not much, mostly razor wire and uniform-clad convicts. But out past all those layers of fencing rests a few acres of deep forest, teeming with life.

I've found that during trying times like these, the simplest things matter the most. Sure, you're trapped inside your home or apartment, but all's not lost. Hopefully you have family, friends or loved ones with you, or maybe a trusted pet. (Or if not, you've got wi-fi!)

Me, I have my trusted canine, Tootsie, a 15-month-old black lab, whom I am currently training to be a service dog for Paws With a Cause. But I have no family members or loved ones, only a cellmate who snores like a freight train and often whines insincerely about how he'd rather be dead than in prison.

You also have your own bathroom and kitchen, which, I hope, given your access to the world of commercial sanitizing products, are corona free. I have none of these spaces. I share a bathroom with 96 other convicts. In my cell I have a narrow, lumpy mattress and a middle school-sized desk that I cram myself into while writing, as I am now as I type this.

Look around the room you are in. What do you see? I bet all kinds of welcoming things that speak of safety and comfort. Things like a favorite chair, or painting, or maybe some family heirloom that's been passed down from an elderly loved one.

Take comfort in these things. They are important. I know, because as the years drag on for me here behind bars, those are the things I pine for the most. The things I most look forward to seeing when I finally go home, whatever the world may be like when I get there.

And for some reason if you still find yourself going stir-crazy after all the deep breaths and the journey inwards, then try more straightforwardly considering my situation. I'd give anything to trade places with you right now. And when I say anything, I mean anything. If I owned a billion dollars I'd offer it over to you. A hundred billion. A trillion.

That's because I'm scared to death. I may die all alone in prison without any of my loved ones around to comfort me and send me off. I don't want the last faces I see to be those of the two cruel prison guards assigned to watch over me while I slip away.

And let's be honest, I now live in a death trap.

It's almost as if the coronavirus were specifically designed to kill off those locked away from society. I know this isn't literally the case. But this is a virus that is airborne and most affects people in confined, overcrowded spaces. It also likes to kill people like me with underlying chronic health issues (I suffer from kidney disease).

There is no place for us to hide. We have no home to sequester ourselves in. It is physically impossible for us to separate.

The way I am seeing it right now, this will go on until those of us imprisoned are all dead, or at the very least, until half of us have perished, leaving the other half to now-open single-man cells in which we can hide.



So my friend, would you like to switch places? I bet your home doesn't seem so claustrophobic now, does it?

I did commit a crime, which I reckon with daily and deeply. And I did deserve to come to prison. But I do not deserve a lonely death because of it. Neither do you.

## **26 Mar - New York City Jails Have an Alarming High Infection Rate, According to an Analysis by the Legal Aid Society**

*The novel coronavirus is spreading through New York City jails much faster than through the city as a whole, according to an analysis released yesterday by the Legal Aid Society.*

### **MORE:**

by Elizabeth Weill-Greenberg (*The Appeal*)

The infection rate at city jails is 14.51 per 1,000 people, according to the analysis. That's more than seven times higher than the rate in New York City, which has become a national epicenter of the pandemic, and where about 2 of every 1,000 people are infected.

As of Thursday morning, more than 20,000 people in the city had tested positive for COVID-19 and 280 had died. In the U.S. as a whole, more than 68,000 people have tested positive for COVID-19, though testing has been slow to become widely available in much of the country.

As of March 25, 75 incarcerated people and 37 correctional staff in New York City jails have tested positive for COVID-19, according to Legal Aid.

“Based on this analysis, New York City jails have become the epicenter of COVID-19,” said Tina Luongo, attorney-in-charge of the Criminal Defense Practice at Legal Aid, in a statement. “It is imperative that Albany, City Hall, our local District Attorneys and the NYPD take swift and bold action to mitigate the spread of this deadly virus. Stop sending people to Rikers and let these New Yorkers out immediately.”

According to the New York City Department of Correction, more than 700 people have been released since March 16.

“We are committed to keeping everyone safe and healthy, and working with Correctional Health Services to test anyone with symptoms and getting them the care they need,” Peter Thorne, the department’s deputy commissioner of public information, said in a statement.

But much more needs to be done, says Legal Aid, which is calling for the release of the more than 5,000 people incarcerated in the city’s jails, the majority of whom are held at Rikers Island. According to the city department of correction’s report on July through December 2019, at which time the jails’ daily population was at almost 7,000, approximately 24 percent were incarcerated for four days or fewer.

Failure to release those in the city’s jails will be particularly devastating for communities of color, said Molly Griffard, equal justice works fellow at Legal Aid. Between July and December 2019, more than half of the city’s jail population was Black, according to the city department of correction.

“People who are incarcerated on Rikers are overwhelmingly low-income people of color who are there often for a short period of time and going back to low-income communities of color across New York City,” said Griffard. “What that means is it makes those communities even more vulnerable to the spread in

a way that wealthy white communities that don't have as much contact with folks at Rikers aren't going to have.”

The Board of Correction, which provides oversight of the city's jails, has also urged New York's leaders to release people. “The best path forward to protecting the community of people housed and working in the jails is to rapidly decrease the number of people housed and working in them,” wrote Interim Chair Jacqueline Sherman in a letter dated March 21 to the city's district attorneys, Chief Judge Janet DiFiore, the New York City Department of Correction, and the New York State Department of Corrections and Community Supervision.

The city should work to release the 666 people who are incarcerated for technical parole violations, such as missing curfew or a meeting with a parole officer, wrote Sherman. An additional 551 people are serving a sentence of less than a year for a low-level offense, according to her letter. “The Mayor must use his executive powers to release these people,” she wrote. The mayor's office did not respond to a request for comment.

Legal Aid has filed several lawsuits seeking the immediate release of hundreds of incarcerated people, warning that the virus will spread quickly inside the city's jails where thousands live in close quarters, share sinks, showers, and toilets, and often lack the most basic hygienic supplies.

Several clients have reported that they do not have access to soap or hand sanitizer, and that officers have told them to buy soap from the commissary, according to a letter sent on March 13 from Legal Aid to the New York City Department of Correction Commissioner and the mayor's office. One client reported that, according to the letter, he was in the intake receiving room for several days with “dozens of other people.”

“He said it was extremely dirty and was not cleaned at any time that he was there,” wrote Justine Luongo, Attorney-in-Charge of Legal Aid's criminal defense practice.

In a suit filed yesterday in New York State Supreme Court, Bronx County, Legal Aid is seeking the release of over 100 people. The petitioners are both vulnerable to COVID-19 complications and are being held on technical parole violations. They include those who suffer from asthma, heart disease, or have a history of seizures. One person is pregnant. Their ages range from 23 to 73.

One petitioner, a 24-year-old father who suffers from asthma, missed curfews and reporting during his partner's high-risk pregnancy, according to the petition; their baby is still in the Neonatal Intensive Care Unit. Another petitioner, who is 61, suffers from cirrhosis of the liver, is attached to a catheter, and uses a cane, according to the petition.

But keeping anyone in the city's jails, with or without medical complications, puts countless lives at unnecessary risk, said Griffard.

“No one should be there,” she said. “Anything but extreme measures is too little, too late.”

### **27 Mar - Incarcerated Anti-Fascists Report Targeted Beatings by Guards**

*The Bureau of Prisons (BOP) is targeting Eric King, an unapologetically vocal anti-fascist, yogi and poet who has been incarcerated since September 2014, for his political beliefs.*

#### **MORE:**

by Ella Fassler (*Truthout*)

King was sentenced to 10 years in federal prison after being charged with attempting to set fire to a government official's empty office building in support of the Ferguson, Missouri, uprising in 2014.

On March 10, 2020, Sandra Freeman, King's lawyer, filed a motion requesting a hearing related to ongoing abuse against her client and interference with the attorney-client relationship. "The institutional interference with my relationship with my client and our ability to prepare for trial is ongoing and unlike anything I have previously experienced during my time as an attorney in multiple jurisdictions," Freeman wrote in the filing.

Lt. Donald Wilcox ordered King to attend a private "interview" in a prison storage room at FCI Florence in Colorado on August 17, 2018, according to a statement written by King. Lieutenant Wilcox works in the Special Investigative Services (SIS) unit, a shadowy nationwide department that investigates and surveils people who are deemed threats within the BOP system.

The lieutenant yelled about his hatred for terrorists and screamed bizarre, false statements, including that King had killed Wilcox's daughters. King wrote that the lieutenant threatened "all sorts of vigilante justice to have me raped and killed.... He made this gurgling noise and spit on me and shoved me and began to attack me." King allegedly punched Wilcox back in self-defense.

Four more guards reportedly dragged King into the hallway and repeatedly kicked him in the head, face, stomach and ribs while yelling death threats. He was tied to a four-point restraint for eight hours in a pool of his own blood and urine, and was repeatedly denied medical care, mail and lawyer visits (long before visits were restricted due to COVID-19). He has experienced "tingling in his limbs, headaches, blurred vision and nausea daily" since this incident, his legal defense fundraiser states.

King's partner, who prefers the pseudonym Rae and uses they/them pronouns, was diagnosed with thyroid cancer just before Lieutenant Wilcox reportedly attacked King. "Within three hours of being home from the hospital after my [cancer-related] surgery, I learned that Eric was in danger. There is this visceral memory that I have that I just can't escape from. Laying in bed, all alone with a slight fever, the surgical site on my neck so inflamed and hot, groggy from anesthesia and pain relief, and that phone call came in. When crying is so, so painful. Just sitting there so confused so gutted and just destroyed," they told *Truthout*.

After guards reportedly assaulted King, another SIS member told him that he would be denied access to his lawyer until he signed a statement that he hit Wilcox in self-defense. King signed. The BOP transferred him to USP Leavenworth in Kansas and placed him in solitary confinement for about a year, which meant he could not see or talk to anyone and was restricted from reading books and keeping photos in his cell.

He was subsequently transferred to USP McCreary in Kentucky, a maximum-security federal prison. During the transfer from Kansas to Kentucky, King was sent to an Oklahoma transfer center and placed in a cell with a member of the Aryan Brotherhood, a white supremacist gang.

Once King arrived at McCreary he was placed in solitary confinement: the guards and lieutenants reportedly told him that he would be killed or injured by white supremacist gangs if he was put into the prison's general population with other people. In an email to his partner, King wrote that one guard told him, "Oh god damn I hope they let you out [of solitary], I hope our boys on the yard get to meet the antifa boy!" Staff let him out of solitary confinement and led him directly to white supremacists in the yard. King was reportedly attacked, disciplined and placed back in solitary.

In a letter to *Truthout*, King explained how white supremacists and fascists "play police in the prisons.... They take on that role, deciding everyone else's business." He detailed how white supremacists have pulled

knives on him behind bars, and target him for allowing people of all races into the yoga and poetry classes he is teaching while incarcerated.

“[The guards] have caused me mountains of trouble, of course they would though,” King wrote in his letter to *Truthout*. “Shoe on the other foot, I am causing them problems [by speaking out]. We are enemies and I let them know every day.”

On August 29, 2019, the BOP indicted King with a felony charge of “Assaulting a Federal Official” related to Lieutenant Wilcox’s alleged attack. If convicted, King faces up to 20 years in federal prison in addition to his 10-year sentence.

His partner Rae has meticulously documented BOP’s retaliation against their husband. “There wasn’t healing in the days prior to my surgery and there really hasn’t been time for healing since,” Rae told *Truthout*. “There isn’t space or time. I definitely have gone pretty downhill in the last year health-wise, but it’s really hard to even see that at this point because we are so wrapped up and every minute is spoken for.”

Although King never faced an easy time behind bars, his treatment has worsened over the past four years, Rae said, explaining that guards’ behavior shifted during Donald Trump’s campaign and after his election, once the right associated anti-fascists, or antifa, as threatening. “It was so surreal to watch these guards puff up, feel emboldened and know what team is theirs. As the fascists on the streets became angry, so did the ones who hold the keys,” they said.

Rae’s accusations aren’t unfounded. Jon Teeter, an SIS investigator at FCI Florence who Rae says is investigating King’s case, has publicly posted conspiracy theories about antifa on Facebook and has posted the Confederate flag as his cover photo, or background image, on his profile.

Moreover, corrections officers at FCI Florence who are Facebook friends with Teeter regularly post anti-Muslim and anti-immigrant sentiment from far right news sources, such as Breitbart and The Daily Caller.

In August 2019, King was transferred to FCI Englewood in Colorado, a prison with guards that threatened to assault his daughters after reviewing King’s personal journal that included anti-police drawings, according to the recent court filing. The filing states that King has been in solitary confinement for all but 48 hours since arriving at Englewood. In September, the prison revoked his partner Rae visitation rights and, in a written response, justified the denial because of Rae’s “ideology.” In order to get their visits back, the prison’s warden reportedly told King that Rae must agree not to attend protests, post on websites about the BOP, wear “political clothes” and be nice to the staff. Many months after their visits were restored, King’s support team continued to publicly post about his treatment inside BOP facilities. But the Warden’s protest ultimatum scared Rae, they said. They fear that if anyone protests across the street, they will lose visits again.

## **Not an Isolated Case**

Many law enforcement officers across the country are similarly right-wing. In recent years, researchers have exposed thousands of police and/or correctional officers as sympathizing with fascism and white supremacy. Reveal News uncovered the associations between nearly 150 officers and far right groups like the Oath Keepers and Three Percenters. The Intercept obtained a classified April 2015 FBI Counterterrorism Policy Guide that warned of this phenomenon: “Domestic terrorism investigations focused on militia extremists, white supremacist extremists, and sovereign citizen extremists often have identified active links to law enforcement officers.”

In December 2019, at least 32 West Virginia state corrections academy cadets were fired for performing a Nazi salute in their final class picture. Vice News utilized leaked data from a neo-Nazi website that exposed a CoreCivic captain's attempts to start a white supremacist group.

These sympathies and beliefs materialize into harm and violence within prison walls. In June 2017, prison staff watched and laughed as a white supremacist member of the Aryan Brotherhood stabbed four Black, handcuffed, incarcerated people. In December 2019, three San Joaquin County Sheriff's correctional officers made racist comments while they beat, choked, kicked and tried to snap the neck of a 28-year-old arrested for public intoxication. In July 2019, two Salem County corrections officers alleged that their boss told one of them she was not being considered for a promotion because she "talked Black."

In December 2000, the Southern Poverty Law Center released an intelligence report detailing allegations of racist guards in the corrections industry: "In at least six states, guards have appeared in mock Klan attire in recent years, and guards have been accused of race-based threats, beatings and even shootings in 10 states. In addition, the suits have been filed in at least 13 states by black guards alleging racist harassment or violence from their own colleagues," according to the report. At the now-closed Tulsa County Jail in Oklahoma, Black incarcerated people were allegedly "forced into a cell known as the 'Aryan Tank,' where they were made to face down prisoners they later described as 'white supremacists.'"

While Trumpism and right-wing media may have emboldened some guards against antifa and marginalized groups, institutional racism has long been built into the DNA of the carceral system. According to incarcerated activist and journalist Keith "Malik" Washington, targeting of specific prisoners is oftentimes sophisticated and systemic, "overt and pre-planned," not random racist retribution. In a letter to *Truthout*, Washington described how his report on Tropical Storm Imelda caught the eye of Special Investigative Services — which he describes as "gang intelligence on steroids."

Washington explained how SIS sets up hits against specific prisoners, including himself, promising the hitmen favors, such as release from solitary. He wrote, "The complex Warden at USP Beaumont [in Texas] was Larry Schults and it was obvious he instructed his subordinates to do all they could to restrict my outgoing and incoming mail as well as sabotage my re-entry plans. It was a horrible experience. What was remarkable is mostly all the actors were bigoted white males!"

SIS, according to Washington, performs and supervises specific tactics and strategies to make targeted prisoners' lives miserable, many of which eerily mirror King's story. According to Washington, other tactics include: "isolation — housing in solitary ... ; obstruction of mail both incoming and outgoing; blocking media from contacted targeted prisoners; thwarting or sabotaging visits; housing targeted prisoners with violent, mentally ill or racist prisoners; bad jacketing (spreading false rumors about the targeted prisoner); degrading treatment such as constant strip searches or 'losing' personal property; attempts by guards to bait the targeted prisoners into verbal and physical altercations; and feigning ignorance when confronted with evidence of harassment and abuse."

When *Truthout* contacted the Bureau of Prisons to offer it the opportunity to respond to these claims, it declined to comment on these allegations.

Washington noted that anti-imperialist federal prisoner Jaan Laaman was subjected to "a horrible campaign of harassment and repression by the BOP" for a statement Laaman wrote supporting International Women's Day. "These ongoing attacks on anti-fascist and anti-racist prisoners like Jaan, Eric King, Sean Swain, myself, and more is part of a pattern and policy initiated by the Trump administration against those who exercise their Free Speech rights and who engage in political dissent," Washington wrote. "If you take a survey from a diverse pool of anti-fascist and anti-racist prisoners — whether they be held in a federal or

state facility, you will find that all of them have become targets.... The BOP uses these Special Housing Units to torture, hide, and abuse anti-fascist and anti-racists of all stripes!”

Likewise, Rae pointed out that fascists and right-wingers who have committed mass murder, such as Robert Deer, who murdered three and injured nine people at a Planned Parenthood in Colorado, are in general population at FCI Englewood, retaining calls, visits and sending emails, while King has been detained in administrative segregation.

“The reality is, our ideology is terrorism to the BOP,” Rae said. “They are telling us over and over what side they play for. We need to listen.”

### **29 Mar - A Health Crisis, as Seen From Inside a Prison**

*David Gilbert talks about living through the AIDS experience in prison.*

#### **MORE:**

by David Gilbert (*New York Times*)

As a person living inside a New York State prison, I lived through the last major health crisis, the AIDS epidemic. There are similarities and differences between AIDS and the Covid-19 pandemic.

We lost many people, but we found a way to slow the spread of AIDS through inmate-to-inmate communication and education. Then, we created PEPA, the Prisoner Education Project on AIDS, which was eventually replicated across the country and along with advocacy groups saved many lives. Something similar is needed now.

The best way to improve safety is to reduce the prison population.

Maintaining a safe distance from others in prison is impossible. As a result, we will potentially suffer widespread infection, and the impact could quickly spread to communities beyond the bars. Correction officers and employees interact with people in prison and return to their homes daily.

Peer education is vital for explaining the importance of and best means for social distancing and hygiene while still facilitating communication with family and friends.

Most crucially, the policies we are living under will be most effective when we have a say in shaping them. Allowing prisoners an active role in creating a safer environment will protect lives both inside and out.

### **30 Mar - Joshua Williams on Friendship**

*New editorial by Joshua Williams, a political prisoner from the Ferguson uprising.*

#### **MORE:**

What is a friendship? Is it two people that hang around each other or talk to each other every day, or just two people that party together? No—a friendship is a bond you make with someone. A bond you can't break. A bond so strong that no matter what happens it won't break. But when a friendship is questioned by another person, show them how strong it is by showing them what a friend is for.

When your bro is down, be there by his side when he falls. When he needs somebody to talk to, lend him your shoulder. If he goes to battle, be there for him in that fight—be ready to take a bullet for your bro.

I can tell you this: I'm willing to die for my bros, for real. I'm ready to take a bullet or a beat-down for my bro, because at the end of the day, when my bro needs my help, best believe I will be there in a heartbeat, and I will be there till we done. If my help causes me to die then so be it.

They call me a racist for hanging around white people. Let me tell you something: there was more white people there for me in my lifetime than my own kind. If my own kind was there for me, they was there for what I got. Only a handful of my kind was real to me, and those are the people I still talk to today.

Yeah, I hang around white people, and I will continue to do that. I got a white friend inside prison called Daustin Luck, and let me tell you this: he is the most realest person I had in my entire life, and I would stand on that—I will die for that boy. You know why? Because he was so good to me. He didn't care what I had. He was there when I was down and out, so I have a mission to be there for him. I devote my life to him.

There's another person like that. We call him Guy. He is the most realest person I had in my life. Guess what? He blacker than my handful of black people and I will die for him. To these two people I will give my life, and get the tar beat out of me, fighting by they side, and beside my family and my girl.

I say to the world, right here, right now: when we come home, those that supported me in here and out there are the people I will mess with, because those people was there for me inside prison. They held my head above water when I went under. When I was on drugs in here they was there to drag me out. They didn't stop messing with me because I used. My bro Luck used a lot, but he overcame and he got me through a lot of shit.

People of the nation: when these two people come home, please recognize them as real friends. Give them the same respect y'all do me because they deserve that shit. Remember these names and share them with the world, please:

DAUSTIN LUCK (1326362)

GUY WOOLFOLK (1007482)

I love these people to death. Get in contact with them, please. I beg you, let's give them the same support y'all give me. If you want to send money or letters you can. Let's show how y'all can support them.

### **31 Mar - The ABCF Warchest Needs Your Help**

*You can easily donate online at [paypal.me/abcfwarchest](https://paypal.me/abcfwarchest)*

#### **MORE:**

The ABCF Warchest program distributes \$40 in funds every month to 17 long-time political prisoners and has been doing so since 1994. All of the political prisoners who receive assistance from the fund have been receiving insufficient, little or no financial support during their imprisonment.

The Warchest is replenished from proceeds of the annual "Running Down the Walls" 5K runs held every autumn. With the COVID-19 pandemic upon us, the certainty of having 5 or more runs all across the country in September is uncertain and our ability to distribute funds are somewhat hampered.

We are asking for donations to beef up the ABCF Warchest capacity. Currently, there are 17 political prisoners who receive monthly assistance plus released political prisoners who have received one-time checks to help them prepare for release.

You can also make a check or postal money order out to Tim Fasnacht and send to Tim Fasnacht, Post Office Box 8682, Lancaster, Pennsylvania 17604. Please put "Warchest" in the memo line. Any questions can be directed to la@abcf.net.

### **1 Apr - "We Got to Get Out of Here" a poem by Eric King**

*We are happy to share new poetry by Eric King with you.*

#### **MORE:**

We got to get outta here  
But no one brought ropes!  
The wall is a shoebox  
And we are all heels  
Tied up right  
So we don't slip off  
If we snuck out, nice & quiet  
We might end up seeing  
All the slave runners  
Who sent their kids to Uni  
On the back of our 300 minutes  
And once a week visits  
Then who could tell  
Which was the bad guy  
And who maybe had bad luck?  
We got a skip this pond  
Did you bring the stones?  
We got to melt this candle  
We've misplaced the wick!  
everything is backwards,  
We are losing our grip  
this concrete floor is a graveyard  
Cold like are shaking bones  
Relentless like our will to be free  
Unmovable Like These Bars  
We got to get free  
We got to bring it ourselves

### **2 Apr - Support Leonard Peltier - COVID letters needed**

*In light of the provisions of the CARES Act meant to decrease the risk to prisoner health, in response to the COVID-19 pandemic, the U.S. Attorney General has delegated to the Director of the Bureau of Prisons the authority to release certain vulnerable prisoners to home confinement.*

#### **MORE:**

Currently, the process for identifying appropriate candidates for home confinement have not been solidified but we believe it may help to write to the BOP Director and Southeast Regional Director and ask that Leonard be immediately considered and transitioned to his home on the Turtle Mountain Reservation.

Your letters should be addressed to:  
Michael Carvajal  
Director, Fed. Bureau of Prisons



320 First Street NW  
Washington, DC 20534

J.A. Keller  
Southeast Regional Director  
Federal Bureau of Prisons  
3800 Camp Creek Park SW, Building 2000  
Atlanta, Georgia 30331

We have not drafted a form letter or correspondence. Your pleas should come from your heart as an individual who has supported Leonard for so many years. Say what you would like but we have put together some talking points that will assist you in your letter writing. Below are some helpful guidelines so your letter touches on the requirements of the Attorney General's criteria for releasing inmates like Leonard to home confinement

### **OPENING**

Point out that Leonard is an elder and is at risk for example." Mr. Peltier is 75 years old and in very poor health; his only desire is to go home to the Turtle Mountain Indian Reservation and live out the remainder of his years surrounded by his family."

### **MEDICAL**

The AG and CDC guidelines for releasing inmates requires the health concerns cause greater risk of getting the virus. Leonard has the following conditions you can list in your letter:

- Diabetes
- Spots on lung
- Heart Condition (has had triple by-pass surgery)
- Leonard Peltier suffers from a kidney disease that cannot be treated at the Coleman1 facility and impacts as an underlying condition if contracting the virus.

### **RISK TO COMMUNITY**

To qualify for release to home confinement we must show that Leonard poses no risk to the community.

### **COMMUNITY SUPPORT/REENTRY PLAN**

To qualify for release to home confinement we must show that Leonard has a reentry plan. Leonard has support from the Turtle Mountain Chippewa Band and has family land on the reservation where he can live.

### **RISK OF COVID 19**

To qualify for the release to home confinement must show that Leonard is at reduced risk to exposure of COVID 19 by release than he is at Coleman 1. Currently Rolette County, ND has no cases of COVID 19, Sumter County has at least 33 cases.

### **3 Apr - Barr to speed releases at federal prisons hard hit by virus**

*Attorney General Bill Barr is ordering federal prison officials to intensify their efforts to release "vulnerable" inmates at three prison complexes that are struggling to contain major outbreaks of the coronavirus.*

### **MORE:**

by Josh Gerstein (*Politico*)

Barr said he's seeking to speed the process of sending selected inmates at prisons in Danbury, Conn., Oakdale, La., and Elkton, Ohio to home confinement because of the danger serious levels of infection at those facilities pose to elderly prisoners and those with pre-existing health conditions.

"We are experiencing significant levels of infection at several of our facilities," Barr said in the new memo dated Friday and obtained by *POLITICO* Friday night. "We have to move with dispatch in using home confinement, where appropriate, to move vulnerable inmates out of these institutions."

Barr also said he was exercising for the first time expanded release authority Congress granted him in the stimulus bill known as the Cares Act that was signed into law by President Donald Trump last Friday.

Under previous law, federal prisoners were only eligible for home confinement after they'd completed 90 percent of their sentences. However, the new legislation allows for earlier releases if the attorney general formally declares an emergency, which he did Friday.

"The CARES Act now authorizes me to expand the cohort of inmates who can be considered for home release upon my finding that emergency conditions are materially affecting the functioning of the Bureau of Prisons," Barr wrote. "I hereby make that finding and direct that ... you give priority in implementing these new standards to the most vulnerable inmates at the most affected facilities."

Seven federal prisoners have died from COVID-19 so far: five at the Louisiana prison Barr is prioritizing and two at the Ohio facility.

The tallies of infected inmates and prison staff have grown daily. As of Friday, 91 federal inmates were confirmed to be infected with the virus, up from 75 a day earlier. Confirmed staff infections rose to 50 from 39.

Barr announced last Thursday that he was instructing the Bureau of Prisons to increase early releases, particularly for older inmates who "no longer pose a threat."

A total of 522 inmates were moved to home confinement following Barr's directive last week, according to the Bureau of Prisons.

Barr's public comments supporting early releases for some inmates seemed to be in tension with remarks Trump made Thursday, where he lashed out at state and local officials for endangering the public by releasing convicted criminals and said he might even step in to try to halt such releases.

Asked about what he was doing to protect prisoners, Trump seemed to downplay the danger to most inmates, arguing that many are young. He also appeared to boast that the federal government had not followed the states' lead of making additional releases due to the pandemic.

"I have not done that at all, but some states are letting people out of prison. Some people are getting out that are very serious criminals, in some states. And I don't like that. I don't like it," Trump said during a regular White House briefing. "But it's a city or state thing in certain cases, as you know. I think maybe Philadelphia comes to mind. ... We don't like it. The people don't like it. And we're looking in to see if I have the right to stop it in some cases."

Spokespeople for the Justice Department and the White House did not immediately respond to requests for comment on Trump's view on early release for federal inmates and whether he was consulted on the Justice Department's release plans.

Barr's new directive stresses that public safety concerns must be taken into account when considering whom to release.

"While we have a solemn obligation to protect the people in BOP custody, we also have an obligation to protect the public," the attorney general wrote. "That means we cannot simply release prison populations en masse into the streets. Doing so would pose profound risks to the public from released prisoners engaging in additional criminal activity, potentially including violence or heinous sex offenses."

While Barr emphasized that early releases must be assessed on a case-by-case basis, he said that some precautions normally taken in such situations could be waived in the current crisis, such as GPS monitoring for those being sent home.

Nearly 175,000 people are in federal criminal custody, chiefly in federally run prisons and centers run by private contractors. However, the vast majority of those incarcerated in the U.S. — roughly 2 million people — are in state and local criminal justice systems and serve in those prisons or jails.

Barr's latest move to step up releases came as lawmakers, criminal justice reform advocates and lawyers for inmates pressed the department to move more quickly to reduce the danger of coronavirus sweeping through federal prisons.

Two leaders of the House Judiciary Committee wrote to him Monday to urge more widespread releases as well as other steps to limit the virus' spread.

"We hope you will institute aggressive measures to release medically compromised, elderly and pregnant prisoners, as well as universal testing in BOP facilities — to protect everyone. ... Urgent action is required because lives depend on it," wrote Judiciary Committee Chairman Jerrold Nadler (D-N.Y.) and Rep. Karen Bass (D-Calif.), chair of the Crime, Terrorism and Homeland Security subcommittee.

Nadler, a frequent Barr critic, unequivocally welcomed the attorney general's latest directive.

"Today, we learned that Attorney General Barr has made a key finding related to the COVID-19 pandemic that triggers expanded authority under the CARES Act to transfer prisoners to home confinement. This is a positive development, and I urge appropriate and swift use of this power," the House Judiciary chairman said.

Despite Barr's move Friday, the Justice Department has continued to resist efforts by lawyers to involve the courts in making early release decisions. Prosecutors have argued for strict enforcement of a provision in federal law that says prisoners cannot seek release through a judge until their requests for release have been pending at the Bureau of Prisons for at least 30 days, or until the prison system makes a decision and internal appeals are exhausted.

"That process is particularly important at a time when the BOP is facing an influx of similar requests, and there is a pronounced need for the orderly and consistent resolution of these requests on the timeline that Congress enacted in the statute," federal prosecutors in New York wrote in one such case Thursday.

At a press conference last week where Barr discussed his desire to increase early releases, he said he wanted all inmates to be quarantined for 14 days before release in order to make sure they were not carrying the virus out of prison into the community. It was not immediately clear how hundreds of inmates had been released in the past week while accommodating those concerns.

## 6 Apr - Kings Bay Plowshares 7 April Update

*This April 4<sup>th</sup> marked the second anniversary of the Kings Bay Plowshares 7 disarmament action.*

### **MORE:**

It's also a time of grave danger for people around the planet with the emergence of the novel corona virus, especially among the poor, the imprisoned, the homeless, the sick, communities of Color, the elderly, and the marginalized. This is only the beginning of what lies ahead. Fault lines are widening as bread lines grow beyond lengths seen during the great depression. You, dear friends, may be sick, or have lost loved ones, or lost income. You may be disconnected from loved ones, or have family or friends working on the front lines to save lives. We see you & grieve w/you. We acknowledge that this world has forever changed.

There is an irony. It took a tiny virus to stop us in our tracks, something we thought wasn't possible. Many of us have been blinded to what death feels like, having learned a terrible lesson of indifference especially since the bombings of Hiroshima and Nagasaki. Every day many of us accept, without protest, the reality of living in a world that could be erased at any moment by nuclear weapons. And because we are willing to live with that absolute threat, we are also able to ignore the death and suffering that the mere existence of these weapons brings in denying the poor and displaced of the world their rights to health and safety and independence. The Kings Bay Plowshares action was a declaration that another way is necessary. And possible.

The KBP7 trial guilty verdict came on Oct. 24, 2019. There is still no sentencing date. The arrival of the virus has brought additional delays to the process. Sentencing may not happen until June or even later. Judge Wood has informed the defendants that she will not be making any decisions until after April 17<sup>th</sup> at the earliest. That date was set before the extension of the federal stay at home recommendations until the end of April. It's possible the sentencing may be pushed back further.

Originally expected in January, 60-90 days after the trial, the sentencing was first delayed by waiting for the required probation reports and sentencing recommendations. That was done by February and the attorneys' schedules were cleared for the end of March or April. Then the global pandemic struck. Now everything is on hold. When sentencing finally takes place, the court may be closed to observers because of virus concerns. No one knows yet. It's also possible that the judge may hold court sessions by video conference with no defendants physically present in the court. This is all unprecedented territory.

Fr. Steve Kelly has been in county jails for the past two years. We are concerned about his health and that of others in close confinement together facing the pandemic. We have not heard of any cases of the virus at the Glynn County Detention Center, so far. Fr. Steve was adamant that he does not want any special treatment or for a campaign to be released or for us to be distracted from the real issue of nuclear weapons. The other defendants are home under curfew restrictions (8:30pm-7am). The sentencing recommendations call for 15-21 months for Liz (already served 17mo.); 18-24 months for Martha; 21-27 months for Carmen, Clare, Patrick, and Mark; and 28-48 months for Fr. Steve.

Mark Colville, one of the KBP7, asks us to "all step back and consider the absurdity of sentencing people by video conference to federal prison. To tell us it's too dangerous to be in a court and at the same time to order people to prison is inhumane. It shows that the prison industrial complex takes a higher priority in the eyes of this government than human life. All prisoners should be set free."

There are a number of petitions circulating calling for the release of prisoners in the face of the pandemic which is starting to hit many jails and prisons.

We urge you to contact Congress, demanding that money should be directed towards health care for all, particularly during the COVID-19 and for all future pandemics. This could be achieved by cutting funding for the military. The Nobel Prize winning International Campaign for the Abolition of Nuclear Weapons (ICAN) has pointed out that the U.S. spent \$35.1 billion on nuclear weapons in 2019. This could have provided: 300,000 intensive-care beds, 35,000 ventilators, and the salaries for 150,000 nurses and 75,000 doctors. If only a small portion of conventional weapons spending were redirected many more supplies could be available to provide for the rest of the world rather than the endless wars our government pursues now. Our world would discover its real security lies in a shared humanity, not in nationalist arrogance.

KPB7 defendant, Patrick O'Neill, writes, "At this juncture we stand in the depths of Lent, overwhelmed by a deadly virus, scores are dying ... and yet the U.S. war machine grinds on — generals and admirals assuring us of their readiness to destroy all of Creation. Heresy! God forgive us! Jesus weeps! Let us, instead, heed the words of the United Nations Secretary General Antonio Guterres: 'The fury of the virus illustrates the folly of war.' May the God of Love have Mercy on Us."

We understand that so much has changed and many are without income at this time. We ask for donations only if you are able & doing well. Thank you for all the support you have given through these past 2 years.

### **6 Apr - Rikers Reports Its First COVID-Related Prisoner Death**

*The first COVID-related death of a Rikers Island prisoner was announced on Sunday, when Michael Tyson, 53, succumbed at a local hospital.*

#### **MORE:**

by Zak Cheney-Rice (*New York Magazine*)

Tyson had been removed from the jail complex for treatment on March 26; he was locked up on February 28 for a technical, noncriminal parole violation, according to the City. The following day, on March 27, Governor Andrew Cuomo proclaimed that he would free up to 400 people from New York City jails who'd been incarcerated for technical parole violations. It's unclear if Tyson would've been included in this number. That his death is attributable, in part, to the governor's belated & arbitrary timing is less in dispute.

Officials announced Rikers' first cases of the novel coronavirus on March 18. Its victims then were a corrections officer and a prisoner. In the nearly four weeks since, that figure has ballooned to almost 650, including at least 273 detainees, with five deaths. As of last week, the rate at which the virus was infecting people on Rikers outpaced New York sevenfold — a sobering statistic in light of the city's nation-leading infection rate and the United States reporting the most confirmed cases in the world. Warnings about how COVID-19's rapid spread in the general population would be reflected in jails and prisons go at least as far back. Yet despite the consensus among health experts and oversight officials that swift decarceration was the most effective countermeasure, Cuomo and New York mayor Bill de Blasio have been slow to act. The governor has sweeping power to grant clemency and guide the Parole Board's actions; de Blasio wields significant influence over city agencies like the police. Both have opted to free relatively small numbers of prisoners piecemeal while declining to halt new intakes.

The result is thousands of New Yorkers trapped in "death cages," to quote one Legal Aid Society case handler, while the virus picks them off. In many instances, the conditions to which they're subjected defy the Department of Correction's own standards of pandemic safety. Jails and prisons are, by their nature, cramped and unsanitary. Prisoners are confined to tight quarters, access to cleaning supplies is limited, and hand sanitizer is considered contraband. At Rikers, many bunk in dormitories that house 50 and sleep less than two feet away from each other. Prisoners who are elderly, or who have chronic illnesses, abound. Some prisoners have resorted to playing medic to their symptomatic counterparts while waiting for an

overburdened medical staff to address their clinical needs. A sense of panic pervades the facility from top to bottom; guards and prisoners have been compelled into an uneasy alliance as a result of a shared understanding that COVID-19 is affecting them all similarly. “It’s like The Walking Dead in here,” one Rikers prisoner, Shiva, told me last month. “We’re all trying to survive right now.”

Yet so far, they’ve largely been left to their own devices, even as developments remain underway that would make their circumstances worse. Last week, Cuomo passed a state budget that will roll back New York’s recently implemented bail-reform law. Where since January, thousands of New Yorkers have been kept off Rikers Island — and therefore out of the virus’s path there — due to the law’s narrowed range of bail- and detention-eligible offenses, the governor and legislature have decided to expand them again. Consequently, the next public-health crisis will have a bumper crop of defenseless victims to choose from. The governor has also lied openly about what he can do to stem the current outbreak. Cuomo reportedly claimed last week that he has “no way to reduce the prison population right now” — despite being, quite literally, the only person in the country besides the president who could free any New Yorker from prison today. There’s blood on many hands as COVID-19 charts its deadly path, but few in New York have been as willfully negligent in addressing it as Cuomo. Michael Tyson is likely just the beginning. The rest of Rikers can do little but await its fate.

### **8 Apr - Clemency coast to coast webinar**

**WHAT:** Webinar

**WHEN:** 7:00pm EST, Wednesday, April 8<sup>th</sup>

**WHERE:** The Internet

**COST:** FREE

**MORE:**

Building off the collective power of our #ClemencyCoast2Coast and #ClemencyNow selfie campaigns on Twitter, RAPP will be co-hosting a #ClemencyCoast2Coast Virtual Town Hall.

We invite you to join RAPP, the Parole Preparation Project, and our partners in California for a discussion on the importance of clemency and releases across the country in the era of COVID-19.

Register at [zoom.us/webinar/register/WN\\_yEpDT2vSRGeXyngoLC2e3Q](https://zoom.us/webinar/register/WN_yEpDT2vSRGeXyngoLC2e3Q)