



POST OFFICE BOX 110034 BROOKLYN, NEW YORK 11211

Updates for February 8<sup>th</sup>

### **23 Jan - Leonard Peltier Update**

*There is A LOT going on with Leonard Peltier right now, including recently testing positive for the deadly covid-19 virus. Read on for all the details and HOW TO HELP.*

#### **MORE:**

#### **January 23<sup>rd</sup> - Leonard Peltier Pleads For Help Amid Constant COVID Lockdowns In Prison**

by Jennifer Bendery (*HuffPost*)

Never mind that he shouldn't be in a federal prison at all.

Leonard Peltier, the Native American rights activist whom the FBI put behind bars decades ago without any evidence that he committed a crime, tells *HuffPost* that his facility's prolonged COVID-19 lockdowns and failure to provide at least some inmates with booster shots has left him — and likely others — unbearably isolated and preparing for death.

"I'm in hell," Peltier said in a Friday statement, "and there is no way to deal with it but to take it as long as you can."

Peltier, who is 77 and has serious health problems including diabetes and an abdominal aortic aneurysm, said "fear and stress" from the prison's intense coronavirus lockdowns are taking a toll on everyone, including staff. He described conditions like having next to no human contact or access to phones sometimes for weeks, no access to regular showers or substantial food, and not even the ability to look out a window or have fresh air.

"Left alone and without attention is like a torture chamber for the sick and old," he said.

Peltier's facility, a high-security penitentiary in Florida called USP Coleman I, is currently one of 98 federal prisons at a Level 3 COVID-19 operational level, which means its COVID medical isolation rate is at the highest level. For the facility's 1,335 inmates, this translates to no contact with other people within the facility and no visitation from anyone externally.

The Coleman facility has been in its latest COVID lockdown since Jan. 11, according to Peltier's attorney, Kevin Sharp. It's been imposing dayslong and sometimes weekslong COVID lockdowns dating back to March 2021. Some of the longer stretches were March 6-15, June 14-30, and Dec. 12-Jan. 4, said Sharp.

Peltier says it's not just mentally excruciating to endure constant lockdowns. He said he and others on his cellblock still haven't gotten their COVID booster shots. They should have been offered them by now; all people incarcerated in federal prisons gained access to the initial round of vaccines last May, which means it's well past the six-month window for getting boosted to stave off potential serious illness or death.

In Peltier's case, he got his first COVID-19 vaccination shot in January 2021 and his second in May 2021, according to Sharp, which means he was due for his booster in November. Peltier asks the prison's medical staff "every chance he gets" when he and others in his cellblock will get their booster shots, said Sharp, and they always say they don't know.

People living in prisons are at a higher risk of contracting COVID-19 because of factors like being in close quarters, poor ventilation in old facilities and the fact that some prison staff aren't getting vaccinated. But

when lockdowns mean being denied human contact for weeks at a time and no details on when a COVID-19 vaccine booster will be available, the situation feels untenable for inmates like Peltier.

“They are turning an already harsh environment into an asylum,” he said.

It’s hard to know how many people within the massive federal prison system have not received their booster shots. There are currently 153,855 people incarcerated in federal prisons, of which 135,100 are in facilities operated by the Federal Bureau of Prisons.

Donald Murphy, a spokesman for the Federal Bureau of Prisons, said the department isn’t making data publicly available relating to inmates’ booster shot rates. Instead, he pointed to the department’s COVID resource webpage, which includes data on the total number of COVID-19 vaccination shots that have been given to inmates and staff since last year.

“We are not breaking this number down to reflect booster shots only,” he said.

The Bureau of Prisons has received a total of 316,714 doses and administered 287,681 doses of the COVID-19 vaccine to staff and inmates since it became available last May, according to its website. Those numbers include the two-dose vaccines offered by Pfizer and Moderna, and the one-dose vaccine offered by Johnson & Johnson.

As for the conditions Peltier described at the Coleman facility, Murphy declined to comment on “anecdotal allegations” or on “conditions of confinement for any particular inmate.”

He did say that the Coleman facility “is currently administering COVID booster vaccinations for inmates,” despite the fact that Peltier has not been offered one and has seen no signs of it being offered to other inmates on his cellblock.

Murphy also said the Bureau of Prisons follows Centers for Disease Control and Prevention guidance with regard to COVID-19 quarantine and medical isolation procedures.

Here’s Peltier’s full statement on the conditions inside Coleman, provided to *HuffPost*:

*COVID has turned Coleman Prison back to the Dark Ages. I remember a time at Marion USP when I was put in solitary for so long, when 72 hours could make you start to forget who you were. I once wrote down who I was on the concrete floor under my bed, so if I forgot, I could read it back to myself. I traded my last cigarette for a pencil. I’d rush to the door when a guard left the meager plate of food, just to see a glimpse of another human being — even if it was one that hated me, it was another human and good for my mind for a minute.*

*I’m in hell, and there is no way to deal with it but to take it as long as you can. I cling to the belief that people are out there doing what they can to change our circumstances in here. The fear and stress are taking a toll on everyone, including the staff. You can see it in their faces and hear it in their voices. The whole institution is on total LOCKDOWN.*

*In and out of lockdown last year at least meant a shower every third day, a meal beyond a sandwich wet with a little peanut butter — but now with COVID for an excuse, nothing. No phone, no window, no fresh air — no humans to gather — no loved one’s voice. No relief. Left alone and without attention is like a torture chamber for the sick and old.*

*Where are our human rights activists? You are hearing from me, and with me, many desperate men and women! They are turning an already harsh environment into an asylum, and for many who did not receive a death penalty, we are now staring down the face of one! Help me, my brothers and sisters, help me my good friends.*

Peltier is America’s longest-serving political prisoner. He’s been behind bars for 45 years for the 1975 murders of two FBI agents during a shootout on a Native American reservation — something he has long said he didn’t do, even when it meant he could have been paroled if he said he did. His trial was riddled

with misconduct and even the U.S. attorney who helped put Peltier in prison so long ago is now pleading with President Joe Biden to grant him clemency because, he says, federal officials never had evidence that he committed a crime.

His imprisonment has drawn protests from an astounding mix of international human rights leaders including Pope Francis, the Dalai Lama, Mother Teresa, Nelson Mandela and Coretta Scott King. Elected tribal leaders and the National Congress of American Indians have also passed resolutions urging clemency.

Biden is likely Peltier's last chance at freedom before he dies in prison.

### **January 28<sup>th</sup> - Leonard Peltier Tests Positive For COVID-19**

by Jennifer Bendery (*HuffPost*)

Leonard Peltier, the ailing 77-year-old Native American rights activist who has been pleading for help from prison amid coronavirus lockdowns and still hasn't received a booster shot, has tested positive for COVID-19.

"Today, Leonard tested positive for COVID," Peltier's attorney Kevin Sharp told *HuffPost* late Friday. "We are all very concerned, as is Leonard. He wanted people to know that he sends his love and appreciation for the years everyone has fought for him. And should he make it through this, he intends to continue speaking out for Native rights."

Peltier began feeling "like shit" on Thursday and had a "rough night" of painful and persistent coughing, Sharp said. "He told me, 'I hope this is just a bad cold, but I have never had a cold like this before.'"

Peltier has now been placed in quarantine for 10 days.

Peltier has been in prison for 45 years without any evidence that he committed a crime. The FBI and U.S. Attorney Office charged him with the 1975 murders of two FBI agents during a shootout on a Native American reservation — something he has long said he didn't do, even when it meant he could have been paroled if he'd said he did. His trial was riddled with misconduct, and even the U.S. attorney who helped put Peltier in prison decades ago is now pleading with President Joe Biden to grant him clemency because, he says, federal officials never had evidence that he committed a crime.

He is still serving out two life sentences. Sharp said Friday that it's obvious Peltier needs care that a Federal Bureau of Prisons medical unit can't provide.

"Enough is enough. It's time to send Leonard Peltier home to the care of an appropriate medical facility and the love and support of his family on the Turtle Mountain Reservation," he said. "His unconstitutional conviction should not turn into a de facto death sentence."

Peltier told *HuffPost* last week that his prison facility's prolonged COVID-19 lockdowns and failure to provide him and other inmates with booster shots has left him — and likely others — unbearably isolated and preparing for death. He is particularly vulnerable to COVID given his serious health problems, which include diabetes and an abdominal aortic aneurysm.

"I'm in hell," he told *HuffPost*. "Left alone and without attention is like a torture chamber for the sick and old."

Sen. Brian Schatz (D-Hawaii), the chair of the Senate Indian Affairs Committee, on Wednesday urged Biden to commute Peltier's sentence and send him home, given his age, illness and time served.

“I commend your administration’s commitment to righting past wrongs in our criminal justice system,” Schatz wrote to Biden. “In continuing that work as you consider recommendations for individuals to receive clemency, I write to urge you to grant a commutation of Leonard Peltier’s sentence.”

Sen. Patrick Leahy (D-Vt.), the former longtime chair of the Senate Judiciary Committee and the longest-serving member of the Senate, has also called on Biden to send Peltier home.

A spokesperson for the Federal Bureau of Prisons did not respond to a request for comment earlier Friday on why Peltier had not been transferred to in-home confinement given his age, declining health and time served.

### **January 30<sup>th</sup> - TAKE ACTION for Leonard Peltier!**

Elder Native activist Leonard Peltier's continued unjust imprisonment while positive for COVID-19 is a death sentence. Demand his immediate release NOW!

White House hotline: **202.456.1111** (line open: 11:00am-3:00pm EST, Tuesday through Thursday)

E-message: **[whitehouse.gov/contact](https://www.whitehouse.gov/contact)**

Change.org petition calling for Leonard's hospitalization and freedom: **[Chng.it/xChWLc5vT6](https://www.change.org/p/leonard-peltier-hospitalization-and-freedom)**

In addition to calling the hotline, emailing and tweeting Biden, be sure to contact White House Press Secretary Jennifer Psaki by email and social media on Monday, February 7, 2022 to demand Leonard's immediate release: Email: [comments@whitehouse.gov](mailto:comments@whitehouse.gov); Twitter: [@PressSec](https://twitter.com/PressSec)

### **January 31<sup>st</sup> - Leonard Peltier Has COVID; His Lawyer Calls for Native Leader to Be Freed**

via *Democracy Now!*

Jailed 77-year-old Native American activist Leonard Peltier has tested positive for COVID-19 less than a week after describing his prison conditions as a "torture chamber." Peltier was convicted of aiding and abetting the killing of two FBI agents during a shootout on South Dakota's Pine Ridge Reservation in 1975 while a member of the American Indian Movement. He has long maintained his innocence and is considered by Amnesty International as a political prisoner. We speak with his lawyer and former federal judge Kevin Sharp, who says Peltier's case was riddled with misconduct, including witness intimidation and withholding exculpatory evidence. Sharp argues Peltier's health, age and unfair trial make him the perfect candidate for executive clemency. "The legal remedies are no longer available," says Sharp on Peltier's case. "Now it's time for the [Bureau of Prisons] and the president of the United States to fix this and send him home."

Full interview: **[democracynow.org/2022/1/31/leonard\\_peltier\\_covid\\_19\\_prison\\_conditions](https://www.democracynow.org/2022/1/31/leonard_peltier_covid_19_prison_conditions)**

### **February 1<sup>st</sup> - 'Please Do What Is Right': Native American Lawmakers Urge Biden To Free Peltier**

by Jennifer Bendery (*HuffPost*)

Leaders of the National Caucus of Native American State Legislators wrote to President Joe Biden on Monday urging him to release Leonard Peltier from prison, warning that the 77-year-old Indigenous rights activist is in poor health and deserves "to live his final years among his people in dignity."

"Mr. President, please do what is right," reads the message from New Mexico state Sen. Benny Shendo (D) and North Dakota state Rep. Ruth Buffalo (D), the chair and vice-chair of the caucus, respectively. The caucus represents 89 Native American state legislators from 21 states.

"Amid our country's racial reckoning after George Floyd's murder, Native Americans have not yet been included in any promise of federal justice reform. Your clemency towards Mr. Peltier would change that," Shendo and Buffalo wrote. "His expected release would sound as a promise to the first peoples of these lands that we too enjoy America's promise of justice for all."

"Our communities have suffered enough," they added. "Please prioritize equity."

Peltier has been in prison for 45 years without any evidence that he committed a crime. The FBI and U.S. Attorney's Office charged him with the 1975 murders of two FBI agents during a shootout on a Native American reservation — something Peltier has long said he didn't do, even when taking responsibility for the killings could have meant parole for him. His trial was riddled with misconduct, and even the U.S. attorney who helped put Peltier in prison decades ago is now pleading with Biden to grant him clemency because, he says, federal officials never had evidence that he committed a crime.

On Friday, Peltier tested positive for COVID-19. He is currently in quarantine.

His COVID status has only intensified the calls from supporters and elected officials to let him go home. Sen. Brian Schatz (D-Hawaii), chairman of the Senate Indian Affairs Committee, last week urged Biden to commute Peltier's sentence given his age, illness and time served. Sen. Patrick Leahy (D-Vt.), the former longtime chair of the Senate Judiciary Committee and the longest-serving member of the Senate, has also called on Biden to send Peltier home.

Actor Danny DeVito on Monday joined the calls for Peltier's release.

"President Joe Biden. Please let Leonard Peltier [sic] go. You can do it man. Pick up that pen," he tweeted. Peltier told *HuffPost* last week that his prison facility's prolonged COVID-19 lockdowns, and its failure to provide booster shots to inmates, have left him — and likely others — unbearably isolated and preparing for death. He is particularly vulnerable to COVID's effects given his existing serious health problems, including diabetes and an abdominal aortic aneurysm.

Buffalo said Tuesday that members of her caucus "understand fully the sense of urgency" in protecting elderly loved ones from COVID, particularly if they are in prison. Native Americans are more than twice as likely to die from COVID as white Americans, per the Centers for Disease Control and Prevention, and are incarcerated at a much higher rate than the national average.

"Add inhumane living conditions, and prison guards who don't follow CDC guidelines, [and] it is a recipe for disaster," Buffalo told *HuffPost*. "Even if Mr. Peltier had not been convicted under contested circumstances, his advanced age, ill health and the amount of time he's served ought to be enough to reconsider his circumstances. We are beyond the stage of making an example, and sheer human compassion and clemency urgently needs to be considered."

A White House spokesperson did not immediately respond to a request for comment.

### **February 2<sup>nd</sup> - Leonard Peltier is America's longest-held Indigenous prisoner. He should be freed**

by Janene Yazzie and Nick Estes (*The Guardian*)

It's time for Leonard Peltier to go home – to end his senseless suffering and 45 years of unjust imprisonment. Last Friday, after complaining of a "rough cough", the 77-year-old Native elder tested positive for Covid-19. Peltier's continued confinement at the United States penitentiary in Coleman, Florida, might be a death sentence, if the Biden administration doesn't act quickly, and with conscience.

Freedom for Peltier is one step towards addressing centuries of injustice facing Indigenous people as well as addressing the inhumane conditions of incarceration that have been exacerbated by the pandemic.

Peltier, the longest-held Indigenous political prisoner in the United States, is facing a potentially life-threatening situation. He is an elderly Anishinaabe and Dakota man who suffers from several serious underlying conditions: his age, diabetes, hypertension, heart condition and abdominal aneurism make his health precarious in prison without Covid-19 – and ever more dire with it.

Peltier is locked away in a prison Covid-19 isolation unit – which is not a medical unit – even though the man who helped put him there has called for his release. James Reynolds, one of the main federal prosecutors who put Peltier behind bars in 1977, wrote to Biden last year asking the president to commute Peltier’s sentence and to grant him executive clemency. Why? According to Reynolds, the government had lied, deceived, used racism and faked evidence to sentence Peltier for two consecutive life terms in prison.

Peltier’s co-defendants were found not guilty by reason of self-defense for the 1975 killing of two FBI agents in Oglala on the Pine Ridge Indian Reservation in South Dakota during a shootout with members of the American Indian Movement. Law enforcement killed Joseph Stuntz, a young Native man whose killing was never investigated. Years of appeals processes have poked holes in the validity of the government’s theory. Peltier’s conviction in that case rests solely on the basis that he was present on the reservation with a weapon that day – not that he fired a fatal shot or had any hand in killing anyone. So why is he still in prison?

It’s Leonard Peltier who now faces death. For months he, like many incarcerated people, has begged for a booster shot. Prison officials denied him one. Guards and staff have been observed improperly wearing masks or not wearing them at all. And now that he has Covid, it raises the question: who is to blame if the unthinkable happens?

Certainly, those with the power to release Peltier must act soon or bear responsibility.

Native people are building political power. The water protector movement that began at Standing Rock in 2016 was a watershed moment. Native people have made historic gains, such as the appointment of Deb Haaland as Secretary of the Interior, the first Native woman to hold a cabinet-level position. But still Native people face high rates of criminalization, incarceration and threats posed to their land, water and sovereignty. This is the chance to chart a new path, to reverse backwards and racist actions of the past.

Millions have called for Peltier’s release since his incarceration. Nelson Mandela and Bishop Desmond Tutu before their deaths pleaded with the United States to free Peltier, joining Jesse Jackson, Rigoberta Menchu and Harry Belafonte and many more. Leaders in Indian Country have also chimed in. Last Fall, the National Caucus of Native American State Legislators unanimously passed a resolution calling for Peltier’s release, a movement led by Ruth Buffalo, a representative from North Dakota. The National Congress of American Indians has historically called for Leonard Peltier’s freedom. Many Tribal Nations have also continued to petition the White House.

A movement on Capitol Hill is also growing. Numerous House Democrats have written to Biden. And Senator Brian Schatz from Hawaii, chair of the Senate committee that oversees Indian affairs, wrote a letter last week demanding Peltier’s release.

Leonard Peltier’s defense committee is simply asking the Bureau of Prisons to follow its own policy. According to Department of Justice’s Covid-19 guidelines for elderly or immunocompromised inmates or those with co-morbidities, Peltier qualifies for release to home confinement. Any argument the government may put forward that he may pose a “threat” or “danger” to the community is absurd given the unjust nature of his imprisonment. Indian Country also wants their elder back. And the Turtle Mountain Band of Chippewa, where Peltier is enrolled, has offered to house and to take care of a respected member of their community upon his release.

No more suffering, no more death, no more tragedy. It can end now. It’s time for Biden to free Leonard Peltier.

**27 Jan - Convicted in a Courtroom 48 Years Ago, Acoli to Make Appeal**

*Nearly a half-century ago, Sundiata Acoli was sentenced to life in prison in a New Brunswick courtroom.*

**MORE:**

by Chuck O'Donnell (*Tap Into*)

Today, the fight for freedom is being waged in the court of public opinion.

A mounting chorus of voices calling for his release from a Cumberland, Maryland, federal prison at age 85 has grown to include community activists, religious leaders, human rights groups, and even a handful of Black law enforcement organizations.

The cries to parole Acoli, who is suffering from the early stages of dementia and has been weakened by a 2020 battle with COVID-19, have reached the New Jersey Supreme Court in the form of seven amicus briefs that various organizations have filed. The legal briefs argue that a parole board violated the law in denying his most recent petition for release.

The court is scheduled to hear oral arguments based on those briefs on Jan. 31.

In advance of that hearing, a Princeton pastor will lead a press event on the morning of Jan. 27 that will include a former Harvard law instructor, the former executive director of the National Black Police Association and others.

The virtual press conference is an 11<sup>th</sup> hour plea for mercy, said the Rev. Lukata Mjumbe of the Witherspoon Presbyterian Church, who is on Day 62 of a hunger strike that began on Acoli's birthday in November.

Mjumbe and others who will speak at the press conference believe Acoli has served his time for the murder of Werner Foerster, a 34-year-old State Trooper who had been stationed with Troop D in New Brunswick, in an early morning shootout near milepost 83 of the New Jersey Turnpike in 1973. Road signs in Foerster's memory have been posted on the Turnpike for years.

"If he is absolutely guilty of everything that he was convicted of, he's already served every year, every month, every week, every day that he is required to serve because he was convicted of life with the possibility of parole," Mjumbe said.

"And so, the only reason – and I've become even more clear about it – that he continues to be a prisoner is not because he's not eligible for parole," he added. "It's not because he doesn't have a good disciplinary record – he hasn't had a single disciplinary infraction in almost 30 years. It's because of a sense of vengeance and revenge and a very real emotional anger that people have around that case."

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Acoli was already eligible for parole 27 years ago when Mjumbe first connected with him.

Mjumbe had just gone to work for Amnesty International when he was handed a list of more than 100 political prisoners and prisoners of conscience that included Acoli's name.

He wrote them all letters, and Acoli was one of 10 or so to respond. He wrote in a calm tone about his childhood in Texas, about graduating from Prairie View A&M at 15 and about his two daughters.

"He didn't ask me for anything," Mjumbe said. "That was curious to me because everybody else did. And everybody else referred me to whatever organization or groups that were working on their behalf."

The letters continued, even as Mjumbe went on to graduate from Morehouse College in Atlanta, and then the Princeton Theological Seminary.

Subsequent letters focused on the events of the early morning of May 2, 1973.

At 12:45 a.m. Trooper James M. Harper, assigned to the New Brunswick station on the New Jersey Turnpike, stopped a Vermont-registered vehicle with a defective taillight about 200 yards south of the New Brunswick station. Foerster, patrolling nearby, arrived as back up.

Inside the car were Acoli, JoAnne Chesimard and Zayd Shakur – members of the underground militant Black Liberation Army.

Guns blasted. The Turnpike ran red with blood.

Harper and Foerster were wounded as the gun battle erupted. Harper scampered away to get help at the nearby Turnpike Authority Headquarters.

Shakur and Foerster were dead, Acoli and Chesimard – also known as Assata Shakur and who has spent decades in exile in Cuba – fled despite their gun wounds.

Foerster's life had been snuffed out by four gunshot wounds, including two in the head from point-blank range with his .38 service revolver. The Vietnam veteran left behind a wife and a 3-year-old son.

Police found Acoli four days later, holed up in a makeshift plywood clubhouse some children had built in the East Brunswick woods.

Tensions in New Brunswick were already running high by the time jury selection for Acoli's trial started on Oct. 10, 1973.

Before one of the most sensational and emotionally charged trials in the city's history even began, more than 850 members of law enforcement drawn from the New Brunswick Police Department, the Middlesex County Sheriff's Department, the New Jersey State Police, the Rutgers University campus patrol force and surrounding towns were assembled to provide security, according to a *New York Times* report.

Supporters for Acoli and the Black Liberation Army distributed leaflets around the city. One woman showed up at court carrying a sign that read: "We Charge the U.S. Government With Conspiracy And Murder of African People."

Not only did Acoli decline to testify during his trial, he refused to stand each time Judge John E. Bachman entered the courtroom.

The New Brunswick Home News carried daily reports from the trial, referring to Acoli by his birth name, Clark Edward Squire. The stories were interspersed with the latest news about Patty Hearst and a brewing DC political scandal that would become Watergate.

After 31 hours of deliberation that began on Friday, March 8, the jury had reached a verdict.

At 11:45 a.m. on March 11, 1974, Acoli was found guilty of first-degree murder, atrocious assault and battery, assault and battery of a police officer, assault with an offensive weapon and assault with intent to kill.

Acoli turned to his defense attorneys, Charles T. McKinney and Raymond A. Brown, and muttered, "There ain't no justice in America."

Four days later, Backman handed down a life sentence without the possibility of parole for 21 years.

Acoli was being led out the courtroom in handcuffs when a man leaped from his seat.

"Long Live Sundiata!" he yelled.



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Keeping alive the memory and legacy of Foerster has chiefly fallen to his son, Eric.

Eric also became a State Trooper. He told Fox News that the passage of time has not healed the wound.

"It is a loss that will stay with us forever," he was quoted as saying in published reports.

The Former Troopers Association of New Jersey is now pushing to have the Foerster signs on the north and south lanes of the Turnpike at the Route 18 overpass updated. Instead of the blue and white signs inscribed with the words, "Werner Foerster Overpass," the group envisions bright blue and yellow ones, perhaps with some testament of how the young Trooper and family man gave his life.

Perhaps the verbiage will include a mention of the winding road Foerster traveled on his journey to the State Police.

He was born in Leipzig, Germany, served with the U.S. Army from 1963-65 and then worked as a welder for Ross Engineering in New Brunswick.

Foerster joined the State Police on July 24, 1970, settling down in Old Bridge to raise a family and anticipating a future in law enforcement.

Those dreams ended on the shoulder of the Turnpike.

Trooper Frank Dreyer testified during the trial that he arrived at the scene of the shootout to find Foerster's body on the road near the passenger side rear wheel of his unmarked car. His hat and flashlight sat nearby.

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Mjumbe and others who constitute the Bring Sudiata Acoli Home Alliance say the prisoner has paid the price for Foerster's brutal death. It is time to move on.

Mjumbe – who had his African name bestowed upon him by Acoli – said the elderly man just wants to spend whatever time he has left with his two daughters and two grandchildren whom he has never embraced outside the walls of a prison.

He also wants to devour a bucket of Kentucky Fried Chicken, Mjumbe said. It seems during one transfer between a prison bus and a facility, Acoli caught the faint smell of the chicken frying at a nearby fast food restaurant and has put "extra crispy" at the top of his list of foods he wants to savor if ever paroled.

Acoli thought he was going to get that chance at one point, but his parole was overturned in 2016.

When a letter-writing campaign failed to prompt Gov. Phil Murphy to commute Acoli's sentence, Mjumbe used a bullhorn to interrupt him at a Black Lives Matter protest.

That caught Murphy's attention enough to open dialogue with his aides, but ultimately there has been no support from the governor's office, Mjumbe said.

According to a northjersey.com report from 2021, law enforcement has not been in favor of Acoli's release.

They have cited a 2019 Appellate Division decision affirming the parole board's denial, saying there was ample support in the board's determination that there is a "substantial likelihood that Acoli will commit another crime," according to northjersey.com

Acoli's decades-long quest for freedom and the call to bring Chesimard to justice have become ensnarled in the eyes of many. The Sheriffs Association of New Jersey has been among the most vocal in demanding Chesimard be brought back from Cuba to face trial.

The search for mercy and justice brought Mjumbe back to the beginning last summer.

Mjumbe, who has lost 50 pounds during his fast for freedom, led 10 or so other religious leaders in prayer at an overpass near the site of the shootout in 1973. He said it was probably the first-time prayers were heard for Foerster, his son, his wife and all the others whose lives were forever changed that morning in 1973.

And if the prayers aren't answered, maybe the public outcry will be.

During a phone call with Acoli in the mid-1990s, Mjumbe asked when he thought he would be released.

"He said, 'Why are you asking me that question?'" Mjumbe recalled. "He said, 'The state doesn't decide when people like me are released from prison. It's the people that make that decision.'"

"Then he said, 'I could ask you that question. When are you going to get me released?'" Mjumbe said.

### **28 Jan - New Poetry from Eric King**

*Of course receiving new writings and poetry from Eric King is great, but even better is the recent lift on the mail ban against him. Not knowing how long this ban will be lifted, please send cards and letters as soon as you can.*

#### **MORE:**

##### **Owls**

Wish I could write poems about owls  
but what do I know  
They sure are cute when young  
unless you are a mouse they want  
Sitting like time passing under a harvest moon  
head saying no to every question  
even the ones we haven't asked  
Are you wise or am I a fool?  
share your wisdom mystical ass  
Crouched under your tree  
sticks digging like miners into my bare feet  
Why have you not written a poem about me?

##### **Circumstances**

We are not victims of our circumstances  
We are the victors over them  
Circumstances  
gave us thin ice  
and heavy skates  
took our families and morphed them  
into something horrific  
Gave us cold nights  
And thin blankets  
no heat,  
but rocket launchers  
We have hearts that fed beatings  
and eyes that can't look away  
and lots of time to think about it  
We found the will to fight  
so it gave us an enemy that can't die  
gave us eyes to read  
letters of heartbreaking sorrow  
Circumstances gave us rotting logs to make homes  
then laughed at the tornadoes  
taught us to count  
so we'd know just how much we didn't have  
Circumstances took our food to make us weak  
but we stayed strong  
tried to ice out our hearts  
but we stayed warm  
Circumstances tried to plant seeds of fear  
but we grew brave

and found the courage to love those  
whom others couldn't

### **30 Jan - Prosecutors Silence Evidence of Cruel Factory Farm Practices in Animal Rights Cases**

*In a recent uptick of cases against animal rights activists, who face hefty charges for removing ailing animals from farms, the typical logic behind keeping evidence from a jury is flipped on its head. The prosecutors, rather than defendants, have sought — often successfully — to suppress all mention during trial of animal cruelty even though it is the very issue that should be at the core of these cases.*

#### **MORE:**

by Natasha Lennard (*The Intercept*)

In criminal trials, judges routinely rule that certain evidence or testimony does not get presented to the jury. By and large, these rulings to exclude evidence benefit the defendant: Gruesome images of a murder victim, for example, are regularly kept out of the courtroom to mitigate unfair prejudice against the accused.

Next month, a Utah judge will hear pretrial motions on the exclusion of evidence in a case against two members of the animal liberation group Direct Action Everywhere, or DxE. The activists face charges of burglary and theft for removing two suffering piglets from a hog farm in 2017, for which they could be sentenced to more than a decade in prison. The Utah attorney general is seeking to exclude all evidence and testimony relating to the torturous treatment of animals, including a horrifying video filmed by the activists as they removed the pigs.

If the attorney general is successful, the ruling will kneecap the activists' ability to robustly defend themselves and further entrench the failure of our current legal system to place the interests of nonhuman life and defendants' rights over those of major agricultural businesses.

"I believe this is a highly unethical and unconstitutional practice. It gags activists and prevents them from telling a coherent narrative to a jury," Jon Frohnmayer, a DxE activist and attorney, told me. "More troubling, it forestalls the analysis of animal cruelty evidence in a courtroom, which is precisely the forum where such evidence should be analyzed. It is, in short, institutional animal abuse by the very institution that should be protecting animals."

U.S. courts have a perturbing history of excluding evidence of violence against animals in animal liberation cases. Without this essential context, the prosecution has framed defendants as senseless vandals, thieves, and even terrorists.

In the notorious mid-2000s federal case against Stop Huntingdon Animal Cruelty activists, the SHAC 7, as they are known, were sentenced on federal terror charges for what should have been First Amendment-protected activity. During the trial, the SHAC activists were not allowed to even mention the horrifying treatment of animals at the Huntingdon Life Sciences testing laboratories.

Last year I wrote about the felony charges brought against Wayne Hsiung, a co-founder of DxE, in North Carolina for rescuing a sick baby goat. Hsiung, who is also a co-defendant in the upcoming Utah trial, was convicted of larceny and breaking and entering. The prosecution successfully excluded evidence of animal cruelty related to a baby goat that Hsiung had previously removed from the same farm — evidence that would have spoken to Hsiung's state of mind in his belief that the farm mistreated its animals.

The aggressive prosecutorial tactics are the legacy of the so-called Green Scare of the 1990s and 2000s, when the government targeted nonviolent animal rights activists as "eco-terrorists" in service of corporate agricultural and pharmaceutical interests.

At the height of the Green Scare, the Justice Department named environmental and animal rights "terrorists" as its greatest domestic terror concern, even though no humans or animals were ever killed by these movements. While animal liberationists may no longer be the state's primary focus for paranoid repression, the more recent cases make clear that the Green Scare remains an open chapter in U.S. history.

The Utah attorney general's motions to exclude evidence show how the letter of the law can sit at odds with its purported spirit. The defendants in the case, alongside other DxE members, carried out an "open rescue" — a tactic by which activists publicly rescue animals from factory farms and bring them to animal shelters. The motive to rescue animals, the attorney general argues, is "not a legally cognizable defense to either burglary, theft or pattern of unlawful activity."

However, a so-called necessity defense, which could, for example, provide legal justification for a person to break into a stranger's car to save a suffocating dog, could apply to open rescue cases. Without evidence of animal cruelty on the table, though, necessity defenses are stymied from the jump. Likewise animal liberation activists aren't given the opportunity to make arguments before a jury that might shift existing precedents around animals' legal standing and rights.

"Courtroom gags on discussing violence against animals are part of the broader, perverse treatment of animals under the law," Lauren Gazzola, a former SHAC activist who served 40 months in federal prison, told me. "Legally, animals are property. They are raw material to be turned into food or clothing or used as test tubes."

The attorney general's motions rely largely on case precedents in which defendants have successfully excluded evidence. One of the few examples cited in which the prosecution has had evidence excluded involves a Utah rule designed to protect victims and survivors of sexual assault, commonly known as a rape shield law. "There is significant precedent for excluding evidence which could confuse the issues by smearing the victim, as is the case here," the attorney general wrote — quite literally comparing a powerful agricultural corporation — "the victim" — to a person who has been sexually assaulted.

The purpose of this rule of evidence, Bonnie Klapper, a former federal prosecutor who now assists animal rights activists as a criminal defense attorney, told me, "is to protect sexual assault victims from being further victimized in court. It was never meant to prevent the disclosure of evidence relating to animal cruelty." She noted the irony of the prosecutor using a rape shield law to protect the reputation of the hog farm's owner, the industrial meat giant Smithfield, which engages in mass and repeated forced insemination of mother pigs and castration of male piglets without anesthesia.

There's irony, too, in the government seeking to exclude video evidence that shows a full and total account of the alleged crimes. The activists filmed themselves entering the pork facility; they turned the camera onto the pigs — mother pigs with bloody nipples, pigs with huge open sores, dead and dying piglets on the floor — and filmed themselves removing the piglets. The prosecution argues that, if presented in court, the activists' commentary on the grim factory conditions and any mention of the company's mistreatment of its animals would be unfairly prejudicial. That a prosecutor would move to preclude real-time footage of the alleged crime speaks to a frantic desire to foreclose any reckoning with the case's crucial context.

"A crime so heinous a jury cannot possibly be permitted to see it... for fear it will cause them to decide it's not a crime at all!" DxE member Matt Johnson told me by Twitter direct message. Johnson had faced charges in Iowa under the state's so-called ag-gag laws, which criminalize filming inside an agricultural or industrial operation without permission. (Johnson recorded and released video of Iowa Select Farms mass-slaughtering pigs by shutting down ventilation in barns and letting them, in essence, be boiled to death from the inside out.)

Prosecutors in the case had also fought to exclude animal cruelty evidence, but Johnson's charges were dropped last week, just days before trial was set to begin. Iowa Select Farms had reportedly asked that the case be dismissed after Johnson subpoenaed executives and employees to testify.

The government and industry would seemingly sooner drop a case than allow damning testimony to be aired in a courtroom and potentially shift legal precedents around the animal produce industry — not to mention the larger narrative around what the industry does.

The very reason animal liberationists take the risks they do is to shift legal and social paradigms around the treatment of nonhuman life; the courtroom would be a key stage for this struggle but for the state's silencing prosecutorial tactics. As Gazzola, the former SHAC activist, said, "Under the law, animals are always anything and everything but what they actually are: sentient and often cognitively complex individuals with lives worth living."

## **1 Feb - A Police Car Hit a Kid on Halloween 2019. The NYPD Is Quashing a Move to Punish the Officer.**

*Civilian investigators found that officers engaged in serious misconduct, including hitting one boy with a car, pointing a gun at another and wrongly arresting three teens. Then the NYPD intervened.*

### **MORE:**

by Eric Umansky (*ProPublica*)

It was a little more than two years ago that I really started learning about the reality of police oversight in America.

On Halloween night in 2019, my wife and our then-6-year-old daughter were walking home from trick-or-treating in our Brooklyn neighborhood when they saw a New York Police Department car go the wrong way down a street and smack into a teenager, who fell and then ran away.

When I contacted the NYPD afterward, they told me that what my family saw hadn't happened. A police car hadn't hit a teenager. The teenager had hit the car. Or, as an NYPD statement put it, he "ran across the hood of a stationary police car."

I ended up diving into the case and wrote about it the next summer during the global racial justice protests spawned by George Floyd's murder.

The police had been looking for a group of Black, male teenagers who reportedly had stolen a cellphone. After the teenager who'd been hit by the car ran away, my wife, Sara, watched as officers turned their attention to other Black boys.

The police lined the boys up against the wall of our local movie theater, then arrested three of them. The boys insisted they had just been trick-or-treating. The youngest was 12. He was crying, asking repeatedly, "What did I do?"

I didn't hear anything more about the case for a long while. Then, a few weeks ago, the city agency charged with investigating civilians' complaints of police abuse let me know it had finally finished its investigation.

The Civilian Complaint Review Board found that, contrary to the NYPD's assertions, an officer did hit a kid with his car. It also found that officers, including the precinct commander, had arrested the boys without justification. An officer had even drawn his gun and pointed it at one of the boys.

One of the officers, the report noted, was wearing a sweatshirt with a logo of the Punisher, a Marvel character who kills lawbreakers, which is popular with cops and white nationalists. The sweatshirt also had a blue line over the American flag and the acronym DILLIGAF. ("Do I Look Like I Give a Fuck.") The officer told investigators he hadn't known the meaning of the logo or the acronym on his sweatshirt.

The police response that night started when some teenagers told officers they had been robbed at the local park. But the officers only had what investigators later described as “varying and inconsistent descriptions” of who they were looking for.

The officers stopped a group of boys a few blocks away. There was little about them that matched the description of the assailants other than that they were Black, young and walking together. Indeed, the CCRB’s report noted, one of the officers “stated that he was not certain whether they were involved.”

Some of the boys ran, including the one who was hit by the police car. (They told investigators that they ran because they were scared.)

The boys who were arrested — a 15-year-old, a 14-year-old and the 12-year-old — said that the officers never offered any explanation for why they were stopped. They were released without charges, after being held for hours. Their parents said they weren’t given any documentation on the arrests. The mother of one of the boys worked for the NYPD as a school safety officer, but even she couldn’t get any record of what happened.

It was as if the case was being pushed into a fog.

The CCRB began investigating after receiving a witness complaint. But the agency’s investigations are dependent on the NYPD cooperating. And as often happens, the NYPD has been slow to do so.

Take body-worn cameras, which are often critical in abuse investigations. The CCRB noted it faced “extremely substantial delays” in getting the Halloween night footage from the NYPD. While some cities have given civilian investigators direct access to body cam footage, the NYPD has rejected calls to do the same.

The agency also did not get to interview officers until more than a year after the incident. By the time officers did finally submit to interviews, they had serious trouble with their recollections. When the officer who drove the car was asked whether he had hit a kid, he “stated that he could not remember.”

In December, the CCRB told me it had just filed disciplinary charges against the officers: for wrongful arrests, for pulling a gun without justification, and for, as the bureaucratic lingo puts it, “Force, Vehicle.”

The next step would typically be disciplinary hearings, in which the CCRB acts as the prosecutor and the proceedings are overseen by an NYPD judge, who answers ultimately to the police commissioner. While the penalties after guilty verdicts are often wrist-slappy, like lost vacation days, it seemed like this case could be a rare, if modest, victory for police accountability.

Then, about a week after I heard about the outcome of the investigation, I learned of another twist.

The NYPD had informed the CCRB that it was invoking its authority to unilaterally end the cases against most of the officers the civilian agency had charged with misconduct. No disciplinary charges would be brought against them.

Instead of letting the CCRB’s disciplinary process play out, the NYPD said it would handle the cases internally. The NYPD wrote, as it has many times before, that allowing the CCRB case to continue “would be detrimental to the Police Department’s disciplinary process.”

When it came to the officer who had hit the kid with his car, the NYPD said it was an “alleged traffic accident” and that therefore the CCRB had no authority to investigate in the first place.

The NYPD did decide that the disciplinary charges against one officer could continue — for using offensive language and telling one of the teens to stop filming on his phone.

It was all remarkable, but also par for the course.

Like many police departments around the country, the NYPD has complete discretion to overrule the civilian agency that is supposed to help oversee it.

In New York City, the police commissioner can and often does choose to ignore the results of CCRB-brought disciplinary trials. The commissioner can ignore guilty pleas and can even decide there should be no trial at all, as appears to be happening in this case. Last year, the police commissioner followed through on the CCRB's discipline recommendations in serious cases just 27% of the time.

I sent the NYPD a series of questions, asking both about its power to ignore the CCRB and about how that power has been wielded in this case. I got a one-sentence response: "The disciplinary process is ongoing."

We do know something about what's happened to the officers, and about their records. Thanks to legislation that New York state passed in the summer of 2020, police records are no longer secret. The CCRB's report names the officers involved.

Officer Christopher Brower drove into the boy, according to the report. Officer Christopher Digioia wore the Punisher sweatshirt and is the one officer still facing a disciplinary trial, for allegedly swearing at the teens. A search of their respective CCRB files shows they were also disciplined for another case together. Investigators found that, in April 2019, about six months before the Halloween incident, the two had refused to provide their names or badge numbers to a civilian. The NYPD penalized them for that with "instructions."

The precinct commander who the CCRB concluded oversaw the wrongful arrests is Inspector Megan O'Malley. She told investigators she believed the arrests were justified because the boys ran and one had dropped a kitchen knife. O'Malley has since been promoted and now heads a precinct in midtown Manhattan.

The officer who, the report said, first ordered the boys to be stopped and then pointed a gun at one of them is Lt. John Dasaro. He told investigators he had been worried that the boy was armed. Dasaro was moved to work at the internal affairs unit that investigates use of force against civilians.

None of the officers responded to my requests for comment.

I recently shared all the developments with one of the boys from that night. He was in ninth grade when officers ordered him up against the wall. His mom and 9-year-old sister watched from across the street, where they had been trick-or-treating.

"It's just all getting blown over," he said, sounding deflated. "So, it's kind of like, what's the point of doing all this?"

But the Halloween case isn't fully over yet.

After the NYPD said it would be overriding the CCRB cases, the agency formally objected. The NYPD has yet to give its response.

Technically, the CCRB can move ahead if the NYPD doesn't respond. But the reality of the current system is that any discipline or trial requires the police department to be on board.

The NYPD has a new commissioner hired by New York's new mayor, Eric Adams, a former police officer who has often talked about his experience being beaten by officers as a teenager. Like many mayors and

politicians around the country, Adams has taken something of a middle ground on policing, rejecting calls for “defunding” the force while also emphasizing that misconduct can’t be countenanced.

“Justice and public safety go together,” Adams said recently. “I don’t subscribe to the belief of some that we can only have justice and not public safety. We will have them both.”

I’ve asked Adams’ office about the Halloween case — whether the mayor thinks that there has been justice in this instance.

I have yet to hear back.

### **19 Feb - Kamau Sadiki Birthday Celebration**

**WHAT:** Celebration

**WHEN:** 7:00pm (EST), Saturday, February 19<sup>th</sup>

**WHERE:** Register at [tiny.cc/KamauBirthday](https://tiny.cc/KamauBirthday)

**COST:** FREE

#### **MORE:**

The family, friends, and comrades of veteran black panther political prisoner Kamau Sadiki invites you all to join Dhoruba Bin Wahad ~ Naima Bandele ~ Russell Shoatz III ~ Ashanti Omowale ~ Dequi Kioni-Sadiki ~ Spirit Child ~ Rev. Dorlimar Lebron ~ Zayid Muhammad ~ YahNe Ndgo ~ Sophia Dawson ~ Sadiki "Bro. Shep" Olugbala and many other Black/New Afikan revolutionaries & anti-imperialist allies to virtually celebrate Bro. Kamau's 69<sup>th</sup> birthday!

Support The International Campaign to Free Kamau Sadiki: [paypal.me/KamauSadiki](https://paypal.me/KamauSadiki)