

FREE : SURVIVORS

Survived & Punished NY



Dear friends -

We are thrilled to be able to send you this first issue of **Free : Survivors**, and pained that we need to create this newsletter to reach across the walls.

This issue is mostly an introduction to the work that Survived & Punished NY has begun since we formed in December 2017: our campaign to get the Governor to use his unlimited power of clemency to commute the sentences of criminalized survivors locked up in New York; our work on District Attorney accountability, which is heating up as the Queens County DA race begins; the Commissary Giving Circle we've launched. Because the Mass Commutations campaign has taken up more of our energy

The issue also includes the stories of two criminalized survivors whose defense campaigns we've been supporting this year, and a special section on the impact of new federal laws on sex workers, who are exposed to many different kinds of violence, and criminalized for defending themselves and their co-workers. Our centerfold this issue is by Molly Crabapple, a wonderful artist and longtime supporter of Survived & Punished. And, of course, there's poetry: a new poem by Alisha Walker (a survivor locked up in Illinois) and an old one by Melanie Kaye/Kantrowitz (a longtime anti-violence organizer who died in 2018).

Most importantly, you'll find information about how to be in touch with us. If you are a criminalized survivor of domestic or sexual violence, we want to hear from you - we want your writing to be in **Free : Survivors**, and we want **Free : Survivors** to print the writing you want to read. Look at our Vision Statement, and tell us how we can work with you to support expression, struggle, community, communication, strategy, intervention and history. Or just write and tell us how we can have your back.

Love & struggle,
The **Free : Survivors** Editorial Collective
Survived & Punished NY

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Free : Survivors
A print newsletter project of Survived & Punished NY
Vision & Purpose

The **Free : Survivors** newsletter is a project of Survived & Punished NY, which exists to end the criminalization of survivors of domestic and sexual violence, and to free those locked up in prisons, jails, immigration detention centers, psychiatric facilities, and in their own homes. We focus on criminalized survivors in New York City and State, but know that our struggles here are intimately connected to those around the country, and beyond.

We offer this selection of the *Analysis and Vision Statement* of Survived & Punished as a framework to understand why a print publication, comprised of inside and outside voices, stories, words, art and resistance is so necessary.

We believe that policing, immigration enforcement, and the prison industrial complex (including psychiatric lock-ups) are violent institutions that primarily target poor communities of color. They are fundamentally racist, anti-family, anti-trans/queer, anti-woman, anti-Black, anti-Native, anti-poor, and anti-immigrant. It is in this context that self-defense and other survival actions are criminalized.

When survivors are only supported when seen as "victims of crime," survivors who are already criminalized are not recognized as people worthy of support. Survivors are criminalized for being Black, undocumented, poor, transgender, queer, disabled, women or girls of color, in the sex industry, or for having a past "criminal record." The institutionalization of this "good victim/criminal" dichotomy leaves a huge portion of survivors, overwhelmingly Black women, unsupported and unaccounted for by the anti-violence movement.

We focus on survivors because we want to highlight the specific pipeline between surviving sexual or domestic violence and being arrested, locked up, and/or deported. We focus on women, trans folks, and gender non-conforming folks because they - we - are the main targets of gender violence, and of criminalization of survival actions.

Our editorial collective seeks to work in the tradition of past newsletters that have spoken across the walls, especially feminist publications, like *No More Cages* and *The Fire Inside*, and other journals, like *The Abolitionist*, that call for a total end to incarceration--a prison-free world. Our aims for this newsletter are seven-fold, to enhance: **expression, struggle, community, communication, strategy, intervention and history.**

When we say **expression**:

This newsletter will create an outlet for survivors to express themselves while surviving the systems of violence and incarceration! Our comrades who are inside putting writing and art into circulation (inside and out) are carrying on a powerful form of resistance in and of itself. This publication will be art and information driven.

When we say **struggle**:

Our newsletter will help folks combat the effects of the interlocking oppressions experienced due to incarceration and criminalization, even while on the inside. Being able to feel connected to the broader fight for freedom, release and the decriminalization of communities is one of our essential aims.

When we say **community**:

A newsletter will help to build community among survivors as a whole, serving as a place to correspond, connect and grow with other contributors and readers. It will create a platform in which all involved will feel connected and supported by the creative expression used to combat our shared struggle, no matter where folks are physically located -- inside/outside, NY or elsewhere -- or what their communicatory limitations are.

When we say **communication**:

First and foremost we want to amplify stories and methods of connection. We seek to bridge the contact gaps between survivors inside, survivors outside, and their advocates and allies. We aim to connect incarcerated survivors with each other, as the prison mail protocols do their worst to keep folks from corresponding. And furthermore, we will endeavor to connect incarcerated survivors with supporters outside to build an inside/outside dialogue. We will endeavor to think creatively, to imagine new ways to convey our thoughts and whenever possible, employ visuals, construct interconnected webs, and provide translation services.

When we say **strategy**:

We want to gain perspective on each other's work and experiences as we work both inside and outside for survivors' freedom. This newsletter will be a platform to support incarcerated survivors being part of the organizing work across the walls. We know there are strategic insights to be gathered from survivors inside and outside. This newsletter will be putting together experiences of violence, of criminalization, or incarceration that can be very different-- which we will need to effectively free survivors, both through individual support campaigns and mass-release campaigns.

When we say **intervention**:

This newsletter can function as a piece of propaganda that can intervene in existing prison reform or abolitionist spaces, combat the absence of the voices and stories of the survivors we are working alongside. Often trans folk, cis women, femmes, and gender non-conforming people are left out of political analysis, resistance narratives and framework building--this erasure and exclusion is unacceptable and our collective intervention will be deliberate.

When we say **history**:

This newsletter will serve as an archive of organizing inside and out, of support across the walls for incarcerated survivors, of the creative expression of survivors. We see ourselves within a legacy of the freedom work and as such, we want to honor those who've been doing the organizing, theorizing and direct action that we've learned so much from.

The editorial collective of **Free : Survivors** wish to reiterate this urgent demand and call from *Survived and Punished's Analysis and Vision Statement*:

We demand the immediate release of survivors of domestic and sexual violence and other forms of gender violence who are imprisoned for survival actions, including self-defense, "failure to protect", migration, removing children from abusive people, being coerced into acting as an "accomplice," and securing resources needed to live. Furthermore, we demand that these same survivors are swiftly reunited with their families.

Join us, write with us, make art with us, circulate and support this print project toward the necessary work of survivors getting free.

In Community,

The **Free : Survivors** Newsletter Editorial Collective of **Survived & Punished NY**

Photos of *Survived & Punished NY* organizers during public demonstrations this past year.



How Organizers Made Survivors' Incarceration an Issue in the Cuomo/Nixon Race

By Kelly Hayes

Published in Truthout - September 12, 2018

For the Democratic Party, it's been a tense primary season. Across the country, entrenched Democratic incumbents have been faced with progressive challengers. In New York, Democratic Gov. Andrew Cuomo has found his progressive challenger in actor and activist Cynthia Nixon. Cuomo has clashed with Nixon over policies that many progressive candidates are demanding, such as the implementation of a statewide Medicare for All system, but another issue has gained prominence in the race that was less foreseeable: commutations for survivors of abuse and assault who are imprisoned for acts of self-defense. Commutations aren't exactly a hot topic in most major electoral races in the US, which raises the question: How did the issue gain prominence in one of the country's most-watched gubernatorial races?

For months, Cuomo has faced fierce demands from an organization called Survived and Punished, whose #FreeThemNY campaign (part of a national #FreeThemAll campaign) demands Cuomo commute the sentences of survivors who are imprisoned for acts of self-defense. By uplifting stories like that of abuse survivor Jacqueline Smalls through educational efforts, dialogue and direct action, a relatively small team of organizers, operating on a shoestring budget, has forced their objectives into the realm of public discussion and political contention. Cynthia Nixon has vowed to commute the sentences of survivors like Smalls, if elected. Creating tension around a prisoners' rights issue in a major race is no small organizing feat. To learn more about how grassroots organizers brought this issue to the front and why it belongs there, Truthout spoke with Survived and Punished organizer Mariame Kaba.

Kelly Hayes: Can you tell us a bit about Cuomo's history on commutations, and why Survived and Punished launched this campaign?

Mariame Kaba: In late 2014, Cuomo made a big deal of creating a new clemency bureau as part of his administration to presumably do more sentence commutations and grant more pardons. It turned out, however, that this new office and his big announcement were mostly for show. His record on commutations has been dismal, and his pardons have been stingy. The clemency bureau did outreach to a bunch of lawyers who've been working with prisoners to complete clemency applications based on arbitrary rules they created. So far, no one knows how many petitions they've received since 2015, how many have been granted or rejected and for what reasons. It's a huge black box when the public deserves complete transparency.

Our #FreeThemNY campaign is particularly focused on demanding commutations for criminalized survivors of violence, but we support commutations for everyone. In nearly eight years in office, Cuomo has commuted 12 sentences. Twelve. This is truly shameful and it is merciless.

Cuomo has said that there are rules and guidelines for commutations, while Survived and Punished has insisted that those guidelines are arbitrary and "made-up" to facilitate Cuomo's inaction. Could you say more about that?

Cuomo created a set of stringent criteria for who is eligible for commutations. Those rules are completely arbitrary. The Constitution of New York gives Cuomo complete power to commute and pardon anyone he wants, for any reason, at any time. His decisions are not subject to review. He has complete power to do anything he wants, yet he points to rules *he created* to exclude certain people from consideration. It's a complete bad joke.

The Executive Clemency Bureau says that commutations are granted when a person has made "exceptional strides in self-development and improvement," or "is suffering from a terminal illness or has a severe and chronic disability" or "further incarceration would constitute gross unfairness because of the basic inequities involved."

Eligibility requires that a sentence is more than one year, that the defendant must have served at least one-half of their minimum and that the defendant must not be eligible for parole within one year of the date of their application.

Cynthia Nixon's promise to commute the sentences of criminalized survivors, if she is elected, was a surprise to many. What do you think the significance of that promise is, in this political moment?

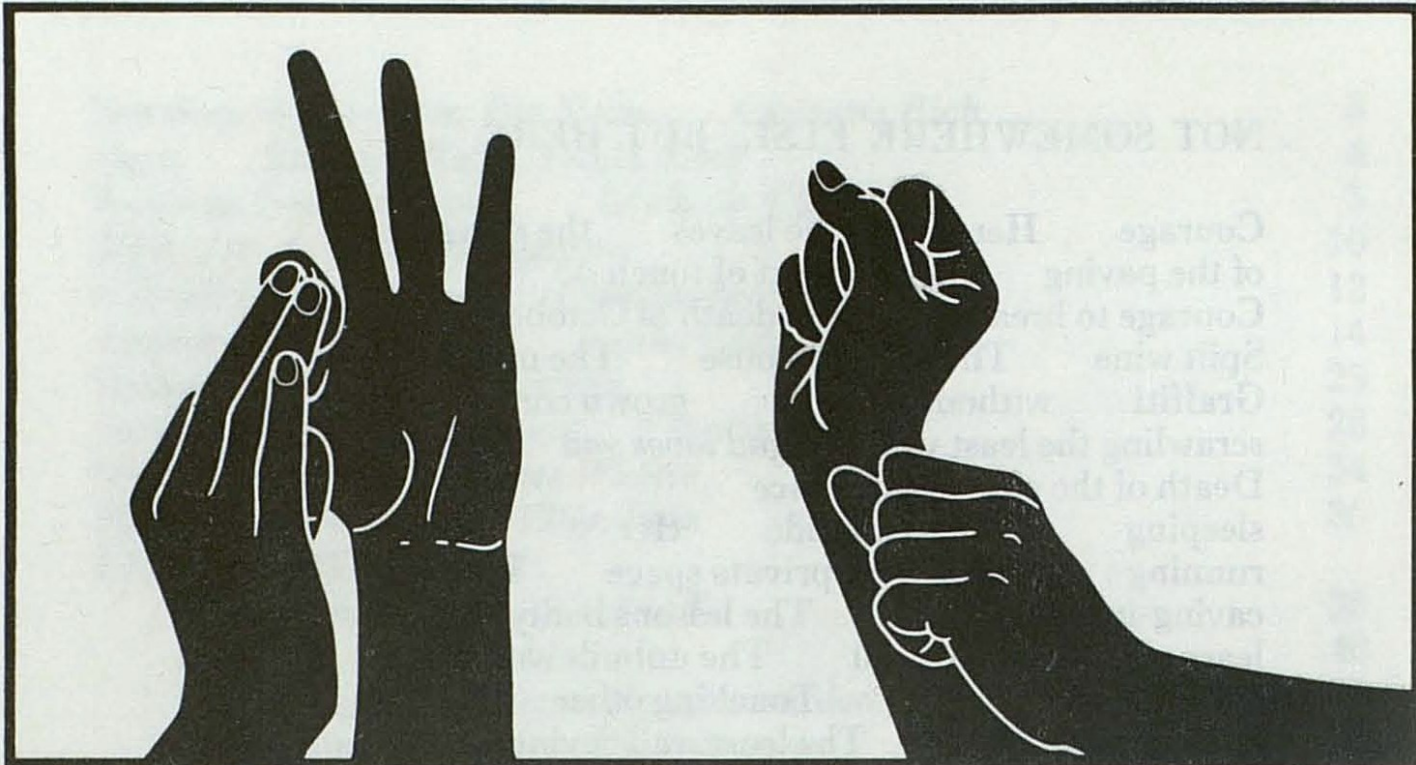
She is responsive to organizers' concerns and willing to be educated on important issues. It would be good if many more candidates for office approached issues in the same way. Why should domestic violence survivors, for example, be criminalized for using violence to defend their lives or that of their children? Anyone can see that this makes sense. We happen to believe that criminalization itself is a form of radicalized gendered violence. We made that case and Cynthia Nixon agreed that this is wrong.

The ideological standoff between Cuomo and Nixon echoes a larger divide among Democrats right now — with one side calling for voters to support entrenched, establishment Democrats, while others are pushing for candidates with more progressive agendas. What do you think is at stake in these debates for campaigns like yours?

Our work focuses on freeing prisoners and ending criminalization. Prisoners are not seen by most elected officials in the Democratic Party as "important." Felony disenfranchisement means that many prisoners are blocked from voting, and therefore, they aren't seen as constituents. It's very important that we push Democrats to get serious about enfranchising prisoners and formerly incarcerated people. They have a right to weigh in on governance issues and issues that impact their lives and the lives of their families. Establishment Democrats haven't taken these issues seriously over the years. We have to push with and on behalf of prisoners for them and their issues to be seen rather than invisibilized. This is an important moment to do this within the Democratic Party.

Your group's organizing has made the fate of incarcerated survivors a major issue in the Democratic primary, which is no small feat. What advice would you offer to other organizers around the country right now, in terms of using popular political moments to uplift less popular issues?

Elections can serve as important opportunities to educate candidates and the general public about various issues. Get in the game. Make noise. Develop a plan of action and execute. For our part, we think that it most important to focus on issues over candidates. If particular candidates commit to supporting your issues, it's important to make sure to hold them to their promises.



"Two deaf-mute women used sign language to escape a pair of kidnapers and would-be rapists Saturday morning near Kenton Park, according to police reports

While one woman led the two kidnapers into the woods, the other locked the car's doors. The woman who had gone with the two men ran back to the automobile and both victims escaped unharmed."

My fingers

move sly against your palm

Like women everywhere, we speak

in code Hear me If

you run, if

they follow, if

twigs crack under their shoes

our bones will hear them

stumble, unnerved

by our sudden wisdom: fear

is not useful;

doing nothing

is also dangerous

Show me your hands

NOW I run

you lock the car

I run

you start the car

I run

you wait the car

ready you wait

the car ready I

run I see

you the car the door

opens

my breath, your hands

Why It Matters That an Imprisoned Domestic Violence Survivor Was Granted Clemency

Only three survivors have been granted clemency in New York State history. Will others follow?

By Victoria Law

For Valerie Seeley, New Year's Day is always painful. It was on that day in 1998, she recalled in an interview and correspondence, that she told her boyfriend that she had had enough. After three years of enduring his verbal, emotional, and physical abuse, she told him that she was leaving. Her declaration unleashed an explosion of violence. First, he tried to strangle her with the telephone cord. Then he threw her against a door and began choking her. Terrified, she grabbed at and thrust the nearest object at him. That object turned out to be a knife. Seeley called 911 and attempted to stop the bleeding. Her boyfriend was taken to the hospital, where he died.

Nineteen years later, that date is still painful. Seeley was arrested, charged with second-degree murder, and ultimately sentenced to 19 years to life.

One year ago, *The Nation* published an article highlighting Seeley's story and urging New York State Governor Andrew Cuomo to grant clemency to domestic violence survivors, like Seeley, who are behind bars "simply for fighting to survive." As I noted in the article, state governors have the power to grant clemency to people who have been convicted under state law. They can either grant a pardon, which allows the conviction to be set aside, or, if the person is still in prison, commute her sentence, making her eligible for parole earlier than her sentence.

When *The Nation* called the governor's office in December 2015 to ask about Seeley's case and several others, Cuomo's counsel, Alphonso David, said the administration was "actively looking at domestic violence victims, as well as juveniles and elderly people in prison, to determine clemency." In the end, however, the new year came and went without any news for Seeley.

So it was with a sense of some despair that, just a few weeks ago, the 61-year-old grandmother wrote me a letter from Taconic Correctional Facility, the women's prison in Westchester County. "Right now I'm physically and emotionally drained from this," she wrote. She wasn't hopeful about clemency, instead resigning herself to waiting until September 2018 when she would become eligible for a parole board hearing. She could only hope that the commissioners would see past her crime to her participation in years of programs, including obtaining her GED and participating in the domestic violence support group run by STEPS to End Family Violence.

On Friday, December 30th, Cuomo announced that he had granted clemency to 113 New Yorkers—including to Valerie Seeley. Those clemencies included conditional pardons to 101 adults who had been convicted of non-violent felonies and misdemeanors as teenagers, as well as pardons to five other adults. He also commuted the sentences of seven adults still in prison.





For some, like Judith Clark, sentenced to 75 years to life for her involvement in a 1981 Brinks robbery-turned-shooting, the commutation does not mean immediate freedom; instead, it will allow them to appear before the parole board earlier than their initial sentence.

Unlike Clark, Seeley will likely walk out of the prison and be able to rejoin her family in a matter of weeks; according to the NYS DOCCS website, her earliest release date is January 26. She'll be back in the daily lives of her adult daughter, with whom she'll live upon release, and her teenage grandchildren. She'll be able to see her 87-year-old mother, who has not been able to navigate the multiple modes of transportation needed to travel from Queens to Westchester.



Seeley was the only (adult) survivor of domestic violence on Cuomo's clemency list. She is also only the third survivor to receive clemency in the state's history. But there are certainly other survivors who remain in prison, women like Barbara Sheehan whose cases are also worthy of the governor's attention. "There are likely hundreds of women incarcerated—often for many years—for protecting themselves," Jaya Vasandani, co-director of the Women and Justice Project, told me last year.

What will happen to these women? Can we expect Cuomo to grant clemency to other abuse survivors serving lengthy sentences for defending themselves?

When asked whether the governor had plans to consider clemency for other survivors, Alphonso David replied, "Absolutely." Explaining that the governor was evaluating each case individually, he added, "We're looking at domestic-violence cases as a subgroup because we know that women have historically been incarcerated for domestic violence but didn't have sufficient information, evidence or support at the time their cases were prosecuted." The clemency process is guided by three principles, he continued: whether the applicant has served half of his or her sentence, evidence of rehabilitation, and whether they pose a threat to public safety.

David noted that, for Valerie Seeley, Cuomo's office considered factors such as her age, documentation of domestic violence, continued support from STEPS to End Family Violence, participation in prison programs and post-release plans. "We felt, based on all of those factors, that she wasn't only a viable candidate for clemency, but one that we could very safely recommend."

He also noted that clemency reviews are an ongoing process. "There are many cases that we're still reviewing. I think you'll be hearing more about those cases in the coming months and coming years as we finalize our review."

Meanwhile, Seeley's daughter Iacha is ecstatic. The journey from her home in Queens to the prison is an arduous one, requiring her to take a bus to the subway to the MetroNorth, then a five-minute taxi ride. She hasn't seen her mother since Mother's Day. But she and her 15-year-old daughter will make that journey one last time the day that Seeley finally walks through the doors and into freedom. "I'm just happy. Words can't explain," she told *The Nation*. "To finally have her home, it's a blessing."

Self-Defense is Not a Crime - Mental Health Court is Not Justice

An Open Letter to the Brooklyn DA from the Fight 4 Merci Collective

In 2015, Merci Chrisette, a Black trans woman, was arrested for defending herself against a racist and anti-trans hate attack on the New York City subway. No one was injured in the incident, but Merci faced up to seven years in prison for protecting herself. The District Attorney who pushed for this outrageous and unjust punishment, Eric Gonzalez, has claimed to champion the rights of LGBT folks and people of color, especially against the kind of hate-driven attacks that Merci faced. The following letter, signed by more than a dozen organizations from New York's LGBT, anti-violence, and racial justice movements, calls out his hypocrisy and demands that he drop the charges against Merci.

The Honorable Eric Gonzalez
District Attorney of Kings County

Dear Mr. District Attorney,

The charges against Ms. Merci Chrisette reinforce a culture that you made a public commitment to challenge. In June 2017, your office released a statement stating that you would work to create “a safe space for the LGBTQ community to report when they are victims of crime, especially since crimes against this community have historically been underreported and violence against transwomen of color continues to rise.”

We write as individual and organizational leaders in the Lesbian, Gay, Bisexual, Trans, Queer, and HIV+ communities here in New York City and across the country. We are familiar with the details of Ms. Chrisette’s case and it remains clear to us that justice will not be served so long as the criminal justice system continues to pursue Ms. Chrisette as a result of the events that transpired in December of 2015.

We, the undersigned, ask you: how does charging Ms. Chrisette create safety for the LGBTQ community? What message do these charges send to transwomen of color who experience harassment?

We beg you to demonstrate that you take the specific injustice against Black transwomen and trans people of color seriously. We do. More than 300 members of the LGBTQ community in our city raised Ms. Chrisette’s bail in less than 36 hours. For more than 2 years, your office has witnessed an outpouring of community support for Ms. Chrisette. 10 - 50 members of the LGBTQ community in NYC have attended each court date with Ms. Chrisette in an effort to show the courtroom and your office that this case is important to us. Community members from countless organizations and walks of life have packed the court, and we will continue to do so until you are accountable to the harm your office causes the trans community in Brooklyn.

Eric, are you listening?

The collaborative targeting of Ms. Chrisette on all levels of the city’s infrastructure, from media to policing to the legal system is not justice. Your office’s decision to move the case from the criminal system to the new Brooklyn Mental Health Court is not justice. Isolated responses to community

pressure in high-profile cases is not justice and does not address the realities of violent harassment routinely faced by Black transwomen. We demand you drop the charges that threaten Ms. Chrisette's chances at a happy and successful life. We demand Ms. Chrisette's freedom and that this case be closed.

The fact is your office's response to Ms. Chrisette's case is typical of the way Black transwomen are targeted and disproportionately sentenced by the judicial system in New York City and across this country. The National Center for Transgender Equality reported that nearly half of all Black transgender people (47%) have been incarcerated at some point in their life. In a study by Black & Pink, a national organization made up of LGBTQ prisoners and "free world" allies, 85% of LGBTQ respondents reported having spent time in solitary confinement and nearly half spent over 2 years in solitary. Non-white respondents were twice as likely to be in solitary confinement when they responded to the survey as white respondents.

The media representation of Ms. Chrisette's case was grossly inaccurate and further represents the unjust targeting of Black transwomen who have survived consistent harassment in their daily lives. Ms. Chrisette was falsely reported to have "pulled out a blade" and commonly referred to as the "transgender subway slasher" and a "flamboyant, trans fashionista." These viral headlines made light of the compounding forms of violence that transwomen of color face every day, as well as the landscape of violence that contextualizes Ms. Chrisette's trauma-informed reaction during the encounter in question. The fact is Ms. Chrisette never pulled out a blade, but instead used a hair separator from her studies in cosmetology school to defend herself from the threat her lived experience has taught her to perceive. It is clear to us that this media representation has contributed a strong bias against Ms. Chrisette to all legal proceedings, including the move to Mental Health Court.

It has been more than 2 years since the incident in question, and Ms. Chrisette's life continues to be terrorized. That incident changed Ms. Chrisette's life. She is recognized in public and often harassed. She has received death threats from strangers, both in person and online. She has lost her fundamental rights to both privacy and public safety.

We beg you to demonstrate that you are listening to the LGBTQ community in New York City and that you are serious in your commitment to support the safety of queer and trans New Yorkers of color, especially Black transwomen.

Drop the charges.

Fight 4 Merci Collective

The following New York City based organizations have endorsed this letter: Audre Lorde Project, Black & Pink NYC, Black Youth Project 100 NYC, Center for Anti-Violence Education, F2L, Gay Men's Health Crisis, Girls for Gender Equity, Jewish Voice for Peace NYC, New York City Anti-Violence Project, Pop-Gym, Queens Neighborhoods United, Resource Generation NYC, Revolutionary Abolitionist Movement NYC, Showing Up for Racial Justice NYC, Survived & Punished NY, The Base, Transgender Law Center, and White Noise.

Nicole Addimando was trying to survive



Photo of Nikki Addimando with children

Survived & Punished NY is supporting the family and friends of Nicole Addimando, who is facing murder charges for defending herself and her small children against her abusive partner. The support campaign is currently focused on getting her out on bail after more than a year separated from her children before a trial which has no possibility of beginning for months to come. We believe that her case, like those of all criminalized survivors of gendered violence, makes visible basic injustices at the heart of the police/court/incarceration system - in her case, the money bail.

After surviving nearly a decade of domestic violence, our sister and friend Nikki Addimando shot her partner and father of her children (ages 3 and 5) in a struggle to defend her life. Now she is charged with second-degree murder and faces a lifetime in prison—ripped from her young children, and subjected to the abuse and dehumanization of our criminal justice system.

We urgently need to raise money for her legal defense. Any amount you gift will go a long way to securing justice and freedom for our beloved Nikki, as well as providing support for her and her children.

If Nikki goes to prison, it is not just she who suffers. Her children, her entire family, and her community will experience profound and long-lasting emotional, physical, and economic trauma.

Why she needs our help

Nikki lived through horrifying abuse—all of which will be revealed during trial. So why is she still being charged? The truth is our criminal justice system is stacked against women who suffer from domestic violence, and it's shockingly common for domestic abuse survivors to be incarcerated after defending their lives.

67% of women sent to prison in 2005 for killing someone close to them were abused by the victim of their crime (according to the NYS Department of Corrections and Community Supervision). And according to the ACLU, nearly **60% of people in women's prisons nation-wide—and as many as 94% of some women's prison populations—have a history of physical or sexual abuse before incarceration.**

Instead of offering protection, compassion, and healing, our criminal justice system becomes a continuation of abuse they have already suffered.

The evidence of Nikki's abuse is extensively documented by medical, trauma, and domestic violence professionals. Dozens of witnesses have reported seeing Nikki injured in public – including bruising, burns, and limb dislocation. Our judicial system refuses to acknowledge the dynamics of abuse and why women often can't leave.

How you can help?

Nikki's case is scheduled to go to trial in January 2019. She needs the best legal representation and expert witnesses possible, and that's why we need your help. Her family does not have the funds to sustain private counsel, and legal fees are estimated to reach over \$500,000. We cannot allow a lack of financial resources to determine the outcome of Nikki's case.

You can help Nikki in two ways:

Make a financial donation, as generously as possible. We have an immediate need for **\$50,000** toward legal fees, and an ultimate goal of **\$500,000** by early 2019

Please spread the word, and share this campaign widely with friends and family

Background

This incident occurred on September 28, 2017, and Nikki has since been incarcerated at the Dutchess County Jail while waiting for an indictment and trial—subject to hundreds of strip searches, ongoing surveillance, and other tactics that mirror the abuse she has already suffered.

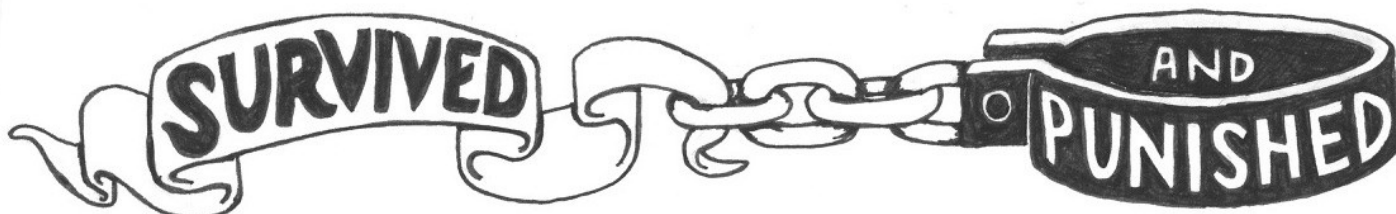
On June 1, more than 8 months into the case, Nikki's public defender was removed due to a conflict of interest, leaving her without adequate legal representation.

On June 5, supporters gathered outside the courthouse wearing purple to represent domestic violence—many with shirts saying We Stand With Nikki—to highlight the DV system failure and injustice in this case.

Following that court gathering, Nikki was briefly released when a replacement public defender filed a writ for habeas corpus, citing that the prosecutor did not get an indictment within a reasonable time frame. After 12 days reunited with her children, she voluntarily surrendered back to jail in hopes of making a bail application and proving she is not a flight risk.

On June 29, an indictment was handed up without the Grand Jury hearing testimony from Nikki or any of her witnesses. She was charged with second-degree murder, first-degree manslaughter, second-degree manslaughter, and second-degree criminal possession of a weapon.

On August 29, 11 months after the incident, Judge McLoughlin granted \$300,000 cash bail or \$600,000 bond, which her family is currently trying to meet.



SPOTLIGHT ON SESTA/FOSTA

Sex workers, whether they work on their own or in massage parlors or clubs, are criminalized for their work - even those whose work is legal, like the dancers in New Orleans who made headlines in 2018 by going on strike against police harassment at their jobs. They are often targets of violence: from clients, from police, from pimps or wanna-be pimps, from relatives who disapprove of their work. When sex workers defend themselves or their co-workers, they are further criminalized, in ways that are often similar to the ways targets of domestic violence are targeted for arrest and incarceration for defending themselves. Federal laws passed in 2018, known as SESTA/FOSTA, expanded this criminalization by making it harder for sex workers to share information about dangerous clients, to screen their clients, and to advertise in ways that lead to safer working conditions.

This section focuses in on these laws as a new way of criminalizing survivors of gendered violence. It includes facts that talk about the impact of SESTA/FOSTA and two more personal pieces about the new law written by Alisha Walker, a sex worker currently imprisoned in Illinois for defending herself and a co-worker against a violent client.



What is SESTA/FOSTA?

- ◆ Public Law No. 115-164, This Act popularly titled “Allow States and Victims to Fight Online Sex Trafficking Act of 2017” is essentially the amended culmination of FOSTA (HR 1865) and SESTA (SB 1693)
- ◆ Signed into law April, 11th 2018
- ◆ This Act makes allowances for States Attorneys to specially prosecute these cases.
- ◆ Created an expansive new civil liability for those websites with vague and undefined language.
- ◆ Created a new federal crime of operating a platform hosting third-party content which “facilitate prostitution,” which could include communities collecting and distributing information about violence, connecting with clients for the ability to screen or workers directly sharing safety techniques.

Coalition Work Updates!

Among the many city, borough and state wide coalitions of which Survived & Punished NY is working within, we have been participating and helping to build the newly formed DecrimNY coalition, which publicly launched on February 25th at a press conference and community rally in Foley Square.

Decrim NY advocates and organizes to shape New York City and State policy and public opinion around people in the sex trades. We seek to improve the lives of people who perform sexual labor by choice, circumstance, or coercion, people profiled as such, and communities impacted by the criminalization of sex work and sexual exchange.

The central tenets of coalition organizing are:

Decriminalize sex trade related offenses in New York that harm people who do sexual labor by choice, circumstance, or coercion, including sex workers and people profiled as sex workers, as well as people who purchase sexual services. Pass legislation and implement administrative policies that protect people in the sex trades from economic exploitation as well as interpersonal violence.

Decarcerate people who have been arrested on sex trade-related offenses so that people can move forward with their lives without lingering ties to the criminal legal system. Vacate criminal records related to prostitution and end the ongoing entanglement with the court system that the rescue industry produces.

Destigmatize the sex trade so that workers have access to housing, education, employment, health care, and other basic needs without restriction. Not everyone trading sex wants to continue doing so and we support evidence-based, harm reduction-rooted policies and funding that supports people's safety and empowers those seeking different work.

Follow the coalition's work here: www.decrimny.org
Or check out their social media pages on Facebook (Decrim NY)
or Twitter (@decrimny)



My name is Alisha Walker

I am a queer Black, multi-ethnic woman, a poet and artist, a member of the Support Ho(s)e collective, and an unapologetic former sex worker. I survived an attack on my life, and saved my former friend/fellow worker's life and now I'm in Hell--prison--because of it. When I began escorting, you did have to fear the police, but we still advertised online and were able to check into our clients, this helped cut down on the violence. But even regular clients can get violent, especially if they start out not respecting you as a human being and as a sex worker.

Those violent clients in the making know you are afraid of the cops because your work is criminalized. So they think they can get away with demanding you do things you don't wanna do, and try to make you ask for less money for your time and labor.

As long as our work is criminal, clients can do this. The cops already expect free services. That's violence. We have to deal with it everyday. But working online and advertising online did make a lot of escorts I worked with feel safer. It made us feel professional and able to take care of business. It also meant we didn't have to just rely on others to get us clients without us knowing anything about them. With this SESTA/FOSTA law, the government has upped the violence of already being called a criminal worker. They attack our safer ways to work, which means they attack us being able to survive and take care of ourselves, families, communities. I got brothers and sisters I was supporting with my work! I heard the government can also charge you now for sharing information about how to stay safe. What in the hell? This has got to stop.

They say it's to protect us, but I already can protect myself, and had to, and they locked me up for "saving myself" from violence so...We sex workers have got to get organized and fight this. We got to make sure they can't keep this "rescue" bullshit up and pretend they're helping us. We need to determine what's right for us as working people. We need to feel safe and respected. I wrote this poem called "Battle" in honor of December 17th, International Day to End Violence Against Sex Workers. It's gonna take all of us to fight this hatred of us, and we need you to fight alongside us now. If you support sex workers rights you are supporting all other kinds of rights too--because it's the most diverse and marginalized profession out there. Show up for us.



"Battle"

by Alisha Walker

How did I get here? What wrong did I do?

Defending myself? I guess was the wrong thing to do.

They said I should have laid down, that I should have gave up and quit.

Should have been a compliant little whore. Gave into a trick. That I have no right to say no, I don't deserve to choose "She's nothing, she's useless, what's she going to do?" My escorts, workers, my family, you feel my pain, as I do you.

Listen

They have a plan: "take away our little security,"

Kill us off, decrease our numbers, divide and conquer

But they forget, we are mothers, daughters, partners, and friends. We have our own army. We will never end! We're survivors!

When you knock us down, it makes our skin tougher See....

We are a different breed

They fucking envy us! So they try to make us bleed.

We've lost so many in this war.

Just to name a few...

Hande Kader,

Alphonza Watson,

January Seraph,

Yang Song,

Sisi Thibert,

Alloura Wells

So listen up!

We as a community have shit to do. Stand! In solidarity!

Because this is a fight for our lives, WE WILL NOT LOSE!

Join SURVIVED & PUNISHED NY

For folks outside:

Survived & Punished NY has monthly general meetings in New York City: coming to one is the best way to get involved in our work to support and free criminalized survivors of gendered violence. Working groups for our different projects hold their own meetings as they plan events and do their ongoing work. Right now the working groups are: the Mass Commutations Campaign; District Attorney Accountability; Commissary Giving Circle; and Free : Survivors Newsletter. Get in touch with us to find out when and where the next general meeting will be: survivedandpunished@gmail.com

For folks inside:

We are still learning what the best ways are for folks to be Survived & Punished NY members while inside, and shaping that together. So far, the main ways of being involved have been as part of the Mass Commutations Campaign: sharing stories that can be made public, writing open letters to Governor Cuomo, &c. Writing or making visual art for this newsletter is another way. Some folks have requested the curriculum that Survived & Punished wrote on domestic violence and criminalization, so they can lead discussions where they're being held. But we know those aren't the only possibilities. We'd love to know what **you** think, and what you'd be interested in being part of.

Write to us: Survived & Punished NY c/o Bluestockings Books 172 Allen St, NY, NY 10002

Commissary Giving Circle Survey

Enclosed with the newsletter, you'll find a survey that the Commissary Giving Circle working group of Survived & Punished NY is distributing to folks who are now, or have recently been, incarcerated in New York State. We are seeking your help as part of a project to educate the public about how commissary works in New York state.

We'd like to learn from your experiences:

What commissary items are most useful to you?

How much do these items cost?

What challenges exist to getting these items? etc.

Enclosed with this newsletter is a survey about your experience with commissary and care package policies in different facilities. Please let us know whatever you'd like, and **thank you** for taking the time to share your knowledge and perspective with us!

Hello!

This is a survey about your experience with commissary and care package policies in different facilities. Please share whatever you feel comfortable sharing. Thanks for taking the time to share your perspective with us!

Name of facility: _____

What are your top 5 most-wanted commissary items (that you don't already have)? How much does each cost?

What are the top 5 most useful commissary items (that you already have)? How much did each cost? Where did you get it from?

How often are you able to buy things from commissary? (For example, every week, every two weeks, once a month) _____

About how much money do you spend on commissary per visit? _____

About how much money do you spend on commissary per month? _____

Are there commissary spending limits at your facility?

Are there limits on how much commissary money each person can receive at your facility?

Can commissary access be taken away?

What useful items CANNOT reliably be found or purchased via commissary? (i.e. What isn't available? What runs out quickly?)

When you want to buy something at commissary, how does the process work? Do you submit requests in advance? If you want to buy something that's unavailable, do you exchange it for another item? If so, how?

Are there any items that you aren't allowed to receive from the outside? If so, what are they?

About how much money do you receive from friends and family? Do you receive it on a schedule, or on and off?

Where/how do you tend to eat meals? At the mess hall? Via commissary? Via packages/visits from friends and family? Are you able to cook for yourself? If yes, how often do you do so?

Do you prefer to get food and supplies through packages or at commissary? Are there specific advantages and disadvantages to packages vs. commissary?

Do you have a job? How much do you earn an hour?

What do you like to do for fun?

Would you be willing to stay in touch with us about policy changes at your facility?

Please fill out and mail to:
Survived and Punished % STEPS
Ami Tian
PO Box 287326
New York, NY 10128

