

# **Surviving a Grand Jury**

**Three Narratives from Grand Jury Resisters**

CrimethInc.

27<sup>th</sup> December 2017

# Contents

A Few Words about Grand Juries . . . . .	3
Three Who Fought the Law and Won . . . . .	3
A Knock on the Door . . . . .	3
Threats and Pressure . . . . .	5
Jail Time . . . . .	9
Life on the Run . . . . .	10
Maintaining Mental Health . . . . .	12
Release . . . . .	13
Afterwards . . . . .	14

## A Few Words about Grand Juries

Grand juries serve the state as a sort of auxiliary legal proceeding to force people to inform on each other. A grand jury isn't a criminal trial; there's no judge present. It takes place entirely in secret. As a witness, you can't even obtain transcripts of your testimony.

Only the prosecutor and the jurists are allowed in the room with the witness. The jurists are chosen according to the prosecutor's agenda and not screened for bias. The grand jury doesn't have to inform you about the details of what they are investigating; you have no way to know what information might be incriminating for you or another person.

Grand juries suspend Fifth Amendment rights. They can subpoena you and give you "immunity" in order to force you to testify; if you refuse, they can jail you for up to eighteen months. This immunity does not protect you from prosecution; it only stipulates that the information you personally provide cannot be used against you, although the same information provided by someone else can be.

All this explains why people who do not want to be complicit in enabling the state to persecute communities refuse to give any information to a grand jury whatsoever. You never know what detail might be used against someone else. Even if no one is guilty of any crime, providing information to a grand jury can result in ongoing legal harassment that can ripple out and affect many people.

Grand juries serve to gather information on dissidents far beyond what police and prosecutors could gather on their own; they have been used to isolate, divide, and destroy social movements since the 1960s. Grand juries are currently being used to target anarchists, anti-fascists, and indigenous water protectors who struggled at Standing Rock.

If you're subpoenaed by a grand jury and you decide to resist, you have two options: show up in court and refuse to testify, then serve time in prison for contempt, or go on the run before your first court date.

## Three Who Fought the Law and Won

The following stories are from three comrades: **Esme**, who served jail time for resisting; **Devlin**, who went on the run rather than cooperate; and **Cora**, who was the partner of a grand jury resister and supported them before, during, and after imprisonment.

We're deeply inspired by the choices these people made in resisting the state. We hope that if you ever have to face a grand jury, criminal charges, or police harassment, their words will give you strength and faith in yourself. It can help to learn from the experiences of those who walked in your shoes before you—to know that you are not alone.

## A Knock on the Door

**Esme:** I remember when those douchebags first came to my door. I particularly remember the tall man with sharp features and creepy blue eyes. He knocked on my door at 6 am. When I answered, still half-asleep, he said, "Oh, hi, sorry to wake you. I saw through your window that you were sleeping. You know this is my least favorite part of the job." He was there to subpoena a friend of mine. I slammed the door in his face. Over the following months, my friends got

served their subpoenas and had to go to court dates. I helped to organize support for them. At the time it felt like an agent was lurking behind every corner—and the tough part was sometimes they were.

**Cora:** I was awoken that morning by my partner, who was in shock. Federal agents had come looking for a friend and former housemate of ours. They wanted to serve him a subpoena to testify before a grand jury. The days that followed were a flurry of hushed conversation, larger displays of solidarity, crying, and panic.

Our house was awkwardly built with four doors to the outside and many windows. It wasn't the greatest layout for feeling protected when paranoia struck. I was home alone one evening when I heard car doors slam outside our house. This wasn't strange for our neighborhood, but my fear of the feds turned every sound into impending arrest or another subpoena. This time, it was federal agents. A group of five medium-to-large men with flashlights, in black clothing, began assessing our home from the outside, starting near my partner's bedroom door, around to our backyard, around the side yard and completing the circle up front. I stayed hidden. I was afraid they would enter the house, thinking it to be empty, and corner me there alone—but they only seemed interested in our yard and our home's exterior.

It was after this that all of us—my partner, and housemates, and I—decided it was absolutely necessary to move. They had already subpoenaed the people they had originally been searching for. Why were they still coming around? What did they want with our house? We weren't under the illusion that a new house would provide more safety, but the anxiety mounting in that space was beginning to feel overwhelming and we needed a change of environment. We found a new home quickly and eagerly moved in. We had just begun to settle in when the FBI visited us again.

**Esme:** One day two men were lurking outside my house. I pushed away what I thought was an irrational paranoia. I let myself believe they were Mormon missionaries. I walked outside to my car and they addressed me by my name. I shut the car door and ran into my backyard. I couldn't think fast enough. I fumbled with the latch on the gate and they yelled after me that they had positively identified me, so the subpoena had been officially served. I turned around and grabbed it out of their hands. They offered to take me into the grand jury right then. I didn't answer them, but walked into my house and burst into tears. I remember crying and repeating the words "I don't want to do this, I don't want to do this" over and over again as my friends read the subpoena. I knew what it meant by that point, as several of my friends were already in jail over this shit. It never occurred to me to do anything other than resist, but I was terrified.

**Cora:** When my partner was issued a subpoena it felt like a nightmare. It was the same grand jury that had already subpoenaed our friends, who were now serving jail time for resisting. None of us felt we had the tools to navigate what was ahead of us. I treated it like a job, because there was so much we didn't know.

**Esme:** I called a public defender and explained the situation. I told him that I intended to not cooperate. He said in a condescending tone, "Oh you can't just NOT cooperate with a grand jury subpoena." I explained that I knew exactly the consequences: eighteen months max in jail for civil contempt, and that I was prepared to do it. I told him that if he was going to represent me he would have to respect that. After that he never questioned my resolve once. Ultimately, I would have to educate him about how grand jury resistance works.

**Cora:** It surprised me how little the defense lawyer understood about grand juries. Maybe that was just me giving too much credit to lawyers, cause I was like, you go to school for eight years for this, you should know what's going on. It boggled my mind. Luckily, we were able

to talk to other, radical lawyers. There wasn't a lot of information online, and a lot of it was contradictory. So we talked to lawyers who had explicit experience in political cases. It's not that our lawyer was incompetent, it's just that grand juries are so outside the scope of regular court cases—to the point that the lawyers can't even be in the room.

**Esme:** Just like my lawyer, my parents initially encouraged me to “consider my options.” I told them flatly that I knew I was going to go to jail over this and that if they wanted to visit me while I was in jail they were going to need to respect my decision. In this one conversation, our relationships changed from a parent/child dynamic to one of adults. Being clear and upfront with both my parents and lawyer about how this was going to go it made it much easier for all of them to support me in the ways I needed. This meant they never pressured me to cooperate even if they didn't understand my ethical reasons for non-cooperation.

**Cora:** No one knew how long punitive detention for refusing to cooperate with a grand jury subpoena would actually be. One isn't sentenced to a particular length of time, but attorneys told us that eighteen months was the maximum. We were told to expect the maximum because of my partner's public refusal to cooperate and the overt political nature of the investigation. We went from meetings amongst friends, to meetings amongst family, to meetings with attorneys, to phone calls with comrades trying to gather as much information as possible in the short time before inevitable incarceration. We stayed busy.

The wait was agonizing. No matter what we did amongst friends, amongst our political milieu or in our romantic relationship, I never felt prepared to have my partner's physical and emotional presence stripped from my life. I never felt prepared to watch them experience detention and isolation. We talked with people who had experienced similar repression, made plans for communication, strengthened our relationship while supporting one another through the trauma of uncertainty and constant harassment from the State. We made big banners for demonstrations and, after, hung them in our house as encouragement. We even got married in order to grant ourselves some luxuries and legal rights regarding prison visits and attorney-client privileges.

**Esme:** We'd had some time to talk out scenarios before this happened, and we decided to get married—not out of love, but practical necessity. We knew that was the only way Cora would be able to visit me. They would continue to be an unwavering support person to me through the hard months to follow. Thankfully, they were not the only person to rise to the occasion. Many friends and loved ones showed up to hold me up and support me. Friends would come by our house and drop off food and treats and gifts on the regular. This isn't to say everything was rosy—the stress of the time definitely reverberated throughout our friendships. Many stepped up to mediate conflicts—it really did take an extended community to support us.

**Cora:** In those days leading up to Esme's incarceration, we were hardly ever alone. It would have been easy to be isolated as a couple, to feel trapped in this intense experience that was effecting the two of us most intensely, but luckily that didn't happen. I think that's part of why our relationship has stayed as strong as it is through all of this—even when friends couldn't always show up in the ways I wished they would, we were really held by a large community.

## Threats and Pressure

**Esme:** After the subpoena, the prosecutor hurled all kinds of threats at me. I was told I would be charged with criminal as well as civil contempt and other crimes if I refused to cooperate. The

paranoia that had been a dull roar in my mind increased to full-blown panic. I blamed myself for lack of vigilance for letting myself get subpoenaed. I had been anxious before, but now I started to experience more intense panic. It was getting more difficult to determine which fears were worth paying attention to.

We knew from affidavits in the case that some of us had been followed, so it would make sense to believe I was being followed. Sometimes I would see an SUV with government plates parked outside my house—but that blue-eyed man who came to my door the first time had been driving a beat up old Pontiac. So there was really no way of knowing how deep the surveillance went.

Sometimes clearly absurd fears would enter my brain and I couldn't push them away. Once I was driving and heard a series of ticks and beeps. I began to fear a bomb had been planted under my seat. I sat stopped at a red light and considered my options. I was almost certain this wasn't real, but the Feds had bombed Judi Bari's car this way in 1990. But surely I was not as high a priority as she had been. Waiting for the light to turn, I couldn't reason my way out of this. I pulled over into a Burger King parking lot and got out of my car. I walked a safe distance away I waited a few minutes before cautiously approaching the vehicle again. I checked under the seat, then under the car itself: nothing. I felt the seat for anything inside it: nothing. I got back into my car, took a deep breath, and got to work just a couple minutes late.

Experiences like this helped me develop a framework for how to handle these kind of fears. I created a set of four questions, and for each one I'd either ask a friend's advice or imagine what advice they might give. The questions were:

1.

How likely is it that what I fear right now is real? What evidence do I have for it? Has this happened to others?

1.

If what I fear is real, how serious of a threat is it to me in this situation?

1.

Can this situation be addressed? Is there anything that I can do to make myself safe from this?

1.

How costly or inconvenient is this precaution? Is this response illegal? Could I get hurt or get in more trouble?

Using this framework, it made sense to get out of the car to check for a bomb. Though the likelihood of the threat being real was remote, the precaution I took was low cost and only made me slightly late to work. Having this structure helped me feel like I was doing all I could to keep myself safe.

Often, in scary repressive situations people oscillate between feeling strong fear and then pushing it out of their mind—without taking basic precautions to handle what they're afraid of. Dealing with repression is about risk management. We can't be completely safe from the state or from the far right, but there are steps we can take to mitigate some of the potential harm. Since then, I've used this framework with households and other groups to assess risk from both feds and neo-Nazis.

**Cora:** As Esme's court date approached, we rented a hotel room with friends and talked all night. It was moments like this that kept us going, and something worth doing if you're facing any kind of repression, because everything will feel like shit. In hindsight, I realize there are a few things I would have done differently, especially around asking for support. I mean we got amazing support, especially all the fundraising and one friend who gave us a few hundred dollars

to cover Esme's rent and car insurance and stuff. At the time I didn't want to ask for support just for me because it felt like a finite resource. Thinking about asking close friends for more than just basic friendship felt like taking something away from others. I didn't really realize how the experience was affecting me. I also don't know how receptive I would have been to someone saying "this is just time for you." On a certain level, I wasn't able to do all the intense support I was doing and also check in with all my emotional needs. Esme was the same way, and we brought that out in each other. We both stayed really task-focused.

**Esme:** That night in the hotel I could feel my freedom slipping out from under me. I hadn't seriously considered going on the run, but in that hotel room it suddenly seemed so appealing. How was I going to walk into the hands of my enemies the next day, when I could just as easily breathe the free air for another day? I thought about trying to live underground in the States or leave the country and start a new life under a different identity—but both would have to be indefinite if not lifelong exile, which seemed hard to imagine. Jail time at least had a max of eighteen months, and it seemed like most people usually did more like six. And I could get letters from my loved ones, something much harder to pull off from underground. So, going on the run seemed like the harder option, although it perhaps represented an even larger middle finger to the law. I reconciled myself to my choice.

I spent the night embracing my friends and watching Mean Girls 1 and 2 (spoiler: the second one is terrible, don't bother). I appeared at the courthouse the next day delirious from lack of sleep but ready to face my incarceration.

**Devlin:** I didn't decide to become a grand jury resister on the day the federal agents emerged, seemingly out of nowhere, forcing their subpoena into my unwelcoming hands. Decisions like this are rarely made in the moment. For me, it would be more reasonable to say I started to make this decision five years before I was subpoenaed, when I first learned of Dr. Abdelhaleem Ashqar. At the time, he had just been sentenced to eleven years and three months for resisting grand juries in New York and Chicago. A fighter for Palestinian liberation, Dr. Ashqar was jailed several times between 1998 and 2007 on civil contempt charges. These were intended to coerce his testimony to a perennial grand jury investigating Palestinian nationals on racketeering charges. As exhausting as the protracted struggle must have been, Ashqar was unyielding in his defiance, refusing to implicate anyone, saying in court that he refused "to live as a traitor or as a collaborator."

In 2007, the case came to a head. As they admitted defeat in turning Ashqar into a state agent, the law played their final trump card: a punitive prison sentence, meant to strike fear into all of us watching from the sidelines. For me, as I'm sure for many others, it didn't have that effect.

I was in awe of Ashqar, of his contempt, in the choices he made to reject his status as innocent witness and take on the complicity of solidarity. Resistance felt alive and real to me in that moment. I decided then that if ever I was called upon to resist a grand jury, a thought that seemed impossibly far away to a young anarchist who had yet to see the inside of a jail cell, I would try to breathe as much fire into the legacy of grand jury resistance as I was capable of.

I wanted my resistance to be as defiant as it could be. I didn't want it to be based on the fact that I was "innocent," but rather to be a clear and outright refusal of everything they wanted from me. I hoped that this complete defiance would inspire others as Dr. Ashqar had inspired me.

I also thought about it from a security standpoint: my brain was like a hard drive that stored valuable information, and I had no way of knowing what stray detail I remembered could be used

to incriminate comrades of mine. So my perspective was that the best way to prevent the state from having access to that information was not only to encrypt the information (stay silent) but also to never give them physical access to the hardware (in this case my body). Thus, I went on the run.

**Esme:** On the morning of my court date, my parents, my partner, my lawyer and I got coffee across the street from the courthouse. My lawyer noticed a stocky man with a military haircut holding a newspaper in front of his face and staring at us. My lawyer said we should talk outside. For my parents, this one fairly minor act of surveillance seemed to shatter their cherished view of a benevolent government.

A number of people had shown up to the courthouse to support me, including some older folks who had done support for grand jury resisters in the 70s. I met two who had been part of an urban guerrilla group back then and wished me their support. One of them told me about an oath that they used to say to each other back in the day:

If ever I should break my stride, or falter at my comrade's side

This oath shall kill me.

If ever my word should prove untrue, should I betray the many or the few

This oath shall kill me.

If ever I withhold my hand, or show fear before the hangman

This oath shall surely kill me.

It was powerful to feel like included in a tradition of resistance, even if some of our political inclinations were different.

I walked in to the courthouse with my lawyer. We were led to the third floor where two men introduced themselves as prosecutors. One of them was the man with the creepy blue eyes and sharp features I had seen months earlier on my doorstep. When my lawyer introduced himself, the blue-eyed man identified himself as the lead agent on the case.

I remained silent while my lawyer schmoozed with the prosecutors, and then I entered the grand jury room with them. My lawyer, of course, had to stay behind.

The room resembled a community college classroom. It had an overhead projector and the dozen or so jurists sat in chair/desk combos arrayed in rows facing me. I was at the front of the room as though I was a guest lecturer. The prosecutor asked me my name and date of birth. I told him. Then he asked me where I worked and I figured it was as good a time as any to start resisting. I stammered out a refusal. He then asked me a slew of questions: peoples names, where I was on certain dates, where others were on specific dates. With growing confidence, I refused to answer each question. As I wasn't allowed to have my lawyer present or record any of the questions, I would ask for a break after every three questions and go into the other room and write them down so I wouldn't forget them. This way I could share what they were asking about with everyone else, and make this secret process more transparent. Leaving the room frequently was also a way of demonstrating to my lawyer and others that I wasn't answering their questions, so there would be no doubt.

After a dozen or so questions and refusals, the prosecutor said he had heard enough. As I got up to leave the room, a jurist in the front row smiled and raised his fist in salute to me. I still



wonder to this day what that guy's deal was. Maybe he had something to do with the outcome of things? But I may never know—that's the thing about repression, there are so many bizarre unknowns that you just have to accept.

After that I was taken in front of a judge, granted immunity, questioned by the grand jury again and refused again. By the time all this was over the workday was over and I was given another court date a few weeks away. It felt a bit anti-climactic. I had prepared myself to go to jail. I had packed up all my stuff, found someone to rent my room, and now I had to go back to my house where I no longer really had a room and kill time until I went to jail.

As I waited, I searched for ways to prepare for what really can't be prepared for. I talked to more former political prisoners who offered incredible advice and emotional support. I made plans with my partner, parents and friends about my support.

After another court date I was given a self-report date and at 9 am on a grey morning, after all that waiting, I gathered with a small group of comrades and my parents to say goodbye. As the time approached for me to go in I started to hug people goodbye I started crying and an older comrade grabbed me by my shoulders and looked into my tear-filled eyes and said "Hey, you've got this! Seriously, don't doubt it for a second, you've got this!"

That phrase would come back to me often in the following months.

## **Jail Time**

**Cora:** I wasn't prepared for what it would feel like to have my partner be so physically absent from my life. While Esme was in jail, I focused all my emotional energy on supporting them. This involved writing long letters every day, micro managing their support, talking with friends about our visits, meticulously planning my trips to visitation and really trying not to plan for life after they got out. I tried not to think about the future. They could be in for over a year, and at the end of that could end up indicted as part of the ongoing investigation. There was also the fear that I would be indicted as a result of the grand jury's findings. The future was so unclear that the present was all I could grasp.

I buried myself in work every other day of the week. Shortly after my partner's subpoena, I took on a second full-time job. I used my 60- to 70-hour work week as a way to exhaust myself and dissociate from the trauma I was incurring. It gave me purpose while I felt aimless and heartbroken. I withdrew from many friendships and stayed firmly in high-functional crisis mode. If you had asked me at the time what kind of support I needed, I wouldn't have been able to say. I felt like any care someone gave me was taken away from Esme. In retrospect, I'd do a few things differently. But I do think it was important for both of us to focus on practical details and things we could control. It wasn't until much later that we both realized how not okay we had been.

**Esme:** When I walked through the front door of that jail, I was shuttled between various booking rooms for hours. Around 11 am, I was given a ham sandwich and some pudding in a brown bag. I decided that if the state wanted to lock me in a cage and attempt to ruin my life, I would resist by making my time in jail the best thing that had ever happened to me. I looked at that ham sandwich on white bread and decided that I was going to eat as healthily as I could for this meal and all the ones to follow. So I left the white bread and pudding in the bag. It sounds weird but this helped me feel like I was regaining some amount of agency.

They took me in front of a guard sitting at a desk who called himself a counselor. He asked me a slew of questions to figure out if I was eligible for placement in General Population. I tried to answer every question so that I would qualify. I remember him smirking and rolling his eyes when I told him I was straight. But at the end he said I looked like I was eligible for GP. He sent me back to a holding cell, then came back a while later and inexplicably took me into the solitary confinement unit and put me on cell alone status. The guards told me, “Since you haven’t committed a crime, and you’re being held here coercively not punitively, we can’t house you in GP with criminals.” I responded that my co-defendants were in GP, but they didn’t offer any other explanation. I found out later that at that same time my co-defendants were being transferred to other solitary confinement units as well. It’s clear to me that the prosecutor was trying to apply extra pressure to us to get us to break.

I woke up the next morning at 6 am to a tray of warm food being slid through the trapdoor inside my door. I again picked through for the less processed seeming parts and ate them, even though I wasn’t hungry and wanted to keep sleeping. I figured I would take what I could get.

After breakfast, they asked me if I wanted to go to the rec yard. I had assumed I would be in this one cell all day and jumped at the opportunity to get out. They put me in what passed for a rec yard in solitary, which turned out to be a triangular cell with chain link fence on all sides and a vent through which cold air blew but you could see the sky if you stood in the right place. It was barely larger than my cell and it was so cold I couldn’t really do anything other than shiver. After that, I stayed in my cell during rec time.

I started journaling: planning out workouts and other self-improvement activities. In the evening a cart came by my cell and I was told I could pick two books from it. I picked out the longest one I could see. Then scanned the titles for anything familiar, to my surprise I found an Octavia Butler book I had been meaning to read. The familiar author brought warmth and joy to me when I was confused and alone. Her writing, bleak but yet so honest and nuanced, felt like just the emotional tone I needed set going into the next few months of my life.

I asked about phone calls and was told that I could make one 15-minute phone call each month. It seemed unbelievable, but it was true. I would have to be sustained by letters. On the third day, when I started receiving them, everything got so much better. The guards seemed resentful of having to read all my mail but their resentment just made me feel better and better. The first book I received was *Vida* by Marge Piercy, which follows a woman in a fictionalized Weather Underground type group as she tries to survive living on the run. I knew some of my comrades who had also faced repression had gone on the run, but I had tried to avoid any contact with them or knowledge of what they were going through so as not to lead the authorities to them. *Vida* made me feel connected to what they might be going through. The story doesn’t glorify life on the run—it left me feeling like I was the lucky one to be safe in a cell rather than precariously waiting for the cops to come busting my door down like my comrades surely were.

## **Life on the Run**

**Devlin:** At the beginning of my time on the run, my comrades and I had to leave the area quickly and figure out a more concrete plan along the way. Much of the work hinged on having a network of solidarity and computer skills. It’s actually quite a bit of work to protect yourself digitally. I

won't go into specifics, but the skills we needed were not those we could have learned on a whim. We were able to do it because we had years of experience to draw from.

At one point, a security breach meant that we had to relocate for fear of being tracked. We relied on the quick thinking and very generous solidarity of comrades from all over who helped tremendously with our transition. This type of anarchist solidarity was invaluable and without it we would never have been able to do what we did.

Getting needs met like health care and money were major obstacles. Over time, living in a situation not of our own choosing was physically and emotionally detrimental. We had organized our lives around fighting the state. Suddenly, when we didn't have any fight to do or decisions to make, our camaraderie eroded. Bonds between close comrades started to break down and I felt trapped and without an outlet or shared fight to channel my energy into.

Those stresses caused health problems which became harder and harder to address because I was on the run. These compounding effects became major obstacles.

At home, I had lived through highs and lows of struggle and repression but they were shared highs and lows. All of a sudden, no one around me understood the constant crisis I was going through or even why I had moved to that place at all. People didn't even know my real name, yet I was trying to build authentic bonds of camaraderie with them.

I remember once a cop showed up at my house and they waited at my door and wouldn't leave. My mind raced. I remembered that I had mapped out a way to escape by jumping between rooftops, but I hadn't tested it and didn't know if it would work. I had this internal freakout but I quieted my fears because I would have to deal with the implications later. Right now, I just needed to get out. My body became weirdly calm as I went through the house burning everything that could be used to identify me. I also ate a package of cookies cause I didn't know the next time I would be able to eat. I sent word to let friends know what was going on, got a backpack together for my rooftop journey, and looked out the window one last time—and the cop was gone.

Friends later found out through social engineering that the cops were involved in something entirely unrelated, and we were able to return to that spot. Even so, it was incidents like that that shook my nerves so much. The simple act of interacting with a cop—something many people would consider routine—would have completely changed my life at that time. I lived in constant fear of having to interact with law enforcement.

I see how I needed every moment of that build up, all of the reinforcement of self that I put into the previous ten years to get me through the experience intact. When the focus of the radical left had moved on to the next crisis, when I hadn't seen my dearest friends in years, when I was puking blood from a mysterious illness with no way to see a doctor, when I didn't even have my own name to give coherence to my words, what I did have to hold onto was the promise I had made to myself—and implicitly to all others engaged in struggle—that I would put everything I had into the fight. Prolonged psychological dissonance can really disorient, subjecting what seems like our strongest foundations to deterioration. Anarchy became the one place to which I could recede that remained intact; resistance struggles the thread that connected my past to a possible future.

## Maintaining Mental Health

**Esme:** As the days became weeks, I got some basic stuff on commissary and had a routine planned in half-hour increments so I would always be busy. I was teaching myself to eat and write with my left hand, practicing Spanish in the evening, reading Foucault in the morning, writing three long letters after dinner, and starting to meditate.

My cell looked west out over a park, but the tiny window was opaque and foggy. There was one corner, though, where the clear epoxy that sealed the window hadn't been fogged over. Through that tiny gap I could make out two trees in the distance on a hill, silhouetted against the sky. I would watch them for hours as the light changed. I still feel a happy sense of nostalgia when I think of how beautiful those two trees were. Since my release I've gone back and tried to find them, but none of the trees really seem right. Maybe they have been cut down, or maybe I imagined them.

Every now and then the guards would transfer me to another cell. None of the others had a view like the first one. One cell was so cold my bones ached from the pain of it, and I couldn't sleep. I asked for a second blanket but they never gave me one. This was the hardest time: I felt so alone and sad, and not being able to sleep much made everything harder. If I slept during the day when it was warmer, I'd be up awake at night with no light, unable to read or distract myself from my thoughts, which were often dark. When the dark thoughts came, I would do ten burpees and then sit for a minute and scan how I felt, and do it again, as necessary. As bad as that was, I could hear other inmates having harder times—once I heard one pounding the walls and screaming about being suicidal. A unit of cops in riot gear beat them until they were quiet. Incidents like this were impossible to ignore, because they stood out so starkly from the monotony of my days, but each time they happened I was plunged into much darker thoughts.

After the cold cell I was transferred to one with a window that faced a wall, and no mirror. This detail may seem insignificant, but my ability to see my reflection had previously allowed me a sense of identity that was suddenly lost. Without an image of myself or a companion, my mind became a stranger and stranger place. I looked inwards and saw nothing. So instead I turned to my letters. It was these correspondences that gave me a sense of self. I was not an island but an amalgam of my relationships, conversations, and collective passions. Whether I was working out, meditating, eating, reading, or writing letters, I was doing it to strengthen my interactions with the outside world. I lived off of the letters, zines and books I received.

Right when I'd learned how to handle the cold isolation and identity crisis of solitary confinement, when I felt ready to endure this for the next sixteen months, I was transferred to General Population.

It was nothing like what you see on television.

People were initially suspicious of me, as I didn't have the normal paperwork that other inmates had. My story didn't quite make sense to some. Most people had never heard of civil contempt. Once I was able to show them a newspaper clipping about my case people started to trust me. Then I met an older bank robber, John who said he had been in prison in the '70s, the same prison, in fact, as the ex-urban guerrilla folks who had come to my court date and shared their oath with me. I asked John if he knew those people and he did a double take. He said, "Holy shit, you're into that stuff?" I said "No, no, no, they are just friends of mine—but we believe in a similar cause."

After that John, dedicated himself to looking out for me. He said that he missed the old days of principled convicts who didn't betray each other and he saw me as staying true to that legacy, I was flattered.

I made other friends in general population, kept up with my workouts, started to fall behind on my correspondence, played cards, tried to explain anarchism to people and generally had an OK time. One thing that I found difficult to navigate ethically was racial politics. I am white and thus I had to sit with white people at lunch, watch the white TV, etc. I tried my best to buck these rules and build friendships with people of color, since I'm ideologically opposed to white separatism—moreover, some of the other white inmates were affiliated with white supremacist gangs. One way I managed to do this, oddly enough, was by hanging out with evangelical Christians. The Christians were organized on a multiracial basis. Though I didn't go to their Bible study I would work out with them, and play cards and chess with them.

In some ways time went by fast as I started to build real friendships with other inmates based on emotional support and vulnerability. I was also able now to have hour-long contact visits with my partner and my family.

**Cora:** The waiting room, the same room where I last saw my partner before they were taken into custody, was grey. The walls were large, painted brick interrupted by the occasional bulleted list of rules and expectations. I always arrived right when visitation hours began. We waited there until the guards called visitors up in groups to go through security.

I and handful of others, often families with children, were led through a long series of heavy doors to the visitor area. As we entered the room, I watched as people recognized one another, briefly hugged and sat to talk with their incarcerated loved ones. I didn't see my partner, but thought maybe they would be one of the few inmates trickling in. Over the following few minutes, my mind went directly to the worst-case scenarios. I knew they were in solitary confinement. Were they hurt? Were their visitation privileges rescinded? Did I misunderstand the visitation guidelines?

A guard came from behind and asked me to follow him. I was led into a small room off the main visitation room. This room had two small television screens with telephones attached. The visitation wouldn't be in-person but over the screen. My heart sank as I waited for a familiar face to appear on the screen. Their body was small on the screen, the camera was an awkward distance from where they sat. This made our communication feel less personal. I remember moving closer and closer to the screen instinctively, trying to hear their words more clearly and see their face more clearly. The visit was brief. It was hard to know what to talk about with one another. I can't quite remember how long visitations were, but I do remember that video visitation was shorter than in-person ones. Our time together was via video for the majority of their incarceration. Two visits in a row, the video wasn't working, so we could only communicate over the audio.

## Release

**Esme:** At a certain point, my co-defendants had all been released after refusing to cooperate. I was the last of us left inside. After a few more months the judge finally determined what my comrades and I had known: that my incarceration had become punitive since there was no way I was going to cooperate. Much earlier than I'd expected, I was released back into the world.

**Cora:** I had almost no warning that Esme would be released. It was so surreal. It might have been the day before, or the day of—I ended up getting a call for our friend letting me know. I was preparing for eighteen months; we'd gotten married, I had my schedule down for visitation. We had a system, and we'd been getting good at it, and then it was suddenly over. I hadn't planned for what would happen after. I felt like if I started to think ahead, I'd get caught up in longing for that. So when they were released, I didn't even know what to do. It was hard to even feel relief, since the grand jury was still convened and the possibility of future subpoenas and indictments still hung over us. It seemed impossible that three or four people would be incarcerated over this for months and no indictments would follow. Esme was home for now, but would it even last? Or would I be the next one taken in? A lot of us had experienced being detained or mass arrested, things that were a direct result of certain conflicts with the police and state, but this felt like a different category. It's not like there was a sentence to be served and then it was over. We had no timeframe for how long we had to wait. One lawyer identified the date they thought the grand jury convened, but because they could always reconvene and subpoena more people, it never felt like there was an end. It just hung over us until it eventually dissolved into our past. But I put it in the back of my mind because there wasn't a lot I could do except keep functioning.

**Esme:** The shock of release was intense. Riding in a car felt so bizarre. I had lost so much weight none of my clothes fit. I had picked up strange mannerisms and new anxieties. But I was overjoyed to be with my comrades in the flesh again. The collective trauma we all experienced brought us much closer and forged powerful bonds that continue today. Some of my friends would stay on the run for years after, but that's another story. There were some who betrayed their comrades and capitulated to the state's demands. I won't waste my breath on them, except to say that their mistake was tremendous. They lost all their friends and endured just as much trauma as any of us, but they cut themselves off from any support because they chose to throw others under the bus. Not only was their decision unethical, but in the end it wasn't even self-serving. My experience was painful and lifechanging. Many years have passed and I'm still healing from it, but I do not regret my decisions for an instant.

## Afterwards

**Cora:** Now that this is as behind me as it will ever be, I can see the ways it has shaped me. I moved out of town and onto a farm, in part because of my fear of the police. I had so many traumatic experiences about having them in my home. On the other hand, I feel much stronger and more capable than I did before—specifically, I know exactly how to do this and I could do it again. I know how to navigate the prison system, and I have much more empathy for incarcerated people. When I write them letters now, it feels more personal. I'm also proud of how I was able to build relationships that held a foundation for us all to hold each other through this experience. It helped us get out of the theoretical realm and solidify what we really think and believe. Being able to watch someone I love so much make those decisions based on their personal beliefs was inspiring. We can also say of course we would never crack, but it's interesting to see someone actually rise to that challenge. It made it seem possible for me, because I was terrified I was going to through the same thing.

**Esme:** When I first got out, I thought I was fine. It wasn't until years later that I realized how not okay I had been. Thanks to therapy, hallucinogens, learning about trauma, writing and the

loving patience of friends I've healed a lot. I'm forever changed but in many ways I am stronger and I'm able to come to anarchist struggles with a focus and intention that I learned from my experience.

**Devlin:** After several years had passed we assumed that the grand jury had ended, since usually they have expiration dates. But even so lawyers I had talked to suggested that if I ever interacted with police again in my life I would certainly go to jail—so the question of coming out of hiding could not be taken lightly. But the life I was living on the run felt so difficult and I didn't feel like I could keep living it. I had repressed my feelings during this time so much that I had in a sense lost my ability to feel, I started taking more and more dangerous risks because I didn't see the point in anything.

But some part of me was aware of the self-destructive path I was on and I discussed it with my comrades. We made the decision that the cost of staying underground was no longer viable.

None of this is to say that it was all bad. It's easy to emphasize the negative, but there were so many incredible high points I may not have experienced otherwise. Like when I drove for hours in a car full of friends and swam with dolphins in the ocean I remember thinking, "I'm supposed to be in jail right now!" It made the joy feel that much more intense.

Returning to my life felt like exiting one dream world for another. My first run-in with the police felt like the real test of whether or not things could settle down for me for awhile. I had no idea if I would be in jail just for a few hours or if I would be in there for way longer. I wondered to myself, "What do the cops know? How much info did they share between agencies?" But in the end I was released.

Coming back to my life and seeing people was hard, seeing how their lives had moved on. Distance had grown between us. I had to immediately find a job and a place to live. I got a bizarrely normal job in an office and just went through the motions of a functioning person. Over time, it's grown to feel more and more like my life again.

I still feel rootless and disconnected in big ways at times, but I'm starting to feel comfortable with that. I have been able to make deep friendships with people all over, engaged in disparate but consistently inspiring work. I feel appreciative of the people and struggle around me even if I don't entirely know where I belong. I embrace emotionality and a more communicative process of dealing with the difficulties of lifelong anarchist struggle. I expect to face harder things in the future than my experience on the run and I think now I'm more prepared to deal with what may come. I feel really strong now and as committed to my politics as I ever was. In some ways I feel less isolated that I did before I went on the run.

Being on the run brought contradictions between many of us, between who we wanted to be and who we are on the surface. So many people set aside their own needs and did support to make resistance to repression possible. At the same time, there were people who I feel let us down and that added to the pain of the whole experience.

If I had to offer anything resembling advice to someone who was thinking about grand juries or repression more generally, from the comfort of a home or stable life, it would be to decide right now who you are going to be. Know what your struggle looks like and spend every fucking day building that context in one way or another. If you are serious, you will be tested. In those moments, you can lean on the continuity of your resistance, and on the rest of us and our experiences. You, too, will be fanning the flames of someone else's defiance.

Our thanks to all of these comrades for sharing their stories with us. State repression affects everyone, even those who aren't directly in the line of fire, but there are ways to survive. Years

after the ordeal, **Devlin** has reassumed every aspect of their old identity, as far as the state is concerned, and has a decent paying tech career, despite their stint on the run. **Esme** is directing amateur theater companies, and **Cora** is tending to animals on a farm while studying to be a nurse practitioner. Esme and Cora's relationship with each other and with most of the friends who supported them through this time is still incredibly strong.

As Devlin said, if you're serious, you will be tested. We may not all face the same kinds of repression, but it's easy to live in fear when we see what happens to our comrades. We hope these stories have given you some tools and perspectives to use if you or your friends are ever in this situation. As a side note, Dr. Abdelhaleem Ashqar, who was such an inspiration to Devlin, was released this June!

Part of how the grand jury holds its power is through secrecy. The people in charge of these proceedings want us to be mystified and terrified. They want us to live in fear, knowing that fear can keep us docile and contained. The more we learn about how grand juries work and how we can keep ourselves whole and sane as we navigate them, the less power they can hold over us.

“The state demeans everything that we hold dear when they threaten us in this way. The most free and wild thing we have in this world is our love for each other, and we know that our health, our safety, and our liberation can only exist in a world without their cops, their courts, and their cages. Our strength lies in knowing that we can provide that for each other, and that nothing they offer or threaten is worth betraying our commitment to our communities.

“As state repression escalates, I know that all of us are struggling with the trauma and the grief that comes from the forces we fight against, and the vulnerability that we feel to the state in its despicable efforts to attack us. What I also know, what I believe with all my heart and everything I have, is that we have the strength we need to take care of each other and to fight back until we win.”

-Katie Yow, grand jury resister



The Anarchist Library (Mirror)  
Anti-Copyright



CrimethInc.  
Surviving a Grand Jury  
Three Narratives from Grand Jury Resisters  
27<sup>th</sup> December 2017

Retrieved on 9<sup>th</sup> September 2020 from <https://crimethinc.com/2017/12/27/surviving-a-grand-jury-three-narratives-from-grand-jury-resisters>  
Originally appeared as episode #59 of the Ex-Worker podcast.

**[usa.anarchistlibraries.net](http://usa.anarchistlibraries.net)**