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# Grand Jury Investigations, FBI Harassment, and Your Rights

No Compromise

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Grand Jury Investigations, FBI Harassment, and Your Rights  
1996 – 2004

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1996 – 2004



# Contents

Security: Protecting Ourselves From Government Harassment . . . . .	5
What To Do If Approached By The Authorities . . . . .	8
How to Get Agents off your Back . . . . .	9
How to Minimize the Effects of Government Harassment	10
The Tactics of Intimidation . . . . .	12
Know Your Rights . . . . .	15
Don't Talk to Cops! . . . . .	17
Grand Juries: Tools of Government Repression . . . . .	18
Know Your Legal Rights — A Quick Reference Guide . . . . .	22
General rights you should always know . . . . .	22
Questioning by “Authorities” . . . . .	23
<b>When they come a-knockin'....</b> . . . . .	24
You are your best attorney . . . . .	25
When Grand Juries Attack; Allison Lance-Watson	
Charged with Perjury . . . . .	26
Harassment by a Federal Grand Jury . . . . .	28
Grand Jury Reflections with Craig Rosebraugh . . . . .	31
Grand Jury Reflections with Gina Lynn . . . . .	35
Grand Jury Reflections with Lindsay Parme . . . . .	36
No Compromise Snitch Lessons . . . . .	38
Lesson 1: Loose Lips Sink Ships . . . . .	38
Lesson 2: Don't put too much trust in lawyers . . . . .	39
Lesson 3: Reach out to movement experts . . . . .	39
Lesson 4: Agreements to snitch can have devastating personal effects . . . . .	40
Lesson 5: Agreements to snitch hurt our movement	40

Lesson 6: If you can't do the time, don't do the crime!	41
Lesson 7: There's no place in the movement for snitches . . . . .	41
No Compromise Special: Snitch Protocol . . . . .	42
Walking Through a Grand Jury <b>By Larry Weiss, Attor- ney at Law</b> . . . . .	47
How to Crush a Grand Jury the No Compromise Way . .	53

with the authorities. Instead, be sure to exhaust all of the many legal, political, and constitutional solutions. Grand Juries last for 18 months, and the longer you can stall them, the less time activists will have to spend in jail, should they be jailed.

10. Do NOT Testify or Capitulate to Their Demands. Never enter the grand jury chamber. And unless you are going to be issuing some motions, don't even go to the courthouse. If they want your fingerprints, or mailing lists, don't give it to them. Resist and fight! The stronger you resist, the better it will turn out for you. According to a publication by the National Lawyers Guild, "For many political activists, the historic and principled way to avoid these dilemmas (informing, perjury) has been the invocation of absolute non-collaboration with grand jury investigations of political movements. While this has resulted in many instances with the witness' incarceration for contempt, it has also discouraged the subpoenaing of further witnesses, and on some occasions, the withdrawal of all subpoenas."

## Security: Protecting Ourselves From Government Harassment

Numerous incidents show that government and industry harassment of the eco-animal movement exists. Last year, Syracuse activists were subpoenaed to testify at grand jury hearings. The break-ins at the North American A.L.F. Supporters Group in Canada, and the Coalition to Abolish the Fur Trade's (CAFT) headquarters in Memphis were obviously politically motivated as the thieves stole information and equipment crucial to their operations, while leaving other expensive goods behind. CAFT's phone lines were tapped and information obtained from the bugged line led to the subpoenaing of one CAFT activist to a grand jury in Michigan.

There is also the bombing of Earth First! activist Judi Bari which happened while she was driving. Bari survived the bomb attack only to have the FBI arrest her, claiming she was transporting the bomb to do some terrorist activity. This FBI fantasy scenario is obviously a lie considering the bomb was planted underneath the driver's seat in an obvious attempt to murder her.

Unfortunately, government and industry harassment of activists is real, and not the babblings of the overly-paranoid. Therefore, if we hope to survive as an effective, grassroots movement, we need to be ready for government harassment before it happens. If we wait until we feel its full force, we will not have the necessary infrastructure and knowledge to successfully withstand their assaults. Thankfully, *No Compromise* is dedicated to giving you the knowledge and creating that infrastructure to ensure our cause's survival.

If we don't prepare for the governments attacks, we will be doomed to repeat our unfortunate history. In the late 80's when direct action — both civil disobedience and A.L.F. actions — were at their height, the Feds attacked our cause by serving numerous

activists with grand jury subpoenas. We were unprepared, many people did the wrong things, and our movement was set back years.

For those of you who don't know what a "grand jury" is, it is basically a closed legal hearing. They are not open to the public, and everything that is said at them is kept completely confidential. Activists are compelled to answer every question (which often-times include personal questions about their friends, lovers, and other associations) and they are not allowed legal representation to be present at the hearing. Furthermore, activists who refuse to testify can be imprisoned.

These "Kangaroo Court" proceedings helped destroy the movement in the late 80s. People feared being subpoenaed and left the movement. Others who were subpoenaed, refused to testify and were sent to jail. The authorities used the jailing of these activists to scare others into testifying. Many people did testify at these hearings. And since these hearings are private, no one know who said what about whom. The fact that people testified created a lot of fear and mistrust amongst activists, and further drove people out of the movement. The effective groups disappeared and the movement lost all that it had been trying so hard to gain. We cannot allow this to happen again.

On a positive note, there are ways to fight those forces that try to maintain the status quo at the expense of our civil liberties. The main weapons we have to fight government harassment include total non-cooperation with the authorities, and publicizing their abuse of the legal system and their violations of our civil liberties.

If the authorities come to your house, don't answer the door. If they call you up and try to set up a meeting with you, say "I have nothing to say to you" and hang up the phone. Or if they need information to help catch A.L.F. activists tell them, "I don't know anything about that, and even if I did, I wouldn't tell you."

It's great to not cooperate with the authorities, but it is even better to tell or show the authorities in no uncertain terms that

liberties in the media typically causes them to back off. And right now the FBI are most vulnerable to bad press because of FBI whistle-blowers who say the crime lab has falsified evidence to gain convictions, and because their blunders at Waco, Ruby Ridge, and Atlanta City are still fresh in the minds of most Americans.

6. Don't Cooperate with the Authorities. This means knowing your rights, and asserting them. You do not have to talk to the government agents. Even if arrested, you do not have to talk to them. If arrested all you have to give is your name and address — tell them no more. You do not have to let them search your house or car without a warrant — so don't. In fact, you don't even have to answer your door when the police are there unless they have a warrant. By asserting your rights, you again frustrate their attempts to get information on activists to further their COINTELPRO actions and harassment against the movement.
7. Educate Other Activists. Be sure to educate other local activist on what their rights are and how grand juries work. Let them know that, should they be a subpoenaed, there is a support committee of people available to help.
8. Utilize All Legal Strategies. There are plenty of court strategies that can be used to frustrate the authorities' grand jury witch hunts. Motions to quash the subpoenas, or motions for discovery of electronic surveillance can be used to tie them up in the courts for months and force them to give over information they would prefer to keep secret.
9. Have Patience. Resist the temptation to "get it over with" by testifying at the grand jury or going to jail. It is important to resist for as long as possible. Activists who are quick to go to jail, can be used to scare other activists into cooperating

1. **Organize Early.** As soon as you hear a grand jury is convening, start organizing to fight it. The sooner you start working against it, the more options you will have to fight it through legal and political channels.
2. **Get Help.** Start organizing by contacting other animal groups who have experience and expertise in fighting grand juries. ( See the resource groups below.)
3. **Stick Together.** Typically, when a grand jury convenes, activists avoid those targeted with subpoenas for fear that associating with them will make them a potential target – **YOU MUST NOT DO THIS!** Activists must stick together and support each other – not isolate targeted activists as the authorities want us to do! Thankfully, the nationwide coalition of grassroots militant activists who have helped support the LA3, Barry Horne, Tony Wong, and Sue McCrosky, as well as other activists, will not abandon you should you be targeted for government harassment. Be sure to contact the resources group's below to tap into their support.
4. **Set Up a Defense Committee.** To organize support, resistance, and educational efforts locally, a defense committee should be formed. They will be responsible for coordinating media, organizing news conferences, support protests, producing educational literature, working with the lawyers of the targeted activists, supporting the activists in other ways, and coordinating jail support should anyone be imprisoned.
5. **Expose the Authorities Abuse of the Grand Jury System.** Conduct news conferences, send out news releases, organize protests, and distribute literature exposing the government's harassment of activists, the FBI's COINTELPRO activities, and the unconstitutional and undemocratic nature of the grand juries. Exposing the authorities abuse of our civil

you will not cooperate with them. That's why hanging up on and making such defiant statements, as written above, are so important. The authorities want easy targets. If you show an unwillingness to cooperate, they often back off.

Of course they will test your commitment. They might threaten to serve you a grand jury subpoena, or say they have information on you, etc. Don't listen to their manipulation and lies. Instead, stay defiant!

Sheila Laracy was one of the activists who was subpoenaed to testify at a grand jury in the late 80s. She did not go to the grand jury hearing (which is itself a violation of the law), but instead she held a news conference exposing the governments abuse of the legal system to harass activists. No authorities, federal or otherwise ever contacted her again about her involvement with the cause. Her total and absolute non-cooperation, coupled with exposing the FBI's abuses successfully fought them off.

Last year, two New York activists who were subpoenaed to give their fingerprints resisted. They fought the subpoenas legally. Local activists organized protests to draw attention to the government's violation of these activists' civil liberties. The activists lost their legal battles, and then faced the option of submitting their fingerprints or going to jail. They chose jail, and suddenly the government was no longer interested in getting their prints. The activists did not give their prints or go to jail. Most likely, the feds feared the negative publicity they would continue to receive for jailing these "conscientious objectors."

Another aspect of successfully fighting government and industry oppression is keeping each other informed. If you are approached by the FBI, or if you are subpoenaed, or if you are arrested, you need to let other activists know immediately! By informing others of the situation, we can be their to provide you with moral support, give you effective advice, and gather the resources – financial or otherwise – necessary to help you.

Together, we will be able to fight their attempts to destroy us and prevail! We will not only successfully defend ourselves, but use their attacks to beat them down by revealing their true role as agents of repression. Prepare for an increase in government harassment as our movement grows and becomes more effective. We can beat them and we must beat them. The animals are depending on us!

### **What To Do If Approached By The Authorities**

- Do not speak with them. Never talk to the authorities. Period. Then immediately call the No Compromise for further assistance.
- Educate other local activists. If the authorities contact you, it is possible other activists will be approached too. Be sure to educate them on their rights to not speak, and give them the above numbers to call in case they are contacted.
- Publicize their abuses. Organize protests or news conferences at your local federal building or courthouse to expose the authorities' abuse of your civil liberties. Let No Compromise know and we will post it on the website to keep everyone informed.
- Read *War At Home* by Brian Glick. This should actually be done before anything happens. The book is usually sold at your local anarchist or underground book store and is also available from No Compromise. This book outlines all of the major tactics the government and industry use to fight social movements and explains what we can do to fight back! It is a must read book for all activists.

16. If you are a vegetarian or a vegan, request the kind of food that you can eat. Put your request in writing. Many jails now provide vegetarian meals.
17. Be prepared to be harassed by the guards or other prisoners. Someone may try to befriend you, but that person may be working for the FBI. So beware of talking to people that you didn't know from before.
18. Most importantly: while in jail, remember why you took this stand in the first place. You are doing a brave act. You are there because you believe in a cause, and you have not been forgotten. Many people are working to get you out, so stay strong.

### **How to Crush a Grand Jury the No Compromise Way**

Grand juries are a tool of political repression which the government uses to frighten activists, create mistrust, drive people out of the movement, and cause others to inform on friends out of fear. Grand juries are the modern day Inquisitions. But instead of scapegoating innocent people as "witches" and "heretics," they target innocent activists as "terrorists." At grand juries, your rights are stripped away and chucked out the window! You have NO right to remain silent, NO right to be represented by an attorney, and NO right to a trial should you be jailed. In fact, you can be jailed for up to 18 months without even being charged for a crime!

Yes, grand juries are unconstitutional. Yes, grand juries are wrong. And yes, grand juries are often used by the FBI's as part of a COINTELPRO efforts against activists because they steal our rights. That is why we cannot cooperate with them. And that is why we have the following strategy on combatting these true threats to democracy:



13. Now you have been held in contempt and taken to a local jail. Your first question will be, how long can they keep me? The answer is that they can keep you for a maximum of 18 months or until that grand jury completes its term, whichever comes first. Therefore, it is important to find out when the grand jury began its term and when it will finish its term. The grand Jury term is usually 18 months, though this is subject to an extension in some instances.

If you are held in contempt toward the end of the grand jury term, that is better for you, since that means there is less potential time for you to sit in jail. This is one reason to contest everything that the U.S. attorney does, because the court will have to hear your motions., and that decreases the time until the end of the grand jury term.

14. Another way you can get out of jail is by going back before the grand jury and answering their questions. This is called “purging the contempt.” You will certainly dislike jail and there will be a temptation to do this. Remember, however, that you went to jail because you believed in a principle, and that principle has not changed.
15. While in jail you can file motions to get out. The law says that the jailing cannot be to punish you but rather to get you to talk to the grand jury. In legal terminology, this means that the intent of the jailing must be coercive rather than punitive. This distinction matters very little when you are actually in jail. However, it is important legally because your lawyer(s) can file motions to get you out of jail early based on the fact that the jailing has now become punishment. Though it may sound strange, the firmer you are in your resolve not to talk, the stronger your case becomes for an early release, because your lawyer(s) can then argue that the jailing is having no coercive effect.

## How to Get Agents off your Back

So now that you know what to expect from an interrogation, how do you avoid it?

Well, if you are ever approached by the police, FBI, ATF (Bureau of Alcohol, Tobacco and Firearms) or other agency remember you are under no legal obligation to speak with them. Even if they have a search warrant, subpoena or a warrant for your arrest, you still don't have to talk to them.

What you should do in this situation is tell the investigator to talk to your lawyer. The Department of Justice policy requires agents to stop questioning people who are represented by a lawyer. An added benefit of being represented by a lawyer is that if agents are calling you or visiting you frequently, once you have a lawyer, these calls and visits should stop as they would need to speak with you through your lawyer.

So what do you do if you don't have a lawyer? Get the investigator's name, agency and phone number and tell them you will give them the name and phone number of your lawyer once you have it. This has the same affect as actually having a lawyer.

Now that you know how investigators operate and how to avoid them, educate other people too. Take some time at your next group meeting to educate other members about these issues. Break up into groups of four and do role playing where two people play the role of the police and use all of the above tactics while the other two people play the role of activists pulled in for allegedly shooting out the windows of a local meat store. Let the “police” read the “Investigators’ Dirty Tricks” article and then let them go at it. See how much information they can extract from the activists about their friends, associates, involvement with animal rights, etc. Let them feel free to split the activists up (a typical police tactic), yell at them, threaten physical violence, etc. Then after the interrogation, come together as a group to discuss the role plays, the tactics used and how activists should handle investigators questions.

The time to learn about how to stop government harassment is before it starts. It only takes one person who talks to land an activist in jail.

Finally, we must also be sure to educate our friends, roommates, family members and employers about how to deal with government harassment, as investigators will go to them to get information too. The agents see these associates as people who are typically less involved with the cause and more willing to talk. So educate them as well. Take care and stay safe.

For further information read *If an Agent Knocks, Federal Investigators and Your Rights*. Published by the Center for Constitutional Rights, 666 Broadway, New York, NY 10012.

## How to Minimize the Effects of Government Harassment

The advice below is reprinted from a must read book for activists — *War at Home: Covert Action Against U.S. Activists and What We Can Do About It* by Brian Glick. Published by South End Press, 116 Saint Botolph St., Boston, MA 02115. It is available from the Animal Liberation League, PO Box 240655, Apple Valley, MN 55124 for \$5.

1. Check out the authenticity of any disturbing letter, rumor, phone call or other communication before acting on it. Ask the supposed source if she or he is responsible. [Please re-read this one again. It is very important!]
2. Keep records of incidents which appear to reflect COINTELPRO-type activity. [Also, report your experiences to No Compromise and other groups that document repression].
3. Deal openly and honestly with the differences within our movements (race, gender, class, age, religion, national ori-

you in civil contempt. You don't have the right to a trial or a jury, or anything like that. So don't expect to have any of the procedural protections that are given to people accused of crimes. In the eyes of the law, civil contempt is not a crime, though it will feel that way to you.

11. After you are held in contempt, the judge will probably order you handcuffed and taken away to jail right away. So you should be prepared when you come to the initial grand jury session to go to jail that day, and have all of your personal business in order. Before you are taken to jail, you (or your attorney) should ask the judge to let you out on bail and to "stay" the jail time. This is for the record, because the judge will probably refuse your motions and have you taken to jail anyway.

If you know about the jails in your area, you can ask the judge to have you taken to one facility that is closer to your friends or family, rather than to another one which is farther away. Explain your reasons for wanting to go to a certain facility to the judge. Again, the judge will probably refuse your requests, however reasonable they are, but you need to make these motions anyway in order to get the fact that you made them into the transcript. This may help you later. If you have a lawyer, she/he will make many of these motions for you. If you are not represented or your public defender doesn't do anything, then you may have to make them yourself.

12. During all of these proceedings (which may only take one day), do not be afraid to discuss your case with your friends and supporters. Tell them what happened in the grand jury room. You have a right to talk about what went on before the grand jury. Do not let yourself get isolated. You may even want to talk to the press, though you should think about what you are going to say before you do this.

you won't be able to take the Fifth Amendment anymore, because the grant of immunity neutralizes your ability to take the Fifth Amendment.

8. Even if you don't want to accept the immunity, and tell that to the judge (which it is probably wise to do, so that you can prove later that you didn't want the immunity), you don't really have a choice. They can give you immunity whether you want it or not. The judge will now explain to you that you must answer the questions asked by the U.S. attorney and, in fact, will order you to answer the questions.
9. You will be taken back before the grand jury and asked the same questions again. You can now answer them or refuse to answer them. If you answer the questions falsely, you may be charged with perjury, which is a serious federal felony. If you still refuse to answer the questions, you will be charged with contempt. This is the most critical moment of the whole proceeding, so you should think about this before you even go into the grand jury and decide on your course of action.
10. Let's assume that you still refuse to answer the questions. You will be taken back before the judge, probably the same judge who saw you before and charged with contempt. This procedure is called the contempt hearing. The first thing to do is to ask to have an attorney (a public defender) appointed for you. You have a right to an attorney at the contempt hearing and the government has to appoint one for you if you cannot afford one. So insist on your right to an attorney, and ask for a continuance to talk to your attorney if one comes in that you have never seen before.

The court, however, will probably want to proceed then and there. Your public defender is supposed to help you at this hearing. You will be asked if you have in fact refused to answer the questions. If you say "yes", the court may now hold

gin, sexual orientation, personality, experience, physical and intellectual capacities, etc.) before the FBI and police can exploit them.

4. Don't try to expose a suspected agent or informer without solid proof. Purges based on mere suspicion only help the FBI and police create distrust and paranoia. It generally works better to criticize what a disruptive person says and does, without speculating as to why.
5. Support all movement activists who come under government attack. Don't be put off by political slander, such as recent attempts to smear some militant opponents of government policy as "terrorists". Organize public opposition to all FBI witchhunts, grand jury subpoenas, political trials and other forms of government and right-wing harassment.
6. Cultivate relationships with sympathetic journalists who seem willing to investigate and publicize domestic covert operations. Let them know when you are harassed. Since the FBI and police thrive on secrecy, public exposure can undermine their ability to subvert our work.
7. Don't tough it out alone. Don't let others fret and suffer by themselves. Make sure that activists who are under extreme stress get the help they need (someone to talk with, rest, therapy, etc.). It is crucial that we build support networks and take care of one another.
8. Above all, do not let our movements be diverted from their main goals. Our most powerful weapon against political repression is effective organizing around the needs and issues which directly affect people's lives [and the lives of animals and the environment too!].

## The Tactics of Intimidation

In the book *Agents of Repression*, Ward Churchill and Jim Vander Wall successfully argue that the Federal Bureau of Investigation's crime-fighting activities serve as a calculated ruse to cover-up and divert public attention from their true purpose which is maintaining the status quo by disrupting and crushing grassroots movements for social justice. They base this conclusion on the thousands of pages of classified files that a group calling itself the Citizens' Commission to Investigate the FBI liberated from the FBI's Media, Pennsylvania office in March 8, 1971.

These documents included internal memos about Counter Intelligence Operations — or COINTELPROs — designed to “disrupt, misdirect, discredit or otherwise neutralize” the leaders and groups of social justice causes. From these files, activists have gained insight on what types of activities the Feds — in conjunction with local police units and reactionary “private” groups — carry out against those of us trying to change society for the better.

Below is a list of their tactics so you can prepare for, identify, and lessen their impact when they are being used against you or other activists. This information is excerpted from the book *Agents of Repression: The FBI's Secret War Against the Black Panther Party and the American Indian Movement* by Ward Churchill and Jim Vander Wall. Published by South End Press, 116 Saint Botolph St, Boston, MA 02115. *No Compromise* strongly encourages all activists to read this book so that we are all better prepared to counter the government's actions against us.

- Eavesdropping — A massive program of surveillance was carried out against organizations and individuals via wire-taps, surreptitious entries and burglaries, electronic devices, live “tails” and mail tampering. The purpose of such activities was never intelligence gathering per se, but rather the inducement of “paranoia” among those targeted by making

ject that you now want to refuse to answer, you may end up waiving your right to take the Fifth Amendment.

6. To take the Fifth Amendment you simply say “I refuse to answer on the ground that it may tend to incriminate me” or you can simply say “I take the Fifth Amendment on this question.” Then you simply repeat that for each question.
7. After you have taken the Fifth Amendment for one or several questions, the U.S. Attorney may ask you to go in front of a judge. When he/she mentions this, and if you are not represented by an attorney, you should ask for a public defender to represent you.

You will then go before a U.S. District Court judge. This hearing, where you are given immunity despite all of your objections, is called the immunity hearing. If you have not been given a public defender, tell the judge that you want a public defender and that you have already asked the U.S. attorney for one. The judge may or may not comply with your request for a public defender.

The judge will ask you if you have taken the Fifth Amendment and you reply “yes”. The U.S. Attorney may then offer you “immunity”. This means that anything you say in front of the grand jury cannot be used against you in court in a criminal case. However, you must understand that your answers to questions can be used against other people in court and anything that they say may be used against you. So you still could face criminal charges on the same subject that you are being asked about.

Also, you need to understand that the immunity you are given will not protect you against civil cases, loss of job, deportation or any other penalties. So don't be fooled into thinking that you are getting something great when they give you “immunity”. They are just giving it to you so that

3. You will have to go to the building (probably a courthouse) where the grand jury is located on the day and time mentioned on your subpoena. Take friends and/or an attorney with you. Again, do not isolate yourself. The FBI would like nothing better than for you to feel alone and helpless.
4. After you arrive at the courthouse you will probably have to sit and wait for one or several hours. Then you will go into the grand jury room. Your attorney and your friends will not be allowed to go in with you. Although your attorney can not come into the grand jury room, he or she may wait outside the room. You may go out of the room to consult with your attorney as often as you like.

Simply tell the U.S. Attorney, “I need to talk with my attorney”. You may want to go out after each question (and before answering) to talk with your attorney. That is your right and, if the U.S. attorney will not let you go, then simply refuse to say anything until you are allowed to talk with your attorney.

5. You will be asked your name, followed by a short series of innocent-sounding questions. Finally, the real inquisition will begin. You will be asked about people you may or may not know, who they are and what their political views are. You may be asked to identify pictures of people, or whether you attended meetings or demonstrations with them. There is no “right to remain silent” in front of a grand jury. Most people will want to take the Fifth Amendment to avoid testifying. If you decide that you want to take the Fifth Amendment, you should do so as soon as you have given your name. People often think that they can outsmart the government attorney who is asking the questions, but this is not wise. If you have already answered some questions on the same sub-

them aware they’d been selected for special treatment and that there was “an FBI agent behind every mailbox.”

- Bogus Mail Fabrication — of correspondence between members of targeted groups, or between groups, was designed to foster “splits” within or between organizations; these efforts were continued — and in many cases intensified — when it became apparent that the resulting tension was sufficient to cause physical violence among group members.
- “Black Propaganda” Operations — “Black Propaganda” refers to the fabrication and distribution of publications “in behalf of” targeted organizations/individuals designed to misrepresent their positions, goals or objectives in such a way as to publicly discredit them and foster intra/inter-group tensions.
- Disinformation or “Gray Propaganda” — The FBI systematically releases disinformation to the press and electronic media concerning groups and individuals, designed to discredit them and foster tensions. This was also seen as an expedient means of conditioning public sentiment to accept Bureau/police/vigilante “excesses” aimed at targeting organizations/individuals and to facilitate the conviction of those brought to trial, even on conspicuously flimsy evidence.
- Harassment Arrests — The repeated arrests of targeted individuals and organization members on spurious charges was carried out, not with any real hope of obtaining convictions (although there was always that possibility, assuming public sentiment had been sufficiently inflamed), but to simply harass, increase paranoia, tie up activists in a series of pre-arrestment incarcerations and preliminary courtroom procedures, and deplete their resources through the posting of numerous bail bonds (as well as the retention of attorneys).

Again this was so pervasive a tactic that it is impossible to give a comprehensive summary of its use during the 1960s.

- Infiltrators and Agents Provocateurs — This widely used tactic involved the infiltration of targeted organizations with informers and agents provocateurs, the latter expressly for the purpose of fomenting or engaging in illegal activities which could then be attributed to key organizational members and/or the organization as a whole. Agents provocateurs were also routinely assigned to disrupt the internal functioning of targeted groups and to assist in the spread of disinformation.
- “Pseudo-Gangs” — There is some indication that the Bureau had begun to spawn “pseudo-gangs”, phony organizations designed to “confuse, divide and undermine” as well as do outright battle with authentic dissident groups by the end of the COINTELPRO era.
- Bad-Jacketing — “Snitch-jacketing” or “bad-jacketing” refers to the practice of creating suspicion — through the spread of rumors, manufacture of evidence, etc. — that bona fide organizational members, usually in key positions, are FBI/police informers, guilty of such offenses as skimming organizational funds and the like. The purpose of this tactic was to “isolate and eliminate” organizational leadership; such efforts were continued — and in some instances accelerated — when it became known that the likely outcome would be extreme physical violence visited upon the “jacketed” individual(s).
- Fabrication of Evidence — A widely used FBI tactic has been the fabrication of evidence for criminal prosecution of key individuals and the withholding of exculpatory evidence which might serve to block conviction of these individuals.

## Walking Through a Grand Jury By Larry Weiss, Attorney at Law

In this article Attorney Larry Weiss walks us through a typical grand jury proceeding for an activist. He shows how easily a committed activist who puts the animals first can be jailed at a grand jury. His article is quite scary. Think about it, when they start asking you about your friends, their beliefs in direct action, your significant other, your involvement with animal rights, who you associate with, and other personal questions, are you going answer them?

If you do, you can bet the people you mention will also be harassed; they will have more information to use against you, your friends, and the animals; and mistrust and fear will spread within the movement because no one knows what you said about them (the public is not allowed and grand jury hearings). In a grand jury, there are no innocent questions, and there is no such thing as a harmless answer. Cooperating with a special grand jury is selling out the movement.

The following is a summary of what you might expect to encounter if you are subpoenaed to appear before a federal grand jury.

1. Your subpoena will be served on you by law enforcement personnel or FBI agents. Do not attempt to talk to the person who serves the subpoena, or explain why you should not be involved. They will only use your statements against you.
2. Don't panic. There are organizations that deal with just such situations. Don't be afraid to get in touch with such organizations or with an attorney who is experienced in grand jury matters. Tell them about your subpoena. The worst thing that you can do is isolate yourself or give up hope.

In the face of growing government repression, it is becoming ever clearer that we need a strong, solid movement. Allowing an activist environment that overlooks such destructive behavior as snitching will be the demise of the animal liberation movement. There is no place for snitches in a revolutionary movement. There can be no acceptance of those who have turned their back on the animals and their human allies.

The animal liberation movement can only succeed within a security culture; *No Compromise* whole-heartedly condemns the cowardly actions of those who violate our most basic and fundamental tenets. These principles exist for the express purpose of protecting the freedom of those warriors working directly to end the oppression of animals where illegal direct action is often the only path towards freedom. In their own self-interest, snitches destroy this hope of liberation, and we have no place to excuse their grave offenses.

*No Compromise* has no desire to create a movement “witch hunt,” as doing so would be playing into the hands of our adversaries. At the same time, we ask those who suspect another activist of having cooperated with the State to contact *No Compromise* directly so that we can properly confirm whether or not the suspicions are founded. In fairness to the accused and to prevent the spread of unsubstantiated and demoralizing rumors, contact *No Compromise* so that the truth can be obtained quickly and equitably with the least amount of disruption within our ranks.

In order to reinforce our defenses we must locate, isolate, and dispose of the weak links in the chain. Snitches are the weak links in our movement and must be treated accordingly. There can be no room — no tolerance — for those who pose a direct threat to our movement’s vitality and our goal of total and lasting animal liberation.

This includes the intimidation of witnesses and use of coercion to obtain false testimony.

- Assassinations — The bureau has been implicated as cooperating in the outright physical elimination — assassination — of selected political leaders, either for “exemplary” reasons or after other attempts at destroying their effectiveness had failed. The Bureau almost always used surrogates to perform such functions but can repeatedly be demonstrated as having provided the basic intelligence, logistics or other ingredients requisite to “successful” operations in this regard.

## Know Your Rights

1. You do not have to talk to FBI agents, police or other investigators. You do not have to talk to them in your house, on the street, if you’ve been arrested or even in jail. Only a court or grand jury has legal authority to compel testimony.
2. You don’t have to let the FBI or police into your house or office unless they show you an arrest or search warrant which authorizes them to enter that specific place.
3. If they do present a warrant, you do not have to tell them anything other than your name and address. You have a right to observe what they do. Make written notes, including the agents’ names, agency and badge numbers. Try to have other people present as witnesses and have them make written notes too. [ed. note: by observing them and writing down everything they touch and do, it helps prevent them from planting incriminating evidence.]
4. Anything you say to an FBI agent or other law enforcement officer may be used against you or other people.

5. Giving the FBI or police information may mean that you will have to testify to the same information at a trial or before a grand jury.
6. Lying to an FBI agent or other federal investigator is a crime.
7. The best advice, if the FBI or police try to question you or to enter your home or office without a warrant, is to JUST SAY NO. FBI agents have a job to do and they are highly skilled at it. Attempting to outwit them is very risky. You can never tell how a seemingly harmless bit of information can help them hurt you or someone else.
8. The FBI or police may threaten you with a grand jury subpoena if you don't give them information. But you may get one anyway, and anything you've already told them will be the basis for more detailed questioning under oath.
9. They may try to threaten or intimidate you by pretending to have information about you: "We know what you have been doing, but if you cooperate it will be all right." [ed. note: if they had the evidence against you, they wouldn't want to talk with you, they would just arrest you. However, by talking to them, you would open yourself up to giving them incriminating information about you or others.]
10. If you are nervous about simply refusing to talk, you may find it easier to tell them to contact your lawyer. Once a lawyer is involved, the FBI and police usually pull back since they have lost their power to intimidate.

The above suggestions are reprinted from the book *War at Home: Covert Action Against U.S. Activists and What We Can Do About It* by Brain Glick, published by South End Press, 116 Saint Botolph St., Boston, MA 02115.

the animals and cannot be a friend to the movement. The threat that snitches pose to the movement cannot be overstated, and one's dealings with a snitch cannot be clouded by emotion or personal sentiment.

In such instances where the facts are less than clear, every effort should be made to ascertain the truth through court records, police reports, and through the words and behavior of the activist in question. Condemnation should not come without cautious consideration and deliberation. While the alleged informant should be provided every opportunity to account for his/her actions, deference should be given to the activist or activists who are affected by the words and actions of the alleged informant. Ultimately, the integrity of the movement should be of the utmost concern.

Snitches act out of fear and self-interest. The self-interested individual will undoubtedly clash with the interests of the animals, and in a movement that places innocent life above all else, there can be no acceptance of those whose self-interest jeopardizes the lives of animals and activists alike. A weak movement cannot bring about animal liberation.

Additionally, such activists-turned-traitors will not be welcomed back into the movement with their shedding of crocodile tears. In no way will *No Compromise* serve as a forum for snitches to "explain" their reasoning or justify their treachery. *No Compromise* is a magazine and tool of supporters of direct action, not a medium to debate the self-serving actions of snitches.

Furthermore, *No Compromise* will not list groups "In the Trenches" that allow informants to operate within their organization. One of the requirements for groups to be listed "In the Trenches" has always been that they support the A.L.F., and *No Compromise* would be doing an incredible disservice to the underground by promoting organizations that harbor informants. To do so would essentially encourage other groups and new activists to work with those individuals who pose a serious and direct threat to the strength of this movement.



In this time of government and private interest reprisals against the movement, it is crucial that we come to understand the serious ramifications of cooperation with law enforcement — police officers, detectives, FBI agents, or other government agents operating in a similar capacity. Activists should never, under any circumstances, provide information or names of other activists to the authorities.

Infiltrators, private investigators and law firms hired by animal abusers are emerging as entities seeking information for lawsuits aimed at disrupting the movement. Those of us within the movement should make every effort imaginable to avoid aiding, knowingly or unwittingly, in the witch-hunts conducted by those entities as well.

It is necessary to reiterate that *No Compromise* and the animal liberation movement condemn those who have turned their backs on the animals in order to save their own skins. Collaboration with the State is unacceptable, and snitches will receive absolutely no support — financial, legal, moral, or otherwise.

It is NEVER acceptable to provide information about other activists to our opposition, no matter how benign such information may seem. The claim that, “I only told them what they already knew” is a wholly unacceptable and ignorant excuse. When in doubt, it is best to remain silent rather than potentially harm another activist.

Sometimes there is uncertainty as to whether an activist has crossed the line in dealings with law enforcement. Unfortunately, there is no simple litmus test in which activists who inform on others turn from green to red. But the severity of the circumstances cannot simply be avoided because it makes us uneasy as individuals.

More often than not, the collaborator will be a friend — someone once close and trusted. Turning one’s back on a friend and casting him/her out is never an easy undertaking. But realize that if one truly believes in animal liberation, a snitch is no friend to

## **Don’t Talk to Cops!**

**By Robert W. Zeuner, Member of the New York State Bar**

“GOOD MORNING! My name is Investigator Holmes. Do you mind answering a few simple questions?” If you open your door one day and are greeted with those words, stop and think! Whether it is the local police or the FBI at your door, you have certain legal rights of which you ought to be aware before you proceed any further.

In the first place, when the law enforcement authorities come to see you, there are no “simple questions.” Unless they are investigating a traffic accident, you can be sure that they want information about someone and that someone may be you!

Rule number one to remember when confronted by the authorities is that there is no law requiring you to talk with the police, the FBI or the representative of any other investigative agency. Even the simplest questions may be loaded and the seemingly harmless bits of information which you volunteer may later become vital links in a chain of circumstantial evidence against you or a friend.

Do not invite the investigator into your home! Such an invitation not only gives him the opportunity to look around for clues to your lifestyle, friends, reading material, etc., but also tends to prolong the conversation. And, the longer the conversation, the more chance there is for a skilled investigator to find out what he wants to know.

Many times, a police officer will ask you to accompany her to the police station to answer a few questions. In that case, simply thank her for the invitation and indicate that you are not disposed to accept it at that time. Often the authorities simply want to photograph a person for identification purposes, a procedure which is easily accomplished by placing him in a private room with a two-way mirror at the station, asking a few innocent questions and then releasing him.

If the investigator becomes angry at your failure to cooperate and threatens you with arrest, stand firm. He cannot legally place you under arrest or enter your home without a warrant signed by a judge. If he indicates that he has such a warrant, ask to see it. A person under arrest or located on premises to be searched, generally must be shown a warrant if he requests it and must be given a chance to read it.

Without a warrant, an officer depends solely upon your helpfulness to obtain the information he wants. So, unless you are quite sure of yourself, don't be helpful.

Probably the wisest approach to take to a persistent investigator is simply to say: "I'm quite busy now. If you have any questions that you feel I can answer, I'd be happy to listen to them in my lawyer's office. Goodbye!" Talk is cheap. But when that talk involves the law enforcement authorities, it may cost you, or someone close to you, dearly.

## **Grand Juries: Tools of Government Repression**

**By Craig Rosebraugh**

It's a common belief that the U.S. constitution guarantees certain rights and liberties to its citizens. This includes certain protections thought to be universal in the court system. Yet, a closer look reveals the shocking reality of an institution that operates in secrecy and strips individuals of their basic, fundamental rights: the Grand Jury system.

Grand Juries, often referred to as the "strong arm of the court system," thrive off public ignorance, working behind closed doors and under seemingly little regulation. Often working in accordance with the Justice Department, the Grand Jury system has been, and continues to be, used for gathering intelligence and suppressing

with like-minded groups. We have always felt it our obligation to provide the activist community with accurate and reliable information regarding animal liberation activities. To this end, *No Compromise* has strived to serve as a resource that educates our movement about the underground warriors who take direct action against those who exploit and murder animals. We believe these efforts are integral to sustaining an effective, long-lasting movement that aims to end the perpetual bondage and suffering of our animal sisters and brothers. Snitches and collaborators critically undermine these efforts and jeopardize the integrity of our movement. When faced with such a threat from within, there can be no indecision; there can be no ambiguity as to what is inexcusable and unacceptable.

It is worth mentioning that *No Compromise* has received letters from Justin Samuel regarding his cooperation with government authorities and information he provided to them about his alleged involvement with Peter Young in a series of past fur farm raids. Mr. Samuel desires that we publish these letters — in part, as an attempt to justify and yet apologize for his actions. *No Compromise* will not publish these letters. Whatever the circumstances, and however unfortunate they may be, one thing is clear: he provided government agents with incriminating information about Peter Young. Mr. Samuel has served his time in prison; Peter Young is still on the run. Justin Samuel violated one of the fundamental principles of this movement and thus has no place and no voice in this movement. It is that simple, and we will give no credence to the issue.

*No Compromise* sets forth the following protocol regarding snitches, activists-turned-informants, and collaborators:

First and foremost, a snitch is any person who implicates other activists as having participated in illegal or underground action. Someone who knowingly and intentionally provides information to further a law enforcement investigation into the movement and/or its members — no matter the reason — will be labeled as a snitch.

Violating such a deep-seated trust demonstrates a fundamental lack of commitment to the movement. Once such a trust has been violated, there's no way to ensure that it will not happen again, unless we ostracize the snitch from our movement.

While in some cases it may be tempting to afford a remorseful snitch the benefit of the doubt and give him or her a second chance, it is imperative that we recognize how much harm this could do. Letting a snitch back in the movement could jeopardize other activists who don't realize what s/he is capable of. Even if a snitch sticks purely to above-ground activism, it's all too likely s/he will end up passing on harmful information yet again. After finding initial success with a particular source, law enforcement agents will likely continue to work on prying more information out of the snitch.

Furthermore, forgiving snitches would send a message that one can simply testify against a fellow activist to get a lighter sentence, and then simply be forgiven afterwards with no real consequences. Not only would this promote a 'snitch culture,' but it would also send a message to underground activists that the above ground movement won't be there to support them and do what little we can to try to prevent anyone from snitching on them.

Law enforcement agencies certainly believe the old adage "once a snitch, always a snitch," and we would be foolish not to take it very seriously ourselves.

## **No Compromise Special: Snitch Protocol**

**The following serves as the official statement of *No Compromise* in regards to snitches within the animal liberation movement.**

Since its inception, *No Compromise* has endeavored to foster a strong grassroots community in which organizations that support the underground can become more effective through networking

"radical" groups and organizations that oppose current governmental policies.

Two of the most controversial aspects of the Grand Jury process involve the Fifth Amendment's provisions dealing with protection against self incrimination and right to counsel and the Sixth Amendment's right to counsel provision. We are generally taught that the U.S. Constitution guarantees protection against self incrimination and the right to counsel during all court proceedings. But most people don't realize that these guarantees do not apply to individuals involved in a Grand Jury process.

Grand Juries originated in England in 1166 and came over to the U.S with the English colonists. The first Grand Jury was established in Massachusetts in 1635, and by the year 1683 some form of Grand Juries was present in all of the colonies. Adopted into the Fifth Amendment, Grand Juries made their way into the Constitution because of their key role in the Revolution and because many colonists feared creating a powerful centralized government that could easily use the criminal process against political enemies. As the years progressed, this seemed to be a well-founded concern.

Many have charged that a chief objective of Grand Juries is to disrupt organizations deemed anti-American or a threat to national security. They have done this by not only jailing people on contempt charges but also by instilling fear in groups that prevents them from effectively opposing governmental policies.

The use of Grand Juries to repress social movements in the U.S. has a long history. The National Lawyers Guild tells us that "Grand Jury activities and investigations have targeted political dissenters, escaped slaves in the 1850s, movements involving causes deemed anti-American, and, more recently in the 1970s the Vietnam Anti-war and Women's Movements."

The scope of Grand Jury investigations continues to widen. The government loves to boast about how it targets white collar crimes and political corruption. Yet, as history has shown, the reality of Grand Juries today is far from what the writers of the Constitution

originally intended when they wrote them into the Fifth Amendment years ago.

An individual who is called to testify before a Grand Jury is required to answer all questions, without the Fifth Amendment privilege. Individuals who choose to take the Fifth Amendment and remain silent during questioning to avoid self incrimination may at any time be given “immunity” and forced to testify. At this time the individual is taken before a judge in an immunity hearing. Once the immunity is granted, individuals may not refuse to answer any questions by the Grand Jury. Doing so subjects them to imprisonment on contempt charges for the remaining length of the Grand Jury, which can run up to eighteen months.

For the most part, witnesses are not allowed counsel inside the Grand Jury room. This is because the proceedings are considered ‘non-adversarial’ and the witness is thought to have the maximum protection necessary because there exists, in theory, the right to Fifth Amendment protection. Yet this reasoning is a bit deceiving, since the Fifth Amendment right to silence can be challenged at any point.

While the law against counsel is absolute in federal cases, there are a few states that do allow representation inside. In both federal and state cases, witnesses are allowed to consult with an attorney outside the Grand Jury room at reasonable occurrences regarding the questioning.

There are two main components to consider when determining if someone is to be indicted by a Grand Jury. The first is whether or not a crime has been committed. The second asks if there is “probable cause” to believe the individual under investigation committed the crime. As simple as these two may be, the area of Grand Jury investigation may be extremely scattered.

As far as the Grand Jury selection goes, the Jury Selection and Service Act of 1968 states that “the policy of the United States that all litigants in Federal courts entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair

permission to snitch on a friend, there’s no way for us, as a movement, to verify this while that friend is on the run. This could then pressure the activist who is not in custody to come out of hiding long enough to verify or debunk the alleged agreement. An activist might even feel guilty into saying it was alright for a comrade to testify against him or her. Allowing such pressures would hinder direct action, and this is simply unacceptable.

When law enforcement agencies see us give up our friends, they see it as a weakness they can exploit. Accepting ‘agreements to snitch’ would make us appear a weak movement of snitches, whose activists only need to be leaned on harder to make them cave. It is only by embracing a security culture over a snitch culture that our movement will successfully continue its brilliant history of carrying out liberations and economic sabotage actions.

### **Lesson 6: If you can’t do the time, don’t do the crime!**

If you’re going to participate in illegal action, you have to go into it with the understanding that the action may fail and that you may end up in jail for years. With careful planning this isn’t likely, but it’s still something one must prepare for. If you can’t even stomach the thought of spending a few months in jail, you do not belong in a campaign group in this day and age of government repression.

So shape up, and think about why you’re really in this movement and what it really means to you. Isn’t helping to save animals from torture worth spending some time in jail? But, don’t kid yourself about it. If you aren’t willing to do the time, don’t do the crime!

### **Lesson 7: There’s no place in the movement for snitches**

Sadly, someone who becomes a snitch by implicating other activists to law enforcement agents as having participated in illegal/underground actions simply can never be trusted again.

#### **Lesson 4: Agreements to snitch can have devastating personal effects**

Another clear lesson from Wheeler's case is that, once you are arrested, circumstances may change dramatically. Wheeler and Brasfield had no idea prior to their arrest that they might be charged with felonies for their actions. Thus, making an agreement to let others testify against you if they're arrested may turn out to have effects you never dreamed of.

While Brasfield's eight and a half months in jail was no picnic, many activists are sentenced to far worse. Imagine for a moment that you and a couple of friends had decided to torch a few SUVs. Unfortunately, you are all arrested and find yourselves facing Criminal Mischief charges, which carry a maximum sentence of one year. Feeling noble, you volunteer to take all the heat for it and urge your friends to testify against you. The next thing you know, you find the charges against you have been changed to include multiple felonies. Suddenly the maximum possible sentence changes to over 100 years!

The bottom line? The facts of a case can change, and to make an agreement ahead of time that it's OK for others to testify against you is to invite disaster.

Furthermore, without a clear 'No Compromise' mind-set, it becomes far too easy for the police or F.B.I. to intimidate a person into making decisions under duress while his or her judgment is impaired. Our movement-wide policy of no snitching – ever – no matter the circumstances, precludes such dilemmas and their potentially devastating fallout when mistakes are made.

#### **Lesson 5: Agreements to snitch hurt our movement**

Beyond potential grievous personal effects from so-called snitch agreements, our movement cannot afford to accept such agreements. If a person who is arrested claims to have been granted

cross section of the community in the district or division wherein the court convenes." Voter registration lists are used to randomly select twenty-three jurors in federal cases. In state grand juries the number varies, but is never more than twenty-three.

Traditionally, Grand Juries may convene for up to eighteen months, and their meeting occurrences may vary from weekly to monthly. Once a Grand Jury term has expired and the investigation has not concluded, a new Grand Jury may be convened to continue the investigation.

In my experience, the most fascinating aspect about Grand Juries is that the public is largely misinformed and kept in the dark about their true nature. Most citizens do not realize that an individual called before a Grand Jury has neither the right to counsel nor Fifth Amendment protection in the proceedings. I have found that people from all walks of life are outraged when they learn of this reality.

It is this very secrecy and deception that has allowed Grand Juries to persist. It is a simple rule that says if no one is informed, no one will object.

It is perhaps a bit odd that Grand Juries were abolished in England in 1933 and yet in the United States they continue to flourish with little organized objection. There were definitely sound reasons for the abolition of Grand Juries in England (waste of time and tax dollars, extreme & lawless government power), yet the public in the U.S. has yet to understand or even be informed of the ills of the Grand Jury system.

It does seem fair to say that historically, Grand Juries did have one good intention: to give the people some power against an oppressive and corrupt government. But what the grand jury system has devolved into is something so distant from this early intention that its current true meaning is difficult to grasp.

Reformists, for the most part, want one of two options: either to abolish the Grand Jury system entirely or to reconstruct it to become the "people's panel" as it was (at least in theory) intended

to be. But the struggle for reform is met with great resistance from the Executive Structure itself, which has relied upon Grand Juries to target dissidents for many years.

There's a sound argument for abolishing the Grand Jury system in the United States. If the people were properly informed and they were to decide, the current abuses and oppressive practices by the Grand Jury system and the Justice Department would not be tolerated. We must take a closer look allies in England for methods for a successful abolition campaign. But I think it is obvious to everyone, including the most hardline Grand Jury supporters, that with public education, the reform of the Grand Jury system is all but inevitable.

## **Know Your Legal Rights — A Quick Reference Guide**

By Shannon R. Keith, Esq.

### **General rights you should always know**

- **You have the right to remain silent**
- **You have the right to an attorney**
- **You have a Fifth Amendment right against self-incrimination**
- **You have a First Amendment right to freedom of speech**
- **You have a Fourth Amendment right to be free from unreasonable searches and seizures**

try to convince an activist that the agents already know everything. Don't believe the hype! Even if agents do "know" something, that doesn't mean it will necessarily be admissible in a court of law (unless, of course, you help them corroborate it!).

### **Lesson 2: Don't put too much trust in lawyers**

When facing serious charges it is, of course, important to retain legal representation. At the same time, it's also important to recognize that most lawyers will not give a second thought to the good of the movement or your fellow activists. Many won't even put your own interests ahead of their own — many attorneys will simply look for a quick settlement so they can move on to other cases; others may try to pressure activists into testifying against their comrades "for their own good."

Finding a lawyer who will respect your desire to protect your colleagues and stay true to your beliefs thus becomes essential. Attorneys for the National Lawyers Guild tend to understand this, and they are generally worth contacting. Alternatively, you can contact *No Compromise* at 831-425-3007 or [nc-info@nocompromise.org](mailto:nc-info@nocompromise.org) for assistance in finding a movement attorney in your area.

### **Lesson 3: Reach out to movement experts**

There's a natural desire, when facing government harassment, to reach out to your friends and comrades for advice about how to deal with the situation. However, it's incredibly important to make sure you not only talk to people you know and trust, but also to our movement's experts in dealing with these types of cases. For referrals to movement experts to consult with, please contact No Compromise (see above).

## No Compromise Snitch Lessons

It's useful to examine a case like that of Tami Wheeler to see how a seemingly well-intentioned activist can be reduced to testifying against her friends. This represents a series of painful lessons all activists should heed. The good news is that the vast majority of activists recognize the inherent harm in talking to law enforcement. But when even one activist becomes a snitch, it's one too many.

### Lesson 1: Loose Lips Sink Ships

Wheeler's decision to take her attorney's advice to consider a deal with prosecutors that would involve her providing any kind of information to them violated one of the most fundamental rules of activism — the golden rule of Silence.

It simply cannot be stressed enough that, other than identifying yourself if arrested, you are under no obligation to talk to law enforcement agents. You have a right to remain silent, so use it! Failing to do so not only jeopardizes yourself but also puts your fellow activists at risk, and can end up having an impact on our entire movement.

Even answering questions that seem completely harmless can end up landing people in jail or can assist the agents in developing personality profiles of activists and structural diagrams of activist groups. But the full scope of the damage you may do simply can't be known. For example, confirming that an activist was in town attending a protest on a particular day may turn out to be a key fact in building a case against her for having taken part in a separate action under investigation.

Even if the information you give to law enforcement agents is not used as evidence, it can still be very damaging. It can give law enforcement leads, provide the basis for issuing a subpoena to another activist, or be used to help construct "intent" for an activist facing trial. Another common ploy used by law enforcement is to

## Questioning by "Authorities"

If you are stopped by police, FBI, or other governmental "authorities," remember your rights listed above, as well as these helpful hints:

- Ask, "Am I being detained?" If the 'authority' says, "No," then move on. You do not have to speak to them if you are not being detained. Do not allow them to trick you into speaking. For example, you may ask if you are being detained, and the authority may respond, "Not technically; I just want to ask you something," or they may avoid the question completely. The best thing to do in this situation is to keep walking. Tell them that you do not wish to speak to them and that you are invoking your right to remain silent.
- If an authority answers that you are being detained, remember that you still have the right to remain silent. They may ask for your name, social security number, address and phone. You do not have to provide this information. However, if you are subsequently arrested, you will waste a lot of time if you do not give your name and address, because they will hold you until they get it. If you don't want to wait, the ONLY INFORMATION YOU HAVE TO GIVE IS YOUR NAME AND ADDRESS. You do not have to provide your phone number or social security number. (Note: there has been much debate over this issue. Some cases say that you must provide identification when lawfully detained, or you can be arrested for interfering with the duties of an officer. When in doubt, try to call your attorney, as many cases are fact specific.)
- Just because you are being detained, does not mean you will be arrested.

- Activists are routinely followed to their cars after protests. The best thing to do in this situation is keep walking and do not allow the ‘authority’ to follow you to your car and into your personal life.
- At a protest, an ‘authority’ will almost always ask who is in charge. NEVER divulge that information, even if you think they already know. One of the biggest mistakes anyone can make is to divulge information to ‘authorities’ on the grounds that they already know the information. NEVER assume they know anything, and even if you KNOW they KNOW, make them do their homework – DON’T DO THEIR WORK FOR THEM!

### **When they come a-knockin’....**

The most important thing to remember is to NEVER open the door to strangers. Not only should you follow this policy, but you should tell friends, family, roommates, and co-workers to follow this policy, as well. Unfortunately, doors sometimes do get opened, and there can be unexpected visits at your workplace that you cannot control. When this happens, remember the following:

- If you are visited at home or work by the ‘authorities,’ tell them you have nothing to say and wish to seek legal counsel.
- Most likely, this will not deter the authorities. They will try to trick you into divulging information. One way they will do this is by playing good cop/bad cop. They might be very cordial at first, and once you assert your legal rights, they may tell you that if you don’t answer their questions you can get in “big trouble.” Do not let this frighten you. If they continue to harass you, close the door or walk away and ignore them.

possibility at that time that I could have been released on bail, but I decided not to pursue it. Doing so would have put a burden on my friends and family to put up the bail, instead of leaving the burden with the government by forcing them to bear the cost of holding me prisoner and transporting me across the country.

While in federal custody I was denied vegan food, flown all over the country on “Con Air” in shackles and held in six different county jail and federal facilities in three weeks, before I was finally brought before a Federal Magistrate in New Jersey. During the week-long process of my transport, I was held in solitary confinement without the ability to make phone calls, even to my lawyer.

During my time in custody I received support from people around the world. I was especially excited to hear about ALF actions against Legacy in Oklahoma! Demonstrations also happened in front of the jail and courthouse, protesting my incarceration. Other protests targeted HLS executives and Whole Foods for selling Grimaud duck meat. A nationwide protest was scheduled to happen July 3 to coincide with my appearance in front of the Grand Jury.

On July 2, I was brought before the Grand Jury. Immediately I was told that I had a flight scheduled for 4pm, and that I would be leaving as soon as possible. They seemed extremely eager to get me out of there before the protests could happen. The US Attorney asked me around twenty questions – I pleaded the fifth to all of them. I was then promptly released and given a plane ticket home.

Even though being in jail messed up my plans for the summer, I have no regrets. In similar circumstances I would fight it just as hard. There is no excuse for ever testifying in front of a Grand Jury. Nothing they can ever do to us can come close to matching what’s done to the animals every day.



international days of action; an A.L.F. action in Washington State; and letters, faxes and phone calls to my new jail, as well as the U.S. Attorney in charge of the case and judge who threw me in jail.

One day, quite surprisingly, I was quietly released without notice and without any reason being given. The U.S. Attorney's office later told the media that they had gotten what they wanted. My guess is that they intercepted a letter that I had written to a supporter and decided to accept that as a handwriting sample (they got extensive handprints and fingerprints when I was booked into custody).

Normally, such a letter would not be accepted as an official handwriting sample, but I am quite certain that the U.S. Attorney's office was motivated, by the fuss being made over me, to do something to get me out of their hair and not have to deal with it anymore.

Jail support does work to get our fellow activists back on the frontlines where they need to be!

## **Grand Jury Reflections with Lindsay Parme**

When subpoenaed to a Grand Jury, there are different options an activist may take. You can refuse to appear and risk arrest, or you can appear and follow the instructions for dealing with a grand jury.

Two FBI agents came to my work in January and served me with a subpoena to testify before a grand jury later that month. I knew that I would never testify, but the decision to go or not was a little bit harder to make. I was not sure if I wanted to risk going to jail for simply not showing up. But for me personally, I simply could not bring myself to go out of my way to comply with the subpoena when the process of the Grand Jury is so unjust.

On June 12, I was finally arrested for refusing to appear before a Federal Grand Jury. The U.S. Marshals brought me before a Judge, who ordered that I be extradited back to New Jersey. There was a

- They may also ask if you if they can come in. They may use an excuse like they need to use the bathroom or your phone. Do not let them in! Once you let them in, you have given them consent to search your home.
- 'Authorities' cannot enter your home without a search warrant (absent an emergency), and they cannot arrest you without an arrest warrant (absent probable cause).
- Any competent adult can consent to a search if it appears that s/he has the authority to give consent. That means that if your co-worker or roommate is not given the heads-up, s/he might let 'authorities' into your home, and IT IS LEGAL!
- If you find that your roommate or co-worker has allowed the 'authorities' onto your private property, tell them that you do not consent to the search and you are contacting an attorney.

## **You are your best attorney**

Your attorney and legal defense or offense is only as good as you make it.

You have a responsibility to yourself and others to be observant at all times. Keep the following in mind:

- When at a protest, always have a pad of paper and pen ready.
- Take note of the names of activists present.
- Take note of the number of officers, their names and badge numbers.
- When visited by "authorities," ask for their card. If they refuse to give you their card, ask for their name, official title, address and phone number.

- Write down exactly what occurred, the time, date and words exchanged.
- Take pictures and video whenever possible.

ALWAYS ASSERT YOUR RIGHTS. NEVER BE AFRAID OR EMBARRASSED TO ASSERT YOUR RIGHTS. THE MORE YOU ASSERT YOUR RIGHTS, THE MORE YOU WILL GET USED TO IT. AND NEVER – UNDER ANY CIRCUMSTANCES – NEVER, EVER COMPROMISE!

## **When Grand Juries Attack; Allison Lance-Watson Charged with Perjury**

In the past two years, our movement has seen a marked increase in the number and scope of federal investigations targeting activists and the movement as a whole. Since just the beginning of 2004, activists have been visited by federal agents with regards to the 1999 A.L.F. raid on the University of Minnesota, and at least three activists have been subpoenaed to appear before a Seattle, Washington grand jury. The federal probe in Seattle continues to be one of the most exhaustive political fishing expeditions our movement has seen in quite some time.

On February 19, 2004, after years of FBI visits, subpoenas, court orders for handwriting exemplars, and countless demands to testify, Allison Lance-Watson was indicted on four counts of perjury by the federal grand jury in Seattle. Federal prosecutors maintain that statements she made before the grand jury in October 2003 were knowingly false. Allison had been granted immunity and was compelled to testify under a court order about her involvement and associations with other animal rights activists.

After a barrage of invasive questions about her political beliefs, support for direct action, and even a vegetarian restaurant she dined at with a friend four years prior, Allison was asked a series

## **Grand Jury Reflections with Gina Lynn**

In September of 1999, I was arrested for refusing to cooperate with a federal grand jury subpoena demanding my fingerprints, handprints and handwriting samples. After a Motion to Quash the subpoena failed, I chose to ignore it on the grounds that grand juries are generally corrupt at worst, unconstitutional at best, and that everything that led up to my being subpoenaed was essentially absurd.

About six weeks (to the best of my recollection) after the date by which I was to comply, I was arrested at my home by the FBI and spent the weekend in the Oakland County Jail waiting to see a judge on Monday morning. Luckily, Bay Area judges are notoriously liberal, and Magistrate Brazil recognized this as a political case and ordered my immediate release without processing, on the promise that I would travel to St. Louis, at the government's expense, to fight Contempt of Court charges there (where the subpoena originated).

So, three weeks later, following two hearings before a St. Louis judge, I was found in Contempt of Court and ordered into custody until I cooperated with the subpoena (or until the grand jury ended about four months later). In the end, I spent a total of only 26 days in jail on hunger strike, and I attribute my earlier-than-expected release to a very dedicated and well-organized jail support campaign.

The St. Louis County Jail literally kicked me out because they were so inundated with letters, faxes and phone calls from people concerned about me, that they said they were unable to conduct usual business. It turns out that county jails have an agreement with U.S. Marshals to hold federal prisoners at their discretion. When having me there became a problem, they called up the U.S. Marshals and said, "Take her back; we're not keeping her anymore."

So, I was moved to Belleville, Illinois, which was a very bad place that I prefer not to think about. The protests continued, including

questions while proving absolutely no information and seriously frustrating the Assistant U.S. Attorney. I was again let go, only to be served with another subpoena to testify later in 2000. Both this subpoena and another I would receive in 2001 were dismissed, as I had demonstrated a firm commitment to not cooperating with the grand jury system and investigation into the ALF and ELF.

Since I received my first subpoena back in 1997, many more resources pertaining to how to effectively deal with grand juries and subpoenas have become available for activists. However, there still appears to be a recurring problem associated with “activists” willingly cooperating with grand juries. From the Justin Samuel situation, to that of local environmentalists in Portland and Eugene — to name a few recent examples — cooperation is inexcusable and directly leads to others being subpoenaed and investigated, or even worse — caught.

There simply is no plausible excuse for someone involved in a social or political movement to testify before any grand jury. To do so clearly puts others, as well as the entire movement, at risk. While support for those facing grand jury subpoenas is necessary and crucial, the ultimate decision on the response to a grand jury subpoena rests with the individual served. Unfortunately, this decision can severely impact the freedom and lives of others. To ensure this decision is properly made and beneficial for all those within the particular movement, any individual cooperating with a grand jury (or any investigative agency) must face severe repercussions.

As any movement progresses, the opposition will continually implement more severe repression to neutralize it. The task of the movement is to realize that repression is inevitable and therefore must be prepared for and dealt with effectively. Allowing those in a movement to cooperate with the opposition is not only ineffective, but it is ultimately suicide and will lead to the complete demise of the struggle.

of questions about a rental truck. Not satisfied with the answers and lapses in her memory surrounding the truck she allegedly rented in May of 2000, the Seattle grand jury, under Assistant U.S. Attorney Andrew Friedman, charged Allison with four counts of perjury. She now faces five years in prison and/or \$250,000 in fines for each count of perjury.

The State contends that the truck was used in an A.L.F. raid on Dai-Zen Egg Farm in upstate Washington. They are desperately grasping at straws in efforts connect it to an arson at the headquarters of Holbrook, Inc., a timber company based in Olympia, Washington — simply because the two occurred around the same day. Federal investigators aren't charging Allison with any crime in relation to the incidents under investigation; rather, the perjury indictments levied against her are based upon a truck rental and are part of a futile effort to get her to provide testimony against other animal rights activists.

Operating under the pretext of investigating the A.L.F. raid on Dai-Zen, federal investigators are utilizing the grand jury system as a means of gathering intelligence on the animal rights movement and its constituency. Despite funding for the Joint Terrorism Task Force going through the roof in the frenzied post-September 11<sup>th</sup> climate, the FBI still can't close its cases—whether they be the University of Minnesota, Dai-Zen or Holbrook, Inc. — with good old-fashioned detective work.

The perjury charges looming over Allison's head must be seen for what they truly are: a wholly fruitless attempt by the U.S. Attorney's office to create another snitch.

When faced with this sort of gratuitous harassment, we must refuse to validate the government's efforts by refusing to provide any information — even seemingly harmless information — about other activists. We must join together in support of Allison and all activists who remain strong despite being targeted by the grand jury system. It must be realized that the FBI all too frequently seeks the cooperation of activists to put other activists behind bars. We

cannot give into our fears and provide the federal government with the ammunition it seeks to disrupt our movement.

## Harassment by a Federal Grand Jury

### By Sean R. Day, Attorney at Law

The process begins with the service of a subpoena. It must be handed to you or, if you refuse to accept it, placed near you. A subpoena *duces tecum* directs you to appear and produce a physical object.

If you fail to appear as directed, you can be arrested and held until your testimony. Whether you actually get arrested will depend on how badly they want you, and how easy you are to find.

If served with a *subpoena duces tecum*, file a written motion to quash the subpoena, especially where it directs you to produce privileged material or is unduly burdensome or harassing.

When it is a regular subpoena, unless you are asked to travel, it may be best not to file a motion to quash, since at least one federal circuit court has decided that any objections not litigated in the motion to quash are waived. Besides, most, if not all, objections you have to testifying cannot be dealt with except on a question-by-question basis.

If you appear, you will be taken into the grand jury room, which will have one or more prosecutors, a court reporter, and 16–23 grand jurors. Do not be intimidated. Grand jurors are simply citizens who have been selected for (grand) jury duty.

Begin writing down every question. You will be given an oath and first asked your name and address. Thereafter, if you have an attorney, most courts follow the rule that you may consult with your attorney after every question (though a couple courts have said after every few questions), although the prosecutor or grand jury may try to scare you into believing otherwise. Beginning with the first question, and every question thereafter, state, “I invoke my

testify. After my three seemingly valid reasons were rejected, he ordered the Marshals to take me into the grand jury room in handcuffs. Once inside, I took the Fifth Amendment to all the questions, believing that I was going to be held in contempt. To my surprise, forty-five minutes later I was released.

A third grand jury subpoena came my way in February 1998, demanding that I submit to F.B.I. fingerprinting, allegedly so investigators could rule me out as a suspect. As my fingerprints were on file in many states across the country, this just seemed ridiculous and I willingly gave my fingerprints, as they could not harm anyone other than myself. Yet, this still translated into a form of cooperation, as I was to a minute degree playing the game and legitimizing it.

During the first federal raid on my home in 2000, I received a fourth grand jury subpoena, pertaining to the investigation into several ALF and ELF actions in the Pacific Northwest. A few days later, I received a hand-delivered letter from the F.B.I stating that I was now considered an official target of the grand jury investigation. Whereas up until this point I had just been “officially” considered a witness, now I was faced with multiple federal charges, including violating the Rico Act, aiding and abetting, conspiracy, violating the Hobbs Act, and more.

With assistance from hired counsel, I attended the grand jury session and pleaded the Fifth Amendment to every question. Upon releasing me, the Assistant U.S. Attorney handed my attorney a letter advising that I had been “granted” immunity, which means my Fifth Amendment right had been stripped away from me for future grand jury appearances. Quickly, the U.S. Attorney’s office served me with another subpoena, one that meant I would have to answer the questions posed to me or face contempt charges.

At the next grand jury session, I worked my way through each question, taking the Fifth Amendment where I was still able to, and to every question I was forced to answer I simply responded, “I do not recall.” This form of non-cooperation allowed me to answer the

or the remaining length of the grand jury. Naturally, this was intimidating – at least to a degree.

My response to the first subpoena back in 1997 was to attempt to enter the proceedings and demonstrate to the grand jury that I had done nothing wrong and was only being harassed. This was my first mistake and would not be one I would make again. Upon entering the courtroom, I witnessed the jury seated in front of me, glaring at me as though I was nothing more than an evil terrorist worthy of prosecution or perhaps something worse. To all of the questions pertaining to myself or other individuals or groups, I pleaded the Fifth Amendment. The few remaining questions dealt with theoretical information about animal rights and environmental beliefs. My second mistake was in believing I could answer these questions and convince the jury members of the importance of pursuing these social and political causes. I soon learned that it was not only unlikely that I would convince even one person on that jury (especially because there were fur farmers and families of fur farmers on the jury), it was also wrong and inexcusable for me to answer any of the questions posed to me.

Through this initial experience, I realized that any direct cooperation with the grand jury simply translates into a form of legitimizing for the secret proceedings. More importantly, any question answered in the grand jury may have severe consequences not only for the witness, but also for parties unknown and those under investigation. While I only answered a few questions pertaining to my own ideological beliefs on the environment and animal issues, I still, to a degree, legitimized the proceedings and likely invited more subpoenas to come my way.

Sure enough, I received two more subpoenas late in 1997 to testify before the same federal grand jury, as well as supply documents relating to both the Animal Liberation Front and Earth Liberation Front. This time, I would not voluntarily go inside. Instead, I was taken into custody by U.S. Marshals and brought into a room, where I appeared before a judge asking me why I was refusing to

Fifth Amendment privilege.” And while there is no court decision stating that any other objections not raised are waived, it may be a good idea to add, “...and reserve all other objections, privileges, and immunities.” You don’t want to be the first victim of a conservative judge bent on setting a precedent on the issue.

After raising your Fifth Amendment privilege a few times, the prosecutor will probably ask you if you intend to invoke your Fifth Amendment privilege to all questions. You can either say, “yes,” or you can say that you cannot know if you will answer a question until you hear it.

At this stage, you may be excused. Or, the prosecutor may seek to give you immunity, which must be approved by a judge. (Immunity could have been granted before you even got to court.) You will be taken before a judge for an immunity hearing, and the judge will likely rubber-stamp the request.

Thereafter, you cannot invoke your Fifth Amendment privilege because it will be moot. Except, when they start asking about other people you know, try asserting your Fifth Amendment privilege on the basis that the granting of immunity cannot protect you, because if such persons are charged with some sort of conspiracy in another case, admitting you know those persons could lead to your getting named as a defendant in such case.

Other bases for either objecting and/or refusing to answer any individual question, despite having been given immunity, include but are not limited to the following:

1. The question violates your First Amendment right to privacy of association and belief.
2. The purpose of the question is to harass you on the basis of your protected political and moral beliefs.
3. The question violates your constitutional right to privacy.
4. The purpose of the question is to gather intelligence, not to investigate or indict a potential crime.

5. You cannot answer the question because the question is ambiguous, complex and/or confusing, and any answer you give would tend to be confusing or misleading.
6. You cannot answer the question, as the question makes assumptions that might appear to be admitted no matter how you answer the question.
7. You cannot answer that question as it calls for an opinion you are not competent to give.
8. Attorney-client privilege.
9. Marital privilege.
10. Physician-client privilege.
11. Clergy-communicant privilege.
12. The question was derived from an illegal wiretap.
13. The prosecutor is badgering you.
14. The question is argumentative.
15. You refuse to answer on the ground that the purpose of the proceedings is not to investigate or indict a potential crime, but to gather intelligence, to harass you, and to terrorize and fragment the animal rights community.

You might also add: "I request that the grand jury be instructed that they have the power to dismiss the subpoena, and that they do so." Check the prosecutor's reaction to that one.

If the prosecutor wants to compel an answer, he or she will first have to take you before a judge for a hearing. Argue initially that you need more time and/or you want to brief the issue. Assuming that request is denied and your objections are overruled, the judge

will order you to answer the question(s), and you will be taken back to the grand jury room.

At this point you have to decide whether to answer. Failure to answer will result in contempt, and you can be held until the end of the grand jury's term (up to 18 mos., depending on when they started; a "special" grand jury can get up to three 6-mo. extensions). Periodically thereafter, you can file a Grumbles motion (named after a court case), arguing that you will never answer their questions, and therefore your incarceration has become punitive and you should be released. If you decide to answer questions, you may become so stressed and rattled that you may suffer stress-induced amnesia, such that your answer to most, if not all, questions will be, "I don't know" or "I can't remember." You might even ask to see a doctor. Don't be alarmed. This condition should pass after you leave the grand jury room.

## **Grand Jury Reflections with Craig Rosebraugh**

When I was first subpoenaed to testify before a grand jury in 1997, I was fortunate to have a decent amount of support both in the local Portland community and across the country. At the time I didn't know much about grand juries, except that they are a tool used by the U.S. government to gain information to assist in criminal investigations. Out of a personal necessity I spent a great amount of time learning about the secret proceedings, their history, and their consequences for those that refuse to cooperate with the State.

I was instantly appalled after realizing that in front of a federal grand jury, I was not allowed to have an attorney present to represent me. Furthermore, I was shocked to find that I did not have the right to plead the Fifth Amendment to questions and that if I did not cooperate I risked federal imprisonment for eighteen months