

# THE FRONTLINES ARE EVERYWHERE

*From Pipelines to  
Courtrooms to Prisons:  
Building a Strong  
Movement Defense*







## Further Resources

- *Life During War Time: Resisting Counterinsurgency*, Kristian Williams, et al, eds., AK Press (2013)
- *Beyond Bullets: The Suppression of Dissent in the United States*, Jules Boykoff, AK Press (2007)
- *Agents of Repression*, Ward Churchill and Jim Vander Wall, South End Press (1988)
- *War at Home: Covert Action Against US Activists and What We Can Do About It*, Brian Glick (1999) \*\*
- *Green is the New Red: An Insider's Account of a Social Movement Under Siege*, Will Potter, City Lights (2011)
- "Green Scared?" Rolling Thunder, CrimethInc, (Issue 5, Spring 2008)\*\*
- *Witness to Betrayal/Profiles of Provocateurs*, Kristian Williams and scott crow, Emergency Hearts Publishing (2014)
- "Sexism, Egos, and Lies: Sometimes You Wake Up and Its Not Different," Lisa Fithian (2010) \*\*
- "Why Misogynist Make Great Informants: How Gender Violence on the Left Enables State Violence in Radical Communities," Courtney Desiree Morris (2010) \*\*
- *The Revolution Starts at Home: Confronting Intimate Violence in Activist Communities*, South End Press (2011)
- [www.incite-national.org/page/community-accountability](http://www.incite-national.org/page/community-accountability)
- "Ruckus Society: Security Culture for Activists"
- "Security Culture: A Handbook for Activists"
- *Government Repression, Prisoner Support*, Sacramento Prisoner Support, P&L Press (2012)
- *Crashing the Party: Legacies and Lessons from the RNC 2000*, Kris Hermes, PM Press (2015)
- "Anarchist Survival Guide for Understanding Gestapo Swine Interrogation Mind Games: Staying Free by Shutting the Fuck Up!" by Harold H. Thompson
- Youtube video "Why You Should Never Talk to Police," by James Duane
- Youtube video "Shit the FBI Says"
- "If an Agent Knocks" by the Center for Constitutional Rights
- [www.grandjuryresistance.org](http://www.grandjuryresistance.org)
- "The Improper Use of the Federal Grand Jury: An Instrument for the Internment of Political Activists," Michael Deutsch, Journal of Criminal Law & Criminology, Vol. 75, Pg. 1159 (1984).
- <https://saynothing.noblogs.org/grand-jury-resources/>

may encompass political symbols as well. Different facilities have different rules, so call the prison or jail if you aren't sure if something can be mailed in. Typically you cannot send pictures drawn with anything other than markers, polaroid photos, or cards that have glue or glitter on them.

### *What about getting a reply?*

Remember that you're doing this to support the prisoner, not to acquire a new pen-pal—although the two often go hand-in-hand! You may not get a reply for several reasons: obviously the prisoner might not have received your letter or they might be getting a lot of mail (if they're fortunate enough), so they may not have time to reply to everyone. They may be limited in the number of letters they can write by the prison authorities and prefer to prioritize relatives and close friends. They may not have access to sufficient writing materials or stamps, they may have been moved, or they may simply not be very good at writing letters. Regardless, don't be put out if there's no reply and don't let this deter you from continuing to write. Keep sending postcards and letters!

### *Can I send anything else in?*

The golden rule here is to ask the prisoner if you've got any doubts. You can always try contacting the prison, asking to speak to the mailroom or an administrator about what items are approved by the facility. If you feel that the prison or jail staff is not being truthful or is misleading you, a common tactic of repression by the institution, ask if they have a copy of their inmate handbook or mail regulations for you to review. These are often available online, but not always. The rules vary widely between different prisons and are sometimes baffling or non-sensical. If you send anything in, clearly write at the top of your letter what you've enclosed as this lessens the chances of guards taking items without the prisoners knowledge. Generally, books have to be from a publisher, although the guards get to decide which publishers are "legitimate". Some people get around this by sending books from an Amazon account, which many guards accept as "legitimate". Many prisoners have Amazon book wish lists that have been set up from which you can mail something directly. Guards may withhold some literature on the grounds of content, it all depends on which guard is looking through the mail any given day. Sometimes books or zines get through just fine, other times a prisoner never receives them.

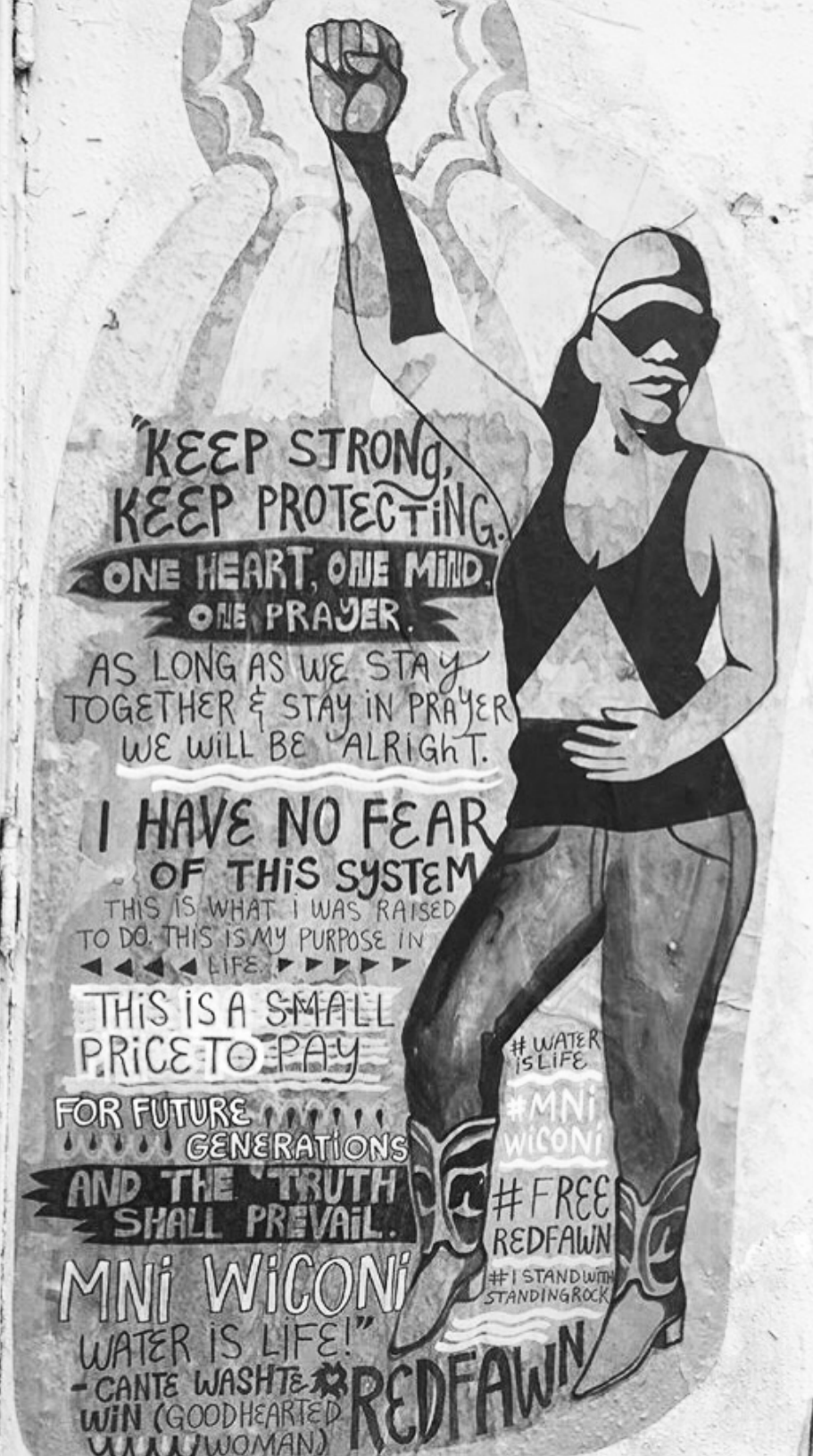
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them issues with the prison. There's no problem sending this kind of thing as long as you ask the prisoner first and always respect their wishes!

## Frequently Asked Questions

Here are some common questions people have about writing to those in prison or jail:

### *What should I write them?*

Starting your first letter can feel difficult, especially if you are writing to someone you don't already have a relationship with. You may be worried that what you write might sound stupid, or make the prisoner feel worse, or you simply can't think of anything. Of course if the prisoner is your relative or friend then this part is easy, but what about a total stranger? You can simply start by telling them about yourself, what you do, what you're into, where you got their address and so on. This breaks the ice and also make a reply easier. Apart from that, just fill a side of paper with whatever you can think of – a hike you took, a tender moment you saw at the park between a mother and child, the last movie you saw, or pretty much anything! We have tried to include some personal details about #NoDAPL prisoners that could help get your conversation going. Most prisoners that we know have commented that while robust political discussions are great, so are letters about Harry Potter books or space exploration or poetry! The point being that these folks are dynamic humans with varied interests and parts of themselves they'd probably like to share while in a place that is designed to strip them of their humanity.

### *I'm not sure I can manage a full letter...*

That is okay! A quick message of support on a postcard can still really brighten up someone's day. Try taking a card to a meeting, a family gathering or a protest where everyone can sign it!

### *How do I make sure my letter gets in?*

Make sure to write the prisoner's full name and prisoner ID number on the envelope. Put your name and address at the top of the letter and on the top left corner. You can use a pen name if you've got any reservations, but bear in mind this is what the prisoner will see if they're going to write you a reply. Some prisons will refuse to accept letters with "care of" or PO Box addresses so it's best to use a street address. Some prisons have rules forbidding certain imagery (e.g. gang symbols being banned from US prisons) and this

## Writing Relatives & Comrades In Prison: Getting Started and Keep Each Other Safe.

Writing to prisoners is one of the most important aspects of support. Letters from relatives, comrades and new friends is a lifeline for those inside and provides connection to the outside world. One of the hardest things for many prisoners to cope with is the feeling of isolation – being cut off from friends and family and everything they know in their lives on the outside. Prison and jail are designed to be isolating, but communication from the outside can cut through isolation and remind those inside that they are never alone.

In many cases, contact from the outside lets the prison authorities know that there are people on the outside who care and are monitoring the situation. For example, religious freedoms and special dietary requirements (halal, kosher, vegan, etc) are more likely to be adhered to if a prisoner is obviously not forgotten.

Here are some important reminders for you prior to writing your letter to #NoDAPL prisoners:

- Every letter is potentially read by the guards, so don't write anything that might incriminate yourself or others. Do not write about illegal activities, happenings at the resistance camps, etc. The rule of thumb here is don't put anything in a letter that you wouldn't say to directly to the police.
- Remember that these prisoners are all pre-trial, which means that beyond their mail be generally monitored, it can be entered into evidence against them.
- These are political prisoners and you should obviously let them know you support their politics, but don't start praising them as heroes. "Hero letters," can add to the state's repressive tactics and help label people as "leaders." If someone is caught up for a political action they probably don't want to be seen as martyrs – they're just normal people, so write to them like normal people rather than fawning! Human connection is more important than heroism.
- Don't *ever* promise things you can't deliver. Whether you're promising books, commissary money, et cetera- breaking promises to someone inside is not in line with supporting them.
- Political literature – be careful! Unless the prisoner asks for it, avoid sending any overly contentious political material in as it can potentially cause

## Introduction

**T**HIS SPRING, NoDAPL Water Protectors and legal team members are facilitating trainings across Turtle Island sharing knowledge about resistance to the grand jury convened against water protectors at Standing Rock. We want to build our capacities for strong movement defense against state repression.

As extraction becomes the norm and the government ramps up its repression against those who stand in resistance, this workshop holds valuable information for those who struggle for Indigenous sovereignty, earth liberation and a future without oppression.

This zine accompanies our two-hour workshop, which open to all who have participated in the movement at Standing Rock; those who have supported the efforts on the ground from their homes and territories elsewhere; as well as all those who wish to continue fighting on the many frontlines that continue emerging across Turtle Island.

The fight isn't over at Standing Rock, as nearly 800 Water Protectors continue their battles in the courtrooms with some facing federal felony indictments that carry a potential of 15 years in federal prison. The grand jury convened against water protectors continues, as does the resistance to it. Strong movements and interdependent relationships make us resilient against attempts to shut down our struggle.

*Join us in strategizing ways to defend our movements together!*

# **Political Targeting of Water Protectors Continues**

*Water Protector Legal Collective  
February 28, 2017*

**BISMARCK, ND:** A federal grand jury subpoena issued to Water Protector Steve Martinez was withdrawn yesterday, without warning or explanation. Mr. Martinez had been summoned to appear on Wednesday March 1, as a witness before a grand jury in Bismarck, ND. The putative subject of the investigation is the November 20 incident on Backwater Bridge, and in particular, the injury to Sophia Wilansky, who nearly lost her arm from being struck at close range by a law enforcement projectile.

Federal grand juries are panels of citizens investigating a federal crime. The proceedings are secret, and the grand jury has broad power to compel testimony on a range of issues even outside of, and unrelated to the ostensible focus of the investigation. They are therefore ripe for abuse; prosecutors often use them as “fishing expeditions” for gathering intelligence on individuals or groups whose activities or beliefs they perceive to be distasteful or politically undesirable. From the McCarthy era Red Scare of the mid-20th century, and liberation movements of the 1970s and ‘80s, to the environmental movements of the 1990s and today, politically-motivated grand juries have been in perpetual tension with the imperatives of the First Amendment.

Given this long history of grand jury abuse, Mr. Martinez refused to cooperate with the grand jury’s requests for information that could have been used against others. In a statement before his first appearance on January 4 he said, “I will in no way condone or cooperate with this attempt to repress the movement here at Standing Rock.”

The subpoena was withdrawn just as WPLC lawyers were moving to quash on First, Fourth, and Fifth Amendment grounds, as well as on a statutory prohibition against propounding a subpoena on the basis of unlawful electronic surveillance. The office of the federal prosecutor declined to elaborate on the reasons for, or future implications of the decision to withdraw the subpoena.

WPLC considers this grand jury to be one piece of a broader effort to criminalize Water Protectors and to unfairly target individuals in an effort to divide the movement. This is a huge victory for Steve Martinez and for the Water Protector Legal Collective’s efforts to provide effective legal defense.

Maira Meltzer-Cohen stated, “It’s critical for people who are active in so-

comes from the people you know and trust, like your relatives or comrades. Lawyers and professional legal workers can be very helpful in our efforts, but it is best when they are integrated with the movement itself and not separate from it or trying to control it.

When Water Protectors are incarcerated, prisoner support work is a tremendous part of movement defense. Many of us have or have had loved ones or comrades imprisoned; whether incarcerated for strictly political reasons or not, support and connection to those of us on the outside makes all the difference. When people get locked up for political or movement related charges, it is vital to keep them connected to the movement and those who care about them. Many political prisoners continue to be very involved in their communities and movements, like Mumia Abu Jamal who does a radio show from prison or Leonard Peltier who is a prolific writer and painter. One of the biggest ways to help prisoners stay connected is by writing letters to them, as well as donating to their commissary funds or sending books. Take a look at the section in this zine about writing prisoners for tips on security and safety. As the old slogan about political prisoners says, “They’re in there for us, we’re out here for them.”

Some movement defense work is not quite as obvious or concrete. The violence, repression, and legal charges from the State are a form of abuse, and many people facing various forms of repression might experience symptoms of post-traumatic stress. People will need different kinds of support, whether it is a ride to counseling, making sure they are eating well, helping with childcare, or just someone to check in and listen. Looking out for each other and being diligent about taking care of each other--especially after the action and media coverage subsides--is absolutely crucial to movement defense and ensuring that the resistance continues.

Movement defense is broad, and the above suggestions are only some examples, because the needs of the movement and its participants shift and change for many reasons. But, if we could impart any one thing to Water Protectors and others it is that *the responsibility of movement defense work falls on every single one of us*. It is seldom glamorous or fun work to do, it doesn’t grab headlines, make great photo ops, or make anyone very famous. But like cleaning up the dishes and the kitchen after a big communal meal, without this work the movement will not continue. Those who are doing the work of liberation must also do the work of keeping one another safe until we get there.



## **Movement Defense: What Is the Movement and How Do We Defend It?**

Social and political movements are made up of many diverse individuals, organizations, and communities who share collective visions or goals that move them towards liberation. At Standing Rock, thousands of people came together to stand against the Dakota Access Pipeline (DAPL). Those people came from all over Turtle Island and included Indigenous communities, communities of faith, earth liberation movements, various radical movements, student organizations, and much more. While many people came to Standing Rock with varying ideas of how to stop the pipeline itself, there was indeed a shared vision of stopping the pipeline in its tracks and preventing DAPL from drilling beneath the Missouri River. At the heart of this movement was Indigenous leadership and a centering of Lakota values.

Flash forward from April 2016 when the Sacred Stone camp was first founded to April of 2017: over 800 Water Protectors face criminal charges, 7 Indigenous warriors face federal felony charges, and a federal grand jury has been convened to investigate the activities of Water Protectors in order to charge more of them with crimes. During the past year, tens of thousands of people joined this movement, whether by coming to the camps or by supporting from afar, and it is the responsibility of all of us to protect one another from state repression. The question is, how do we do that?

There are simple ways that we all keep one another safe every day without even thinking twice about it. We let people know when harm has come to one another or we share the stories of the movement with others and build solidarity. Some encourage the use of secure communications with tools like the Signal messaging app or encrypted emails. We remind our relatives and comrades to be careful when using social media. We engage in what is often called *security culture*.

Other areas of movement defense include jail support, court support and prisoner support. Helping to run a jail support hotline when actions are happening, fundraising for bail, offering to be present in the courtroom for people's hearings or trials are all a part of making our movements stronger. When people know that others have their backs they are more willing and able to take the risks that are necessary in the struggle for liberation. These support tasks cannot be left to lawyers or "experts" in legal work. The best support

cial movements to know and vigorously exercise their rights and stand up to government's unconstitutional efforts to gather intelligence for the purpose of suppressing legally protected, and socially valuable activity. When people recognize these state tactics and push back against them, they can be successful."

Water Protectors who are contacted by law enforcement or served a subpoena are encouraged to contact the Water Protector Legal Collective for advice and representation.

*Water Protector Legal Collective (WPLC) provides on-the-ground legal representation and coordination for Water Protectors engaged in resistance to the Dakota Access Pipeline at Standing Rock, ND in partnership with the National Lawyers Guild (NLG). To support this work, please visit <https://fundrazr.com/RedOwlLegal>.*

## **Protect Yourself, Your Comrades, and the Movement**

*A joint statement from the Freshet Collective, Water Protector Legal Collective and Water Protector Anti-Repression Crew  
February 24th, 2017*

With the closure and militarized eviction of the Oceti Oyate, Rosebud and Sacred Stone camps, it is with strong spirits that we remind our relatives and comrades that these are indeed sacred times. The defense of water and assertion of Indigenous sovereignty did not end yesterday as law enforcement violently evicted Water Protectors from the unceded land we have called home for months. The struggle against the black snake and its world continues.

We also remind our relatives that this violent eviction is only one part of a well-coordinated and multi-dimensional strategy of repression by local, state, and federal law enforcement that seeks to crush our resistance. Nearly 800 people face charges, and we are fighting back in the courtrooms. Grand juries are active and issuing indictments, and we are resisting. Federal agencies are knocking on the doors of our loved ones, and we are remaining silent. Remember, the frontlines are everywhere, and movement defense is everyone's responsibility. It is critical that we do everything in our power to protect ourselves, our comrades, and the struggle for liberation. Here are some practices we strongly encourage:

- Avoid the spreading of rumor and gossip, as that only serves the agenda of the State in its efforts to divide us. Triple-confirm information from primary

sources.

- Use social media with great care and always assume that your account is under heavy surveillance. Social media content has been used repeatedly to bring both state and federal charges against Water Protectors.
- If you or your loved ones are approached by law enforcement of any kind, exercise your right to remain silent. Simply say: “I choose to remain silent. I want a lawyer.” Remaining silent means you do not speak at all except for those words. Anything you say can and will be used against you and your comrades.
- If you or your loved ones are approached by law enforcement or harassed in any way, contact the WPLC at (701) 595-0737.
- Continue to act in the spirit developed at the camps, one of graciousness and solidarity. Do not publicly condemn the tactics or choices of others. Keep our internal debates internal, and accept disagreement. When we air our criticisms publicly, we open up our movement to further state repression.
- Maintain security of your phones and computers as much as possible. Use Signal Private Messenger for encrypted texts and calls whenever possible. Switch to encrypted email services like Riseup.net or ProtonMail.com. But remember that no tech security is foolproof, so always be mindful of what you say and how it could harm yourself or others.
- Visit our websites for lots more legal information, resources, and support.

Relatives and comrades, be vigilant but unafraid. We have stood together in this movement through many battles. We will continue to hold one another through the trauma of forced removal from Oceti Oyate. Care for yourselves and one another. Make space to mourn but also to celebrate our victories. This is what solidarity truly looks like. We will face the next battle stronger than ever.

Mni wiconi!

a big protest, thousands of people are texting “R U HERE?” to each other simultaneously. The network will shit the bed in short order, leaving your device crippled until the traffic storm abates. It won’t be useful to you until you’re heading home or more likely until it’s sitting in an evidence locker waiting to be processed. If your device is limping along on a degraded network connection, there is a significant possibility that you aren’t communicating directly with the tower providing your signal. The police have access to technologies, Stingray among them, which will seamlessly intercept and record cellular communications. Calls and plain text SMS are vulnerable to these “man in the middle” attacks. Lock screen patterns are insecure. Four digit codes are insecure. They can be bypassed quickly and easily. You can be compelled to use your fingerprint to unlock your phone by a court order. Encryption can be bypassed using tool kits available to law enforcement. As careful as you think you’ve been, the odds are not in your favor. If your phone is seized as evidence, the fun isn’t over if the charges are dropped. Don’t assume present legal or cultural norms are going to protect you. Your information can sit in a database until it’s useful to The State.

We might be technical professionals, but it’s likely that you aren’t. You have fucked up when configuring something. Don’t leave things to chance, and don’t rely on some combination of official incompetence and your own perceived individual insignificance to protect you.

*Leave your phone at home.*



## **Your Phone Is A Cop:** **An InfoSec Primer**

*Are you hitting the streets in support of a righteous cause?*

Leave your phone at home. It is a conduit into your entire life and all of your networks. It contains years of passively recorded conversation transcripts. It has data on all of your associates, friends, and sexual partners. It tracks your movements down to the meter. It is a black box that can be recovered from your person and used against you in a court of law.

*Leave it at home. Your phone is a cop.*

If the above doesn't make it abundantly clear *why* you should leave it at home, imagine the terror you feel when you hand someone your phone to show them a picture and they start swiping left or right. Now imagine The State swiping through your pictures. Hopefully we've convinced you! Information security (abbreviated to InfoSec because it sounds cooler) can seem intimidating, but it's as easy as trading away some of your own convenience in exchange for obstructing the Panopticon of State/LEO/reactionary forces that seek to undermine your project. This document is not a deep dive into any of the topics covered. Devices and software exist in a state of flux, and what is considered secure now will likely be obsolete within months, weeks, or days of writing this. It is up to you to stay vigilant and informed.

*The Case for Disconnection.*

It's important that we come to terms here. This is not aimed at the "Hold a sign and shout some slogans" crowd. If you are attending a *Fully Permitted and Peaceful Protest* and you want to bring your phone to document what you see and do, knock yourself out. Are you in the Black Bloc? Are you engaging in "black bloc things"? Are you covering your face? If any of these conditions apply to you, you need to leave that shit at home. We understand that these devices are integral parts of modern life, but if you are engaging in "effective resistance" the presence and use of any cell phone is a risk to everyone around you. If you are compelled to carry it or would somehow render yourself critically unsafe without it, you need to consider finding a different outlet for your dissent. While documenting abuses by state security forces is important, it is necessary to leave that task to journalists covering the action. Yes, they will do a horrendous job. Accept this and move on. Additionally, cell/LTE service breaks down quickly when towers get overpopulated. At

## **Legacies Of Repression:** **The Government's War on Indigenous** **and Earth Liberation Movements**

Repression is the State's method of protecting itself and its authority from political challenges by destroying or "neutralizing" organizations, movements, or ideas that threaten their power. Repression is sometimes a response to crisis and sometimes just a method of preserving normalcy, but it always serves to limit political action and dialogue.

Because they challenge the status quo, movements for progressive and radical social change have always faced political repression from the State. In particular we will be sharing histories of Indigenous movements and environmental/earth liberation movements that have been targeted for repression over the previous half century. Understanding this history can help us learn how to fight back and resist!

*"Disrupt, Misdirect, Discredit, and Neutralize": COINTELPRO Versus the American Indian Movement*

In many ways, state repression of Indigenous movements is inseparable from and pales in comparison to the larger projects of colonization and genocide against Indigenous communities. But in modern times, repression is the State's preferred weapon against the communities, movements, and people who dare to organize resistance to that colonization and genocide.

In the 1960s, all manner of national liberation and freedom struggles experienced a surge in momentum and visibility, including Indigenous movements. In the Puget Sound area, native tribes fought for their right to fish their ancestral waters and to protect it from pollution, organizing protests, "fish-in" civil disobedience actions, and even taking up arms to defend their fishing rights. The National Indian Youth Council formed in 1961 to support these struggles. In upstate New York, the Tuscarora Nation fought the expropriation of their land to build a reservoir. In 1969, the Indians of All Tribes (IOAT) occupied Alcatraz Island to assert rights to ancestral lands as granted by the 1868 Treaty of Fort Laramie. The occupation of Alcatraz lasted for 14 months and established new precedents in federal court in regards to treaty rights for Indigenous people as well as igniting new resistance within Indigenous communities.

In 1968, the American Indian Movement (AIM) formed in Minneapolis, modeled loosely on the Black Panther Party and articulating a broad and

militant vision of Indigenous sovereignty and resistance. AIM had a talent for dramatic and attention-grabbing actions that crystallized the colonial oppression they were fighting against. On Thanksgiving Day 1970, they occupied the replica Mayflower ship and painted Plymouth Rock red. The next year they briefly occupied Mount Rushmore on the Fourth of July and later occupied the Bureau of Indian Affairs (BIA) office Washington D.C. In 1972 they organized the cross-country Trail of Broken Treaties march that ended with a second occupation of the BIA office in DC. Most famously, in 1973, AIM occupied the town of Wounded Knee on the Pine Ridge Reservation in South Dakota.

Bold actions like these helped grow AIM's popularity in native communities, but also drew the ire of law enforcement, particularly the FBI. Since the mid 1950s, the FBI's Counterintelligence Program (COINTELPRO) had engaged in a secret and illegal war against political dissent and leftist political movements in the United States. COINTELPRO explicitly sought to maintain "the existing social and political order," by "exposing, disrupting, misdirecting, discrediting, or otherwise neutralizing" people and organizations that the FBI believed to be threats to the internal security of the United States. Throughout the 1950s and '60s, COINTELPRO targeted the Civil Rights Movements and Dr. Martin Luther King Jr.; the anti-war movement and the New Left student movement; the Black Power Movement; the Puerto Rican independence movement; and many others.

In the early 1970s, COINTELPRO began to focus on AIM and the larger Red Power movement. Tactics that the FBI used included harassment arrests, malicious prosecution, informants and provocateurs, "bad jacketing," direct violence, and grand jury investigations.

Harassment arrests include both arrests on bogus charges, as well as arrests on petty charges that are ordinarily ignored in non-political situations (e.g. jaywalking, failure to disperse, etc.) but intended to intimidate and harass political organizers. In addition, political activists are often singled out for more serious charges by ambitious prosecutors looking to send a message. One FBI memo revealed a plan in which local police would put AIM leaders "under close scrutiny, and arrest them on every possible charge until they could no longer make bail."

For example AIM's Wounded Knee occupation resulted in 562 arrests but only 15 convictions. Several cases were dismissed by a federal judge after learning that the FBI and U.S. Attorney's Office had been hiding evidence that could have proved the AIM members' innocence. Suppression of evidence also played a role in the conviction of Leonard Peltier for the shooting of two FBI agents on Pine Ridge in 1976. A single AIM leader, Russell

Resisting the misery and violence of the status quo and fighting for collective liberation is dangerous work, and there are powerful forces aligned against us. Security culture will help mitigate certain risks, but it cannot eliminate them. Our best security is in our solidarity with one another, our accountability to each other, and our fight for freedom.





### Build a movement culture that is rooted in anti-oppression.

Many of the common security culture breaches—bragging, lying, pressuring, etc.—stem from macho behavior and macho culture in our movements and communities. People often feel a need to prove how “radical” or “down” or “committed” they are. Many circles will boost up the people who are seen as the most badass or militant. We would do well to critically examine the underlying cultures we create in our movements and communities and how they may be starkly at odds with good security culture.

### *Myths, Misconceptions, and Misapplications*

#### Security culture is not about hiding abuse or dirty laundry.

Sometimes people who abuse, manipulate, coerce, or deceive the people around them will try to use security culture to hide their harmful actions. This is an abuse of security culture and a danger to our movements. People need to be accountable for their harmful actions, and if someone is a danger to others—whether through malice or just carelessness—that information needs to be shared so that people can take appropriate steps to protect themselves.

#### Security culture is not about excluding new-comers, being inaccessible to people with different backgrounds, or being extra cool.

We have to be aware of how our security practices might make our movements less accessible. A movement that can't attract new participants, help build their political education and organizing capacity, and acculturate them into the resistance will flounder in its own isolation.

#### Security Culture is not about witch hunts to find suspected infiltrators.

Investigating people is extremely time consuming and is unlikely to produce compelling evidence. False or unsupported accusations or those based on conjecture and innuendo (sometimes called “snitch jacking” or “bad jacking”) are extremely damaging to movements—sometimes even more damaging than the infiltrator themselves. It amplifies paranoia, distrust, and conflict.

#### Security culture cannot keep you safe. Our only real safety is in liberation!

If you trust the wrong person with whom to plan an illegal action, and that person turns out to be an informant, or later decides to cooperate with the state, you might be in a bad spot. Taking elaborate measures to encrypt all your digital information and communications might fail if the government finds a way to access your encryption key. Kicking out the macho bragger but not doing anything about the quiet abuser might help protect against one risk, but creates a dozen others.

Means, was charged with 37 felonies and 3 misdemeanors between 1973 and 1976, but convicted of only a single charge that resulted from his “illegal” activity in the courtroom while defending himself against the other charges.

Federal grand jury investigations also played a role in the repressive legal strategy against AIM. Following a 1975 shootout on Pine Ridge between AIM and the FBI, several federal grand juries were convened in Rapid City, to which a wide net was cast in subpoenaing over 50 witnesses. Noncooperation was almost uniform amongst those who were subpoenaed. However, the U.S. Attorney chose a strategy of targeting only the potential witnesses they perceived to be the weakest or most vulnerable to single out for incarceration until they chose to testify.

It's not known exactly how many paid informants became involved in AIM at various times, nor how many AIM participants provided information to the FBI. However, one of the primary informants and provocateurs was Douglas Durham, a white man pretending to be native who worked his way into AIM's inner circle. He became AIM's National Security Director, and was involved in the legal team called Wounded Knee Legal Defense/Offense Committee (WKLDOC). In addition to providing the FBI with information (sometimes true, other times exaggerated or fabricated) about AIM's activities, including legal defense strategies, Durham also worked to sow distrust, suspicion, and conflict within AIM. He was instrumental in spreading rumors that John Arbuckle, Carter Camp, and Anna Mae Aquash, three dedicated AIM members, were informants or making deals with the FBI—a process often called “bad jacking” or “snitch jacking.” Aquash was one of the first people to suspect Durham's involvement with the FBI, and was herself continually harassed and threatened by the FBI who sought her cooperation. Aquash also outed Durham for abusive behaviors towards women within the movement and tried to help a young woman dating Durham, Jancita Eagle Deer, to leave the relationship. Eagle Deer was killed during a hit and run on a rural Nebraska road, she was last seen with Durham.

In addition to the internal division and strife caused by such rumors, they also led to violence. Camp shot AIM member Clyde Bellecourt in the stomach for participating in the rumors of Camp's FBI involvement. More tragically, Aquash was found murdered on the Pine Ridge Reservation, for which several AIM members were convicted almost 30 years later. The FBI's targeted harassment and attacks combined with a macho leadership culture to literally tore AIM apart.

This repression didn't end in the 1970s. In 2002, Colorado AIM leader Glenn Morris learned that he was among the people targeted for political surveillance by the Denver Police Department. While the so-called “spy files”

included thousands of individuals and organizations, Morris' file, at over 100 pages, was longer than that of any other individual, and the AIM file was longer than that of any other organization. Over the previous decade, police had infiltrated AIM meetings and parked outside Morris' house writing down the license plates of anyone who came to visit him. Incredibly, the police had received a tip that Morris and AIM leader Russell Means were potentially being targeted for assassination, but never told either of them.

For additional information on the FBI's campaign to destroy the American Indian Movement, one of the best books on the subject is *Agents of Repression* by Ward Churchill and Jim Vander Wall.

### *"The Green Scare": Repression of the Environmental and Earth Liberation Movements*

Since environmental movements emerged several decades ago, companies seeking to protect profits and investments, along with the governments that exist to protect them, have always sought to undermine these movements. This repression has reached new levels since the FBI declared in 2005 that environmental, earth liberation, and animal rights movements were the "no. 1 domestic terrorism threat" in the United States. Never mind that environmental groups had never hurt or killed anyone, or that right-wing and fascist groups, by comparison, had killed hundreds over the previous decade. The underlying message was clear: corporate profits took priority over human lives, and movements which may curtail those profits in the name of the earth must be criminalized, disrupted, and destroyed.

Since then, industry has increasingly collaborated with sympathetic legislators and bureaucrats to write and propose new laws targeting environmental and animal rights activism at both the state and national level. For example, the federal Animal Enterprise Terrorism Act (AETA) makes it a terrorism offense to engage in act that either "damages or causes the loss of any real or personal property" or "places a person in reasonable fear" of injury and is done "for the purpose of damaging or interfering with the operations of an animal enterprise." Such broad language could easily cover all manner of civil disobedience and protest activities.

Even when special laws targeting environmental protest are not in place or applicable, environmental activists have been subject to malicious prosecution for even non-confrontational actions. In 2013, two environmental activists in Oklahoma were arrested for hanging a glittery banner to protest a local energy company involved in tar sands oil extraction. They were initially charged with felony Terrorism Hoax charges under the theory that the glitter was intended to alarm and frighten the public. The charges were later

the cause or using guilt as a manipulation tactic.

There are other related aspects of security culture as well.

### Do not talk to law enforcement or cooperate with their investigations. Ever.

Cops never qualify as need-to-know. Everything you say to law enforcement will be misquoted, pulled out of context, and used against you and others. Nothing you say to them can help you. Often people feel that they have nothing to hide from the police or the state. Everyone has something to hide, because the cops are gathering intelligence and mapping communities. Cops lie routinely. The only three things out of your mouth should be: **"I'm going to remain silent. I want to speak to a lawyer. I do not consent to a search."**

### Take other appropriate measures to protect sensitive information.

This means not sharing account passwords or keys/combinations to locks with people that don't need them; using encryption for storing or sending sensitive digital information; not storing or communicating sensitive information digitally in the first place; hiding or deleting personal information that is publicly accessible on the internet.

The appropriate security measures depend on the type of information and the particular risk. Is it information that if stolen, could jeopardize someone's employment, or simply would inconvenience the organization? Is the security measure directed at thwarting the State and law enforcement, or non-State actors like fascists or corporate security?

### Commit to addressing breaches of security culture in a constructive way.

Breaches will happen, and people are not perfect. But the breaches need to be addressed, constructively and without speculation as to motive. Many breaches will be a result of people who forgot, made a mistake, simply didn't know, or some other common error. They should be reminded or educated in a way that supports their effort and growth and doesn't judge or shame. However, sometimes people who clearly know better will make flagrant, repeated breaches. This can be extremely dangerous and must be dealt with. Unfortunately, sometimes dangerous people just have to be kicked out.

In addressing any breach, it's bad to speculate about someone's motives. It's often tempting to say things like "that's classic informant behavior," or "they must be a snitch." Such speculation is problematic for two reasons. One, it can easily turn into honest people getting snitch jacketed and a lot of paranoia and finger pointing, which may be more damaging than the original security culture breach was in the first place. Second, it takes the discussion away from the actual behavior and the harm or danger it created, and makes the discussion about the alleged motivation. *Address the behavior, not the motivation.*



# Security Culture: What It Is, Why We Need It, and How to Do It

## *What Is Security Culture?*

In the political context, security culture is a set of customs and practices shared by a community or movement that are designed to minimize risk.

At its most basic, security culture is rooted in the principle of sharing sensitive information only on a need-to-know basis—not an “I trust you” basis or “I really want to know” basis.

## *How Do We Do It?*

Do not talk about your involvement or someone else’s involvement in illegal activities—past, present, or future. It might also include not talking about someone’s immigration status or other characteristics that might make them a bigger target for the State.

The exceptions are fairly obvious: (1) you can discuss such activities with the people you are actually planning those activities with (but choose people carefully); (2) you can discuss them after you have been convicted for them, provided you don’t incriminate anyone else. Obviously, different actions pose different risks and therefore, the precise level of information that is shared might vary. But need-to-know basis is the best starting point.

Common ways that people break this aspect of security culture include:

- **lying** about things they’ve done to impress others or prove themselves;
- **bragging** about things they’ve done, also often to impress others or prove how “radical” they are;
- **gossiping** about things they know about (“I heard so and so was involved in that”), often part of an effort to feel in-the-know and well-connected;
- **asking** a lot of questions about who was involved in various illegal actions, or what previous illegal actions someone has participated in.
- **indirect bragging/gossiping** by making a big deal about how hardcore they are, how they are trying to stay super underground/anonymous, or how much they can’t tell you about because of security culture (“Well, I could tell you soooo many stories, but like, security culture you know!”)
- **pressuring/manipulating people** to be involved in things in which they don’t want to be involved, sometimes by questioning their commitment to

reduced and both participants were ultimately acquitted, but they spent over two years embroiled in the legal system for engaging in political speech to defend the earth. Journalists who were covering the case obtained documents showing that the FBI’s Joint Terrorism Task Force, TransCanada Corporation, and the Oklahoma City Police had strategized ways to prosecute environmental activists as terrorists.

As part of a wider counter-terrorism strategy since 2001, the FBI has engaged in numerous sting operations to catch (or some might say entrap) would-be “eco-terrorists.” In one case, paid FBI informant “Anna” manipulated three other individuals into agreeing to a vague plot to bomb several environmentally destructive targets in California. The more the group came apart through indecision, conflict, and disinterest, the more Anna pushed, prodded, and coerced them to stay together and keep moving forward, just far enough for the FBI to have their case they needed in court. The one non-cooperating defendant, Eric McDavid, lost at trial on conspiracy charges, despite a strong entrapment defense. He was sentenced to 22 years in prison, but was released after 9 years when it was revealed that prosecutors had hidden evidence of Anna manipulating McDavid’s romantic interest in her to keep him involved.

Numerous environmental activists have also been subjected to harassment by grand jury investigations over the previous decades. Some have spent months in jail for refusing to cooperate. Craig Rosebraugh, a former spokesperson for the Earth Liberation Front, was served 8 grand jury subpoenas in almost a decade, but never once cooperated or divulged information about other activists.

Infiltration and surveillance of environmental movements has become almost routine. In one absurd example, the FBI approached a young activist in 2008 offering to pay him to infiltrate “vegan potlucks” and report back about all the “terrorist” activity they assumed was going on at such gatherings. In another instance, reminiscent of the dirty tricks of the COINTELPRO era, a 2005 FBI memo discusses the possibility of planting rumors in the animal rights movement that certain activists are informants. The memo goes on to state that would be “no risk of violence to these persons about whom these false rumors may be started as most of the animal rights people are also strict advocates of nonviolence against human persons,” exposing the true rationale for the targeting of such movements: not preventing violence, but protecting profits.

One of the best books with more information about the “Green Scare” is *Green is the New Red* by Will Potter.

## Conclusion

In a country built on colonialism, genocide, and the commercial exploitation of the earth, it should be little surprise that the State seeks to repress and destroy movements that dare to resist this oblivion. The history of this repression is often disturbing and distressing to many—that's part of the point; fear encourages people to stay home, stay in line, and not speak up. But understanding this history gives us better tools to effectively stand up together and struggle for a future that is free of these oppressive legacies.

At Standing Rock there has been a coming together of people from Indigenous communities and movements for liberation alongside those who are engaged in movements for the protection and liberation of the Earth. This coalescing resistance is powerful. This powerful resistance is a threat to colonialism, genocide and the commercial exploitation of the earth. There are, at the time of writing this zine, nearly 800 Water Protectors facing criminal charges, six Indigenous warriors facing federal felony charges and a grand jury convened to investigate the activities and connections of those who have resisted the Dakota Access Pipeline. While this can certainly feel overwhelming, we are all standing on a rich and vibrant history of resistance to state repression! Our ancestors stand with us as well.

Our solidarity is stronger than their repression; we can fight back and we can win!

## Steve's Statement Of Non-Cooperation That He Read Prior To Entering the Courthouse and Grand Jury Proceeding

January 4, 2017

My name is Steve Martinez. I have been subpoenaed to this federal grand jury. I refuse to cooperate with these proceedings on the grounds of not helping opposition towards water protectors. I will in no way condone or cooperate with this attempt to repress the movement here at Standing Rock. I know that by refusing to cooperate I will most likely be incarcerated. The loss of my own freedom is a small price to pay for keeping my dignity and standing up for what is right—the defense of the earth and all that is sacred.

Mni Wiconi!





front lines as much as we protect with silence in grand jury rooms and under ATF interrogation. Our prayers walk on the frontlines.

Prayer walks. Nobody talks.

Mni Wiconi!

Black snake killaz!

Grand jury killaz!



## What Is A Federal Grand Jury?

Federal grand juries are secret investigative bodies of citizens convened by the federal district courts to investigate violations of federal law. The grand jury was originally developed to make sure people only got charged with crimes based on evidence of unlawful conduct, and not because the king was in a bad mood. In fact, the Constitution guarantees that nobody can be charged with a felony until a grand jury has determined that there is enough evidence to proceed with a prosecution. The grand jury can authorize a US Attorney to bring an *indictment*, which is the document that starts a prosecution, by notifying the accused that they are being charged with specific federal offenses.

Most grand juries are convened to investigate known violations of federal law. But the “special” federal grand jury, created in 1970, can be used to investigate “possible” organized criminal activity rather than a specific crime. Both kinds of grand juries, instead of acting as a shield against unfounded charges, are now commonly put to use by curious prosecutors and law enforcement to fish for information that they would not otherwise be able to lawfully access.

### *How A Grand Jury Works*

Grand jurors, just like a trial jury, are regular people who have been selected for jury duty. There are more people on a grand jury than on a trial jury, and unlike a trial jury, grand jurors are not screened for bias. And while a trial jury hears only certain kinds of trustworthy evidence to determine whether someone is guilty beyond a reasonable doubt, a grand jury can base their decision to indict someone based on unsubstantiated rumors, or materials found during an illegal search.

If the grand jurors decide there is evidence that someone may have engaged in crime, they issue an indictment. Rarely, they decline to issue an indictment. This is because the prosecutor (whose job is to get indictments) controls the evidence that the grand jurors get to see. The grand jury actually has a lot of power, but it is generally the prosecutor who compels the production of documents and physical evidence, and the testimony of witnesses, using the grand jury’s power to issue documents called *subpoenas*.

Witnesses under subpoena must appear before the grand jury, and they may only respond to questions directly asked by the prosecutor. There is no judge or defense attorney in the grand jury room. Whereas questioning of witnesses in a criminal trial must be relevant to the crime charged, during a grand

jury, the prosecutors may question witnesses about things that are totally unrelated to the alleged crime. That means prosecutors can gather intelligence about lawful activities and innocent people, and it can also help them to cast the target of their investigation in an unflattering light. This enormous control over what the grand jury hears (and does not hear) vastly increases the likelihood that the grand jurors will return a *true bill*, authorizing the prosecutor to proceed with a prosecution.<sup>1</sup>

### *Grand Jury Secrecy*

Historically, courts enforced grand jury secrecy to protect the reputation of the accused. However, over the last century, the government has used this secrecy to conceal information-gathering on dissident communities. The nature of the documents subpoenaed, the identities of witnesses, and even often the existence of the investigation, are unknown. The prosecutor and the grand jury members may not reveal what occurred in the grand jury room. Even a witness cannot obtain a transcript of their own testimony. Grand jury secrecy thus creates an environment in which rumor and suspicion thrive. Communities can be torn apart by the rumors of a grand jury, wondering whether one of their number has been subpoenaed, whether someone who has been subpoenaed has cooperated, and who may have been put at risk.

Fortunately, a subpoenaed witness is completely free to disclose any information that they wish to disclose about the investigation or questioning that took place. A subpoenaed witness can put fears to rest by taking a clear, transparent, and public stand against the grand jury. Refusing to cooperate works to keep all community members safe, and increases the capacity of the community to support a witness through what can be a stressful time. Unfortunately, refusing to cooperate with a grand jury can be time consuming, legally complicated, and may have negative consequences. On the other hand, cooperating with a grand jury carries substantially the same risks, with the added risks of social exclusion and causing lasting harm to your community.

### *Grand Jury Process*

An individual may be subpoenaed to appear as a witness before a grand jury only by a federal agent or US marshal personally serving the subpoena. That means that the agent or marshal either hands the witness the subpoena, or places it near them, if the witness refuses to accept it. The agent cannot leave

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1. The North Dakota legal system also has grand juries, but state prosecutors may proceed with criminal prosecutions with either grand jury indictment, or by a complaint by the States Attorney and preliminary hearing before a judge. State grand juries tend not to be used to conduct politically-retaliatory investigations, just to keep the machinery of the prison-industrial complex rolling along as usual.

## **Resist Grand Juries:** **For the Water.** **For Each Other.**

*Water Protector Anti-Repression Crew*  
*March 1, 2017*

Since early December we have worked along side Steve Martinez in his personal efforts and the efforts of Water Protectors to resist the grand jury to which Steve was subpoenaed. On Monday evening, with no explanation, the U.S. Attorney withdrew the subpoena that the federal government had issued to Steve. Today, we are rallied together at the federal courthouse in both celebration of Steve's continued freedom, which the grand jury had threatened, but we also continue our stand against this grand jury and its targeting of Water Protectors at Standing Rock.

Today we were prepared to support Steve through incarceration as a result of his refusal to cooperate with the grand jury. While we have taken some moments to celebrate the continued freedom he now has, we cannot forget our fellow Water Protectors who remain in the hands of the state. Red Fawn, a sister and daughter, a warrior woman, a helper to all at the camps, sits in a jail cell just a few blocks from here in Burleigh County Jail. Rattler remains in McLean County Jail and faces up to 15 years in federal prison. Charles "Scorch" Jordan, a disabled U.S. Veteran, is also here in Burleigh County Jail, where he has been in custody since November 17th and has not been given access to proper medical care for his PTSD. Two others, Bravo and Angry Bird, await trial on supervised release for federal charges carrying sentences of up to 15 years.

Today, Steve is free. Though we firmly assert that no one is free until all are free. Water Protectors came to Standing Rock to defend their Mother, the water, the sacred, the land and Indigenous sovereignty. Dakota Access Pipeline may feel they have won the battle. The federal government, the ATF, the FBI, Morton County Sheriffs and courts may feel they have won the battle. The settlers of North Dakota may feel they have won the battle. But, wars are long and battles are many. Water Protectors don't end their defense of our Mother and all that is sacred with the closure of the camps. Our vision of the war is long and we know that our defense of the Earth must extend to the courtrooms and the prisons. We came here to kill the black snake and its world- a world that relies on police, prisons and the long arms of the state.

We stand for the water and each other. We protect with loud voices on the



selves, or perjury. Even with immunity, the legal outcomes of collaboration are often worse than the consequences of resistance.

If a witness refuses to testify without showing just cause, the judge may hold them in contempt of court. A finding of *civil contempt* can lead to a witness being incarcerated until the grand jury expires: up to 18 months. But the process of trying to demonstrate just cause prior to the first grand jury appearance can take place over many months. One benefit of this legal strategy is to use up as much of the life of the grand jury as possible prior to incarceration.

The result of a finding of civil contempt is so-called *civil confinement*, which is different from criminal confinement only in that it is intended to coerce the testimony of the witness, rather than to punish them. The state promised to release the witness from prison if they agree to appear and testify. In this way, a so-called recalcitrant witness holds the keys to their own cell.

Less often, a judge may make a finding of *criminal contempt*. A person who is found guilty of criminal contempt may be incarcerated beyond the term of the grand jury, but if they are to be confined for more than 6 months, they must have *due process*, which means they get a more robust hearing, and a jury. A criminal *contemnor* cannot win release prior to completion of their sentence by testifying before the grand jury.

It is important for a subpoenaed witness to make extremely clear that they will not collaborate with the grand jury under any circumstances. Apart from being the righteous thing to do, it is legally most effective. A civilly confined witness can file a *Grumbles motion*, which argues that since there is no chance that confinement can successfully coerce their testimony, their incarceration has been converted to a criminal punishment without due process. If the Grumbles motion succeeds, the witness is released!

People who do time to protect their communities are supported by their communities, during their incarceration and beyond. Those who snitch not only lose their integrity and social support, they often also end up getting indicted too! *People who cooperate with federal grand juries often end up doing more time than people who are jailed for contempt.*

If you have been indicted, subpoenaed, or contacted by the federal government call the Water Protectors Legal Collective Hotline at 605.519.8180

the subpoena with anyone other than the person for which it has been issued. You, your family and your roommates have the right to not answer your door if the feds come knocking. *A subpoena is NOT a warrant; a subpoena does not allow a federal agent to enter your residence without your consent. YOU NEVER EVER HAVE TO TALK TO LAW ENFORCEMENT.*<sup>2</sup>

A witness under subpoena may not refuse to appear and answer questions without *just cause*. Only a few things constitute “just cause” under the law. If a witness can show that the subpoena, the questions asked in the grand jury, or the investigation itself are violating certain of the witness’s rights, then they may be excused from testifying. These rights include the First Amendment rights to expression, religion, or association; their Fifth Amendment right against compelled self-incrimination; their Sixth Amendment right to counsel; or the statutory prohibition against unlawful electronic surveillance by the state. Not surprisingly, it can be very difficult to convince a judge that just cause exists to excuse a witness from their testimonial obligation.

It is critical that anyone issued a subpoena find an experienced grand jury lawyer immediately. If you are subpoenaed, it is possible, though unlawful, to go underground or refuse to appear before the grand jury. More commonly, witnesses who wish to resist a grand jury do plan to appear, but work with their lawyers to *quash* the subpoena, so that the judge orders the prosecutor to withdraw the subpoena altogether. It is almost unheard of to be excused prior to making an appearance before the grand jury. Most witnesses appear before the grand jury, but adopt a strategy designed to acquire information about the investigation, without giving any information to the state.

This means the witness must write down each question asked in the grand jury room, and then leave the room to consult with their attorney, which is the witness’s right. When they consult with their attorney, she will advise them on how each question implicates the different rights mentioned above, and when they return to the grand jury room, the witness can refuse to answer questions by invoking those rights. Some witnesses may also give a prepared statement in an attempt to educate the grand jurors.

### *Immunity, Contempt, and the Legal and Social Benefits of Resistance*

A prosecutor may remove a witness’s Fifth Amendment right to silence by granting the witness *immunity*, so anything the witness says to the grand jury cannot be used against them at trial. Immunity cannot literally force a witness to speak, however, and testifying with immunity not only puts others at risk, it also increases risks to the witness, like creating a case against them-

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2. For more on this, see *If An Agent Knocks*, available at: [https://ccrjustice.org/sites/default/files/assets/files/CCR\\_If\\_An\\_Agent\\_Knocks.pdf](https://ccrjustice.org/sites/default/files/assets/files/CCR_If_An_Agent_Knocks.pdf)

