THE RAILROADING OF SHERMAN AUSTIN



ON AUGUST 4, 2003, AUSTIN WAS SENTENCED TO 1 YEAR IN PRISON AND 3 YEARS PROBATION BECAUSE HE LINKED TO A WEBSITE THAT POSTED BOMB MAKING INFO. THE AUTHOR OF THE "OFFENDING WEBSITE", WHICH WAS HOSTED ON AUSTIN'S SERVER, WAS NEVER CHARGED WITH A CRIME.



AUSTIN WAS FORCED INTO ACCEPTING A GUILTY PLEA ON A CHARGE OF POSTING INFO ABOUT WEAPONS OF MASS DESTRUCTION WITH INTENT TO FURTHER AN ACT OF VIOLENCE. THAT, OR POSSIBLY FACE A DECADES LONG PRISON SENTENCE UNDER THE TERRORISM ENHANCEMENT CLAUSES ENACTED BEFORE THE PATRIOT ACT.



A HOST OF OTHER WEBSITES
PLIBLISH MATERIAL THAT IS FAR
WORSE. SITES LIKE
AMAZON.COM SELL BOOKS ON
SUBJECTS LIKE BOMB MAKING
WHILE MANY OTHERS POST
SIMILAR INFO FOR FREE. ALL
OF THESE HAVE ESCAPED ANY
CHARGES BY THE AUTHORITIES.



SHERMAN AUSTIN, WHO IS AND HAS ALWAYS BEEN A NON VIOLENT PERSON, WAS ONLY RUNNING A WEBSITE THAT QUESTIONED THE STATUS QUO, HE HAS BEEN RAILROADED TO JAIL BECAUSE HE HAS INSPIRED MANY YOUNG PEOPLE ALL OVER THE WORLD TO CONSIDER ANARCHIST IDEAS.

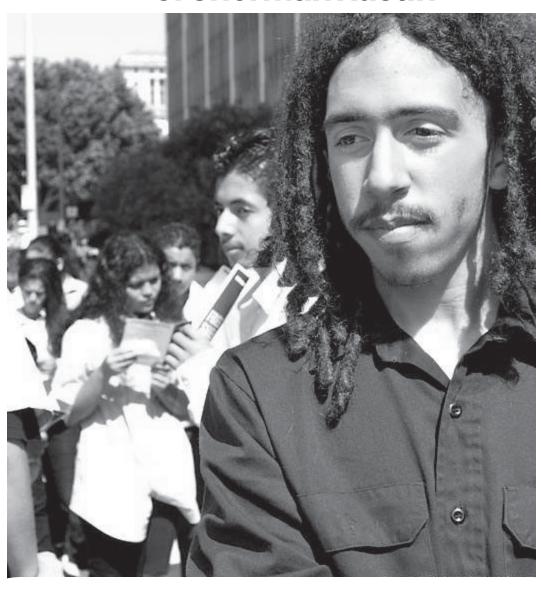


@ 2003 BY CHARLES AMSELLEM. ALL RIGHTS RESERVED

Formatted for print by pirate press, Olympia cascadia piratepress@graffiti.net

Visit zinelibrary.net for hundreds of anarchist zines!

NSA Surveillance and the Case of Sherman Austin



by Sherman Austin edited, typed and posted by Akwala

NSA Surveillance and the Case of Sherman Austin

Thursday, February 23 2006

Former political prisoner and former webmaster of Raisethefist.com, Sherman Austin talks about NSA wire-taps and FBI "anti-terrorism" surveillance used against him shortly after 9/11.

by Sherman Austin edited, typed and posted by Akwala

There seems to be alot of buzz in the media on how Bush authorized the use of illegal NSA wire-taps and surveillance for domestic spying to stop terrorism. I thought I'd write an article summarizing how this was used in my case while running a political web site and direct action network www.Raisethefist.com [Raise The Fist]

BEFORE 9/11

Before 9/11, Raisethefist.com was receiving approximately 2,000 hits daily from people around the world. Government agencies also frequented the site daily, monitoring articles, commentary posted by other users and continuously checking the front page for updates. In many cases Raisethefist.com received over 100 hits in a single day from U.S government agencies, the majority of these hits connecting through Department of Defense gateways. These agencies were mostly federal, FBI, Secret Service, etc. but monitoring also came from local police, California highway patrol, etc.

There was also daily monitoring coming from government and military departments in the UK, Canada, Egypt, Japan, Australia, Austria, Belgium, Brazil, etc. on a daily basis. All of this information was filtered, logged and archived through tracking programs I wrote on the server. It's all logged. As raisethefist.com grew more popular so did the hits from government agencies on the site. This type of monitoring didn't just stick to the web site. I would organize events and post information on the site and the FBI would show up. At one event the FBI circled the area in a car stopping people they recognized who were attending the event calling them by name, they also had an undercover agent taking



Nonetheless, I'm writing this to show people just how deep this NSA wiretapping and surveillance issue goes. This article is only a summary on my case. This whole issue is far deeper than the Department of Defense simply profiling demonstrators at an anti-war march in Hollywood. And if you happened to be profiled because you attended an anti-war march in Hollywood I'm sure it went far beyond just taking your picture and name and putting you in a database. The fact that every single one of these big anti-war marches are routed down streets with the most security cameras on them speaks for itself.

Bush, Cheney, the NSA, FBI, etc. They're all trying to justify their domestic spying program saying it was necessary to stop terrorists attacks in the U.S. Let's not forgot about the countless people who "look Muslim" or "look middleeastern" or "look Arab" who were detained and held for months with absolutely no charges. Taken from their homes and their families and eventually deported. Let's stop looking at how the "war on terrorism" targeted political decent for one minute and look how it was targeted against your average citizen simply because of the way he or she looks. Let's stop looking at the police repression used against anti-war marches for a minute and look at how people who never attended a single protest or demonstration in their life suddenly ended up in a 24-hour lockdown maximum security federal prison cell. This is national security. It has nothing to do with stopping "terrorism." Some say we're moving closer and closer to a police state. The fact of the matter is we've already been in a police state. And it's just advanced to the next level. What are we going to do about it? Continue to vote? Continue to pay the price? Will we continue to participate in this political circus of democrats and republicans which is nothing more than a tool to keep the people demobilized and distracted from building a revolutionary movement? Are we going to wait until the next presidential selection only to be bamboozled again, and again, and again? Or are we going to finally realize that we will only get what we are organized to take.

For more information on Sherman's case and contact info please visit http://www.freesherman.org or http://www.raisethefist.com

Sherman was released from federal prison in 2004 with 3 years of strict probation. He has since been focusing on writing a book about his case and working on music projects playing with the group Colectivo Error.

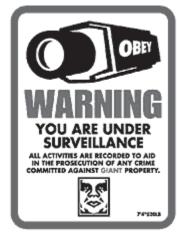
pictures across the street. This is a little taste of what was going on before 9/11/2001.

AFTER 9/11

Right after 9/11, government traffic poured into the web site like never before. I was running raisethefist.com off a number of servers that were connected to a residential DSL line. This DSL line was connected through a residential phone number that was installed in the same room as

all the equipment.

Before my home was raided 3 ½ months after 9/11 by the FBI and Secret Service L.A joint-terror task force, they had been packeting the internet line that raisethefist.com was hosted from. In other words they were watching all data coming in and out of the line and saving it on a remote device. [the feds did not have to obtain a warrant. The NSA was secretly authorized to perform this type of surveillance] This started happening immediately after 9/11. In addition they were breaking into several



instant messenger accounts and sending messages to other people pretending to be me. For others it wasn't easy to distinguish the difference because they talked just like me. Obviously the team of people the NSA / FBI hired for the job spent a great deal of time doing social profiling while monitoring my conversations. I would be on one screen name then get kicked off, sign onto a different screen name and receive a threat from the other screen name I was just on saying "your ass is going to jail". I was told "this is a matter of national security." They would also threaten friends of mine sending them messages such as "your ass is next." They would send me messages with information they knew about myself, the servers I was running, and the conversations I had online with other people.

I have logs of all this activity. I also confirmed these were indeed the feds when during the raid when I mentioned to the FBI I knew they were packeting my DSL line and hacking into instant messenger accounts. They didn't dispute my argument. Special Agent John I. Pi with the FBI who conducted the raid said, "How did you find out?" I also got to see the individuals who were hired for the

job as they accompanied the FBI at my first court arraignment.

At the same time these instant messenger accounts were being hacked into and commandeered by the feds, my phone line was being heavily tapped. In addition I would also receive calls over the line at the oddest hours of the night.



Knowing the line was tapped I never answered the phone until the calls became more consistent. I would pick up the phone asking who was there. Nobody would answer but I could tell someone was on the other end because I could hear them breathing. At first I figured it might just be a prank phone call or something.. but the calls wouldn't stop and became more consistent. Every time I picked up the phone I got no answer. But they wouldn't hang up either. These calls would come in at spontaneous hours: 1pm, 3am, 6am, 8pm, etc. It got to a point where the calls came 24 hours straight with about 2-5 minute intervals. At this

point it was obvious the calls weren't coming from a human being but instead it was some kind of automated system running each call through.

If this alone wasn't peculiar, at the very same time there was alot of unusual activity outside my house. I would come home during the day or late at night and see cars with black tinted windows parked in front of the house. All of the windows were tinted pitch black. They never left until after I parked and went inside the house. In one case two individuals were parked across the street one late night when I arrived home. I noticed there was no other car on the side of the street they were parked on so the they stood out and immediately caught my eye. I watched them in my rear view mirror as I parked and they were both focused directly on me. I turned off my headlights and was about to get out of the car before I hesitated. I started up the car again and drove around the block and they tried to follow me.

These incidents became more and more common and continued to intensify before the raid.

THE FBI RAID 1/24/02

but instead it was allot of paperwork if something did happen. San Bernardino would have blood on their hands they didn't want to deal with. So I was placed into PC (protective custody) until I was airlifted to Oklahoma Federal Transfer center where I spent 2 weeks in the hole, then finally to Tucson FCI where I spent another week in the hole before being let out onto the yard in general population.

CONTINUED SURVEILLANCE AFTER RELEASE FEDS MOVE IN ACROSS THE STREET

My official release date was Sept 1, 2004. After I was released I stayed at my mom's apartment for a few months before I got back on my feet. I had pretty much lost everything so I had to start over. Only 2 weeks being out and the FBI had already moved in across the street. A man and a woman who both worked at the same Westwood Federal Building that Special Agent John I. Pi worked at along with the rest of his team.

They had the blinds closed 24/7 on all the windows. And if a window didn't come with blinds they covered it with black cloth. I noticed something wasn't right early on when I was outside at night walking my dog. I notice the guy who just moved into the unit driving up in his blue car. He parks and sees me across the street and doesn't get out. I walk next to his car and stop and he freezes up. Then I walk the opposite direction down the street and he watches me the whole time through his rear-view mirror. When I'm out of sight he drives off. Then he comes back thinking I'm not around, parks his car, and enters the unit. I noticed there was something definitely strange about the look he gave me but I didn't want to jump to conclusions so quickly. It was later confirmed through a neighbor that they indeed worked at the Westwood federal building. Undercover agents shouldn't talk to neighbors about where they work. But it was pretty obvious anyway. Sometimes when they came home at odd hours of the night and they forgot to take off the security badges around their necks. We have photographs. After about 5 months they finally left.

Today the case is still far from over. I'm still serving the 3 years of strict probation which prohibits me from having any access to a computer as well as associating with anyone who espouses violence for political change (whoever that might be). And due to the nature of the case any time I get stopped or pulled over by the police and my name is run I'm detained because it say's I have "terrorist ties." Harassment and surveillance still continues to this day.

serving the contracts, names, license plate numbers, etc. Other then that I was told it was a surprise I was still alive but everything was being taken care of and I was being "looked out for."

After I self-surrendered to the U.S marshals I was taken to San Bernardino detention facility to await transfer to my designated institution. It just so happens that the San Bernardino Detention Facility has the largest number of Aryan Brotherhood and neo-Nazis.

The U.S Marshals, FBI, USPO, and all other government agencies and persons working on my case all knew about the daily death threats coming from neo-Nazis saying they were determined to have me killed once I entered prison. And yet I'm placed in an institution with the largest population of Aryan Brotherhood and neo-Nazis.

I was in the general population dormitory for about a day and a half. I noticed the whites were all in the back of the dormitory. My name is called over the intercom to be escorted to one of the deputy offices. Before I leave one of the white inmates walks up to the front of the dormitory and approaches me. I've never even talked to this guy before.



He seems extremely interested in my whereabouts and asks where I'm going. I tell him I don't have a clue. He asks me to find out and tell him when I get back. I get escorted to the office by a deputy sheriff where two detectives from San Bernardino County are waiting to talk to me. They start asking me questions about raisethefist.com such as who was now running the web site. I declined to answer. Then they ask about the death threats I had been receiving prior to coming in. They tell me that a price is on my head and all of the neo-Nazis and Aryan Brotherhoods know where I was and word was out. They tell me the reason why they decided to intervene wasn't to stop anybody from getting hurt

On January 24, 2002, at approximately 4PM--while I was taking a nap--some 25 federal agents from the FBI and Secret Service joint-terror task force were surrounding my house with loaded sub-machine guns, shot guns, and bullet proof vests. I didn't know they were there until my sister woke me up saying there were FBI-looking cars parked all up and down the street and people outside all focused in on the house. I went to the front door and was pulled outside. I saw agents emerge from their hiding spots around all angles of the house with their guns drawn. They had even jumped the fence into the backyard to cover the rear end of the house. The FBI came with a 25 page warrant for search and seizure. They knew exactly were my room was when they entered the house. One agent holding a sub-machine gun said "follow me it's this way" leading the others down the hallway to back of the

house to the room where I had the servers. The FBI had pictures of the house including a written description and a complete structural floor plan with every room before they came in. I was probably very lucky I wasn't home alone because I was completely unaware that agents were positioned right outside my bedroom window with loaded weapons while I was asleep. Although I would have probably woke up once they started breaking down the front door with the long piece of special steal they brought with them.



I was told the raid was because of Raisethefist.com. I asked how such an operation could be conducted because of a web site. I was told it was now legal under the new USA Patriot Act (which had passed only 90 days ago).

The secret service asked me if I wanted to see the president killed. The FBI kept trying to ask me about Raisethefist.com and where the logs were. Too bad for them I just happened to purge them before they came. The FBI also said I had content on the web site that dealt with information on how to manufacture explosives. This was a lie. In fact this information existed on a page of a completely different web site I simply had a link to. Nonetheless I was accused of authoring it. The FBI was looking for anything to justify a raid and get their hands on the servers. So they took another persons web site, lied, and said I admitted to authoring it when I never did. The FBI admitted to monitoring raisthefist.com and said I was being watched for along time. When the FBI left

they said I had crossed over a line and as long as I got back on the other side of that line everything would be okay. In other words they were telling me to keep my mouth shut and to discontinue "Raise the Fist". After the raid I continued my plans to attend the World Economic Forum protests in New York. The Secret Service notified the New York police chief of my presence. When I arrived I noticed I was being followed and surveilled by agents in an SUV. The police started targeting demonstrators in a number sweeps on the crowd. In the first one I was arrested with 26 other people. We were taken to Brooklyn Navy Yard Jail and I was taken into a back room in hand-cuffs and interrogated for several hours by a detective from the FBI and a Secret Service agent. I was asked if I was terrorist or involved in any terrorist organizations. They asked



about Raisethefist. They asked how I got to New York and where my car was parked. They said I wouldn't leave New York until they searched my car. I was then released. I was in the lobby of the court house for about 30 minutes until I was arrested by the FBI and hurried into a black SUV where I was taken to a federal building then to Manhattan MCC where I was placed into a 24-hour lockdown maximum security federal prison cell. I was in the same cell block as those being accused of the U.S.S Cole bombing and the bombing of the U.S Embassy in Kenya. I could hear one of the guards arguing with the inmate in the cell next to mine about the Taliban.

After this 13-day ordeal of being called a "man on a mission" by the FBI, and newspapers such as the New York Post reading "baby-bomb bust" and "teen terrorist" (I was 18 at the time), I was released as federal prosecutors decided not to file an indictment just yet. They first wanted to go through all of the servers that were seized during the raid.

I flew back to California.

AFTER THE RAID AND FIRST FBI ARREST

You would think at this point that the surveillance and harassment would've toned down a bit since the FBI got what they wanted. But this wasn't the case, it intensified even more. A month later I got raisethefist.com back online by

convicted under statute, 18 U.S.C. 842 (p)(2)(A) "DISTRIBUTION OF INFORMAITON RELATED TO EXPLOSIVES OR WEAPONS OF MASS DESTRUCTION", pushed through Congress by Democrat Sen. Dianne Feinstein in the late 1990s under Clinton's anti-terrorism bill. The offending material, which again I emphasize I did not author, contained amateurish instructions on how to assemble simple explosives.

The individual who actually wrote this information was not convicted of anything. He was white. As I said before, the FBI questioned him, confirmed he authored this information, and left. They fabricated a case in cahoots with federal prosecutors, Dianne Feinstein, John Ashcroft and Judge Steven V. Wilson.

After I was sentenced government agencies continued to monitor the site heavily. My main concern was getting the site secured and ready for when I went in so it would stay online for the next 4 years without my assistance. 3 weeks before I had to self-surrender the server went down because the hosting company went out of business. The only way to get raisethefist.com back online was to physically pick up the server from where I had it collocated in Irvine. When I picked up the server I was informed that the FBI called them 2 weeks prior asking to get access to the raisethefist.com box. Luckily the guy running the company declined to give them any access. Yet the FBI was actively trying to get their hands on the server once again.

I brought the server back to Long Beach and hooked it up to my residential DSL struggling to keep the site online amidst the threat of feds coming with another search warrant to seize it. Luckily I received assistance to have it moved to a remote location again.

Once I was sentenced, I was ordered to self-surrender to the U.S marshals in 30 days. At this point the death threats came in just about every day. I was told I'd be leaving prison in a body bag. At first I thought the threats were coming from just a couple of people. When I tracked them I noticed they were coming from many different areas and different people.

A few months prior to being sentenced I also received information from anonymous persons telling me there was a price on my head set by the NSA and other higher-ups in the government. I was informed about 3 different supposed assassination attempts to be carried out. I was given some detail on who was

go to trial. It was a one chance offer and I'd better make my decision right away or face years in prison. I immediately rejected the plea telling my lawyer I wanted a trial. The prosecuters held out and bought time and tried to convince me and my lawyer. I kept rejecting it. Then I told them I would take it. At the arraignment I changed my mind again and said I wasn't taking any plea deal. Now expecting to prepare for a trial, the prosecutors limboed around to buy more time and told my lawyer the deal was still on the table. They said I would be looking at 3-4 years in prison if convicted at trial. I said okay fine and rejected again. Then I changed my mind again at the last minute and asked if I could take it. The prosecutors turned around so quickly with the plea agreement wanting me to sign. They initially said I only had one chance to take the plea and that was it. So I decided to change my mind again and reject it. Then they went into legal limbo again trying to buy more time. Why didn't they just take it to court like they initially said they were going to do? It was obvious something very fishy was going on. They were so desperate to have me sign the plea. My lawyer said he had never seen a case like this in all the years of his practice. They said they had all this evidence against me yet they never wanted a formal indictment.

DEATH THREATS

During this period of going back and forth to court playing this game of legal limbo I was also receiving countless death-threats from neo-Nazis and white supremacists. I got them by email and they were constantly posted to the raisethefist.com news wire. There had always been death threats from white supremacists, except now they were much more consistent, direct and some cases very peculiar. One made reference to a huge black-out, "when all the lights go off" following with "your nigger ass gets killed." The next day the entire East Coast experienced the biggest black-out in 30 years. This is when several power grids went down in August of 2003 leaving 60 million people from Ottawa to Detroit, from Toledo to Hartford, from Cleveland to New York City without electricity. A day later the same person who posted this threat posted again saying "See I told you so , you better watch out" and followed with more death threat rhetoric. This was all logged and archived on the server.

On August 4, 2003 I was sentenced to a year in federal prison and 3 years probation after being threatened with an additional 20 years under a terrorism enhancement. My lawyer didn't want to take the case to trial under these conditions and I had no legal funds to afford the legal team I needed. I was

obtaining some remote backups I made before the raid. I also continued my organizing within the community. Raisethefist.com became a network with people setting up chapters in their schools and neighborhoods. This was called the RAISE THE FIST DIRECT ACTION NETWORK. [http://DAN.Raisethefist.com] I encouraged people to start more chapters in their local communities, schools, etc. Chapters started sprouting up around the U.S, Germany, Brazil, Canada, etc. Views were no longer only being discussed online through words but were now being put to action in our own neighborhoods. Because of all the media coverage after the raid and arrest, Raisethefist.com was now receiving allot more hits. Over 140,000 a week. The site worked up so much bandwidth that it was constantly going down because hosting companies complained they couldn't handle the load. Eventually I was able to collocate the server to a high-speed backbone in Irvine.

I moved to Long Beach and worked with a collective at a revolutionary and community empowerment book store which was built right next door to a living quarters where we lived. Immediately after getting raisethefist.com back online instant messenger accounts were being hacked into again. This time the threats were alot more aggressive and consistent. Email accounts that were associated with the raisethefist.com domain name registration were hacked into and used to re-route raisethefist.com to a different server knocking the site off-line. When this happened I posted logs of the conversations and threats I received over the screen name that was being hacked into and commandeered by the feds on http://la.indymedia.org. The next day I received a message with the new password and I was told that I better not try to change it because they were watching and they had full control over whether the site would stay up or not. On one occasion I managed to obtain the IP address of one of the person(s) commandeering these accounts. I traced the IP down to an area of Los Angeles near a federal building.

In addition I was also being followed undercover agents. One time I posted a banner on the top of raisethefist.com announcing a press-conference and march that was being held in Inglewood after the police beating of Donovan Jackson. I left with a group of friends. We took 2 cars. It wasn't until we were on the freeway when our friends in the other car told us we were being followed by a man in the white car behind us. He followed us all the way into Inglewood. When we arrived we parked a few blocks away from the city hall. We could see police and other people in suits on top of the City Hall roof with binoculars, cameras and walkie talkies. Immediately after we parked 4 motorcycle cops

drove over to us and followed us to the event. The man in the white car followed us on foot. When we later left we were escorted out of Inglewood by 4 motorcycle cops until we got on the freeway. Being followed like this became a common occurrence. And it also came from local police not just the feds. One time I was riding my bike down the street late at night. A police car drives up in front of me on the sidewalk and stops me. The cop gets out and says , "What's up Austin!" Then 2 more units show up right after him and both police get out and say "What's up Sherman!", "What's up Austin!". I'm then asked about raisethefist.com and where I'm going. I asked them why they were so quick to stop me and how they all knew my name and I learn my picture is hanging up in the police station.

During this harassment and surveillance I was also waiting to hear back from my public defender on whether or not I was facing any charges. After a period of 6 months federal prosecutors call my lawyer and tell him they didn't find anything on the computers to get me for but they didn't want to let me off the hook. So they present us with a pre-indictment binding plea agreement. Something that my lawyer said he's never seen before because he's used to seeing a formal indictment first. But in this case the prosecutors were so quick to present me with a plea deal. The bargain was to admit to authoring and distributing the pages about explosives that existed on the other web site that I didn't author or distribute. This web site was called the

RECLAIM GUIDE. It was authored and implemented by a different individual. And it's not like the FBI didn't know this. 2 weeks before federal prosecutors contacted my lawyer, the FBI paid this person a visit. They confirmed that he was indeed the author of information on how to manufacture explosives and put it on online. Then they left.

False documents were drafted up saying I admitted to authored the "RECLAIM GUIDE" and all the information on how to build and manufacture explosives. These 2 pieces of evidence are actually in the FBI discovery. Apparently the FBI forgot to black-out the part where they visited the



person who actually wrote the explosives information. These 2 contradicting articles were ignored by prosecutors. They wanted to pretend they didn't even exist because they know the FBI screwed up. They pressed forward urging that I sign this pre-indictment plea agreement.

THE PRE-INDICTMENT CONVICTION / NSA WIRE-TAPS AND SURVEILLANCE COVER-UP

Everyone keeps asking why I was never formerly indicted. This was to cover up the NSA wire-taps and surveillance.

At a formal indictment evidence is presented to the court or grand jury. This is a formal document written for a prosecuting attorney charging a person with some offense. This document is supposed to contain evidence backing up the prosecutors accusation.

The only so-called evidence the prosecutors had was obtained through ILLE-GAL NSA WIRE TAPS and surveillance. I know the prosecutors had this information because they referred to it in a meeting me and my lawyer had with them when I requested to see the all this so-called evidence they said they were going to use against me if I didn't take the plea.

If there was a formal indictment then the FBI would have been forced to unveil the NSA wire-taps and continuous surveillance. Then this whole media buzz about Bush authorizing the NSA to do illegal surveillance against so-called terrorists would have been in the media along time ago. They couldn't afford this type of publicity. This is why they desperately tried to keep this "hush-hush." This is also why they wrote up false-documents stating that I admitted to authoring information on how to build explosives. They could take the fact that I simply posted a link on raisethefist.com to another person's web site which I did not author but happened to contain a page on "bomb-making information," and twist it around. It was all they needed to stir up the 9/11 reactionary emotionalism in the court and get their conviction. The feds wanted this conviction so bad and so quick because they knew what would have happened if this had gone public.

Every time I rejected the plea I was told I wouldn't have a second chance and that the feds would come down on me hard in court and I'd be looking at 3-4 years in prison. They told my lawyer I only had one chance to accept a plea or