

# How one activist discovered his mail was being watched

Even in the modern surveillance state, the cops still use the old methods

Leslie James Pickering

2013

Burning Books opened in Buffalo, New York on September 9, 2011, the 40<sup>th</sup> anniversary of the Attica Prison uprising. The store, located on the city's west side is a family-run, friendly, neighborhood radical bookstore, owned by me, Theresa Baker-Pickering, and Nate Buckley. It has quickly become an activist hub for the local community.

Besides a wide selection of radical books and periodicals, we sponsor noteworthy radical speakers and events from around the country.

In September 2012, I found out that an old friend received a phone call from two FBI agents, asking about me. These agents were from the field office here in Buffalo, where I live.

This friend, however, lives thousands of miles away, hasn't been to Buffalo or had much communication with me in over a decade.

The FBI wanted to know things like whether I can influence or manipulate people, whether I am a loner or an extremist, whether I am capable of committing illegal or violent activity, etc. They mentioned an unsolved Earth Liberation Front (ELF) action in Pennsylvania from years past and mysteriously claimed that I was stirring up the youth.

Perhaps most disturbing, for those of us who have a decent understanding of the FBI's history, was that they wanted to know people they could talk to that specifically did not like me.

I am not simply an innocent victim. I have been a dedicated and active player in various freedom struggles throughout my adult life, including having been spokesperson for the Earth Liberation Front (ELF) press office from 1997 to 2002, which spoke out in support of an underground organization responsible for dozens of major arson attacks resulting in hundreds of millions of dollars in damages against government agencies and corporations responsible for environmental devastation

The FBI had designated the ELF as its "number-one domestic terrorist priority," so, I've been in their cross hairs for over 15 years.

When checking my mail just a couple weeks later, I discovered a memo written by hand on the back of a half sheet of US Postal Service (USPS) cardstock. It had apparently ended up there by mistake. It read "MAIL WATCH" in thick, black marker across the top. Along the bottom, in highlighter and pen, it read "CONFIDENTIAL." In between, it detailed my name, our home address, a 30-day period which was then active, and instructions to, "Show all mail to [supervisor] for copying prior to going out on the street."

We quickly showed this "Mail Watch" memo to Michael Kuzma, a good friend who happens to be an attorney with experience in USPS surveillance, grand juries, the Freedom of Information Act and other things related to state repression. Together we figured out that this was likely to be referencing what the USPS officially calls a Mail Cover, a form of postal mail surveillance that has been around for over a century.



Law enforcement agencies are able to apply for a Mail Cover on someone through an application provided by the USPS. If accepted by the Postmaster, the USPS will photocopy the outside of all incoming mail for the agency for 30 day periods.

In early March 2013, I learned that an institution that myself, my family and Burning Books does business with had received a federal grand jury subpoena for all records on me dating back to January 2011.

Later that month, while flying across country, we discovered that I had been placed on the Secondary Security Screening Selection (SSSS) list for commercial air travel. SSSS is a list of individuals who are required to have additional security screening at airports. This additional screening requires the use of chemical swab tests on your clothing, your person and the inside of your luggage, as well as pat-downs, hand held metal detectors and full body scanners.

In response to all this, we formed a legal team and set out to gain support and exposure. We filed a series of Freedom of Information Act (FOIA) requests with the USPS, the US Department of Justice (re: FBI), the Executive Office of US Attorneys (re: federal grand jury), and Transportation Security Administration (re: SSSS list).

We also filed a formal complaint with the Inspector General. We immediately threw a very successful local fundraiser.

On May 1, a front page article about the situation was printed in the city's daily newspaper, the *Buffalo News*. On June 26, we filed a federal lawsuit against the same federal agencies for failure to comply with our FOIA requests and the next day we had a follow-up article in the *Buffalo News*.

On July 4, *The New York Times* printed a story focusing on the USPS surveillance, spawning numerous stories nationally. On July 14, NBC Nightly News aired a story on it as well.

Most recently, we received a response to our USPS FOIA request. It included over 30 pages of photocopies of my mail received during the dates outlined on the "Mail Watch" memo, but failed to address our questions of whether I've ever been under a Mail Cover before or am currently under one, and what agency requested the Mail Cover and with what justification. We appealed this response and were informed that it has been granted.

As of right now, we are waiting to see what information our USPS appeal will produce and are awaiting our date in court for the federal lawsuit. Assuming that we are actually able to obtain the documentation supposedly available to us under FOIA, we will then assess the material to see what further legal and public actions are available to us.

We are working to set a firm legal precedent against the current war on human rights in this country. More importantly, we want to inspire, set an example, and open doors for others in situations like ours to fight back.

You can help by spreading the word and supporting Leslie, his family & Burning Books. Direct contributions can be made to "Michael Kuzma, Attorney Escrow Account," and mailed to 1893 Clinton Street, Buffalo, NY 14206 (and put "Resist State Repression in BFLO" on the subject line). All funds raised will be used for court fees and related litigation costs.

Burning Books is at 420 Connecticut St., Buffalo, NY 14213 or [burningbooksbuffalo.com](http://burningbooksbuffalo.com).

A 2013–2014 nation-wide tour featuring a screening of the documentary film, "If A Tree Falls: The Story of the Earth Liberation Front," is available for booking. Leslie James Pickering, former ELF Press Office spokesperson, will speak at the showings. The film was nominated for an Academy Award in 2012.

Contact Jen Angel at [jen@aidandabet.org](mailto:jen@aidandabet.org) if you would like to bring this presentation to your campus or community.

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Fifth Estate #390, Fall, 2013

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