

We Will Not Be Broken

Jerry Koch, Grand Jury Resister

Margaret Killjoy

2013

We packed the courtroom to overflowing, some of our number forced to wait nervously in the hall outside. Jerry Koch, a New York City anarchist and legal activist, stood calmly and silently as his lawyer went through the motions of arguing against his incarceration and the judge yelled at her.

Eventually, the bailiffs took Jerry out the side of the courtroom and escorted him to jail. That was almost four months ago.

Jerry is in jail, being held indefinitely, without being accused or convicted of a crime. He was called to testify before a federal grand jury investigating anarchists in New York City, and has refused to provide them with any information.

The judge found him in civil contempt of court, which is not a crime—just something that lets the government lock up whomever it pleases. The judge stated several times that this is a “special” grand jury, which denotes a class of grand juries designed to investigate organized crime.

The idea is to scare Jerry into testifying. Since he hasn't been charged with a crime, it's illegal for the government to punish Jerry, but they are perfectly within the laws they wrote to coerce him. They think, falsely, that he can be scared into testifying against his comrades by putting him behind bars. They are allowed to hold him for the length of the grand jury, which may be up to 18 months, or, with extensions, three years.

This is the second time Jerry has been subpoenaed to testify in front of a federal grand jury in New York City. The first time, in 2009, a grand jury was investigating the connection of anarchists to a bombing of a Times Square military recruitment center the year before.

Jerry, who has no knowledge of the incident, refused to cooperate and was released. Now, four years later, they have called him again to testify, apparently in relation to the same event, and he sits in jail.

The federal grand jury system is one that is designed to investigate felonies and dole out indictments by enabling a snitch culture—no information about grand juries is made public by the courts, and the only reason we know whom the government has indicted is if those who are called to testify make that information public. But for as long as grand juries have been used to repress political radicals, we've been refusing to cooperate, hindering their ability to repress us further.



Jerry Koch is resisting a New York grand jury investigating anarchists.

In grand jury cases, the same as any police or FBI encounter, the safest course of action for everyone is to refuse to cooperate. Providing false information to a grand jury is perjury and can land you in prison for an extended period of time. Providing factual information facilitates the government's system of investigation and incarceration, potentially landing you or others in prison. There is no way of knowing what information is significant to the federal prosecutor running the grand jury, and it's best to simply refuse to cooperate across the board.

He's in jail for us and can use all the support we can give. For Jerry in particular, it's letters that get him through the day. His support network has set up a forwarding email address: if you email writejerry@jerryresists.net, they will print out your letter and mail it to him.

Jerry's support web site is jerryresists.net. For more information on grand juries, a FAQ and case summaries are available from anarchistwitchhunt.org.

You can mail Jerry directly at:

Gerald Koch #68631-054
Metropolitan Correctional Center
150 Park Row
New York, NY 10007

fifth Estate

Margaret Killjoy
We Will Not Be Broken
Jerry Koch, Grand Jury Resister
2013

<https://www.fifthestate.org/archive/390-fall-2013/will-broken>
Fifth Estate #390, Fall, 2013

fifthestate.anarchistlibraries.net