

# Grand Jury Resister Jerry Koch Freed!

anon.

2014

On January 28, a guard woke anarchist grand jury resister Jerry Koch in his cell and told him to get ready for court. They handed him some thin prison sweats and cotton slippers, then kicked him out in downtown New York City without even a phone call. He had to run six blocks in fifteen-degree weather to his lawyers' office.

But most importantly, he is free, after 241 days in federal custody at the Manhattan Metropolitan Correction Center. (See Fall 2013 *Fifth Estate*.)

Jerry had been taken into custody for civil contempt, which is not a criminal charge. He had refused to testify before a grand jury that was presumably investigating anarchism in New York with the hope of drumming up indictments. By refusing to testify regarding a 2008 explosion at a Times Square military recruitment center, Jerry stymied the federal prosecution's investigation and was jailed in order to coerce him into testimony.

But because civil contempt is not a criminal charge, he could not be held, in legal language, "punitively," only "coercively." While it was his refusal to testify that got him locked up, it was this same refusal that saw him freed.

His attorneys filed a legal motion, presenting evidence to the judge that Jerry had demonstrated his adamancy about not testifying, but also that he was suffering (being "punished") as a result of his incarceration.

Grand juries are a secret investigative procedure by which a prosecutor, with minimal judicial oversight, interrogates people to find out if crimes have been committed or to find out whom to indict with criminal charges. They bypass a number of the rights that the government traditionally deigns to offer us, like that of remaining silent.

A judge will often grant some type of immunity to the subpoenaed person, removing the person's right to refuse to testify on the grounds of self-incrimination.

These procedures are, in essence, fishing expeditions, and we will continue to refuse them. Every anarchist who refuses to testify to a grand jury makes it harder for the state to justify locking us up and makes it less worthwhile for the state to subpoena us at all.

Jerry's time in jail was incredibly difficult. But he weathered it and was supported by hundreds. The main thing he's talked about since getting out is how important it is to support those still inside, whether political prisoners like the recently-extradited American anarchists serving time in Canada for protesting the G20, or really, anyone inside.

Jerry Koch can be contacted c/o Combustion Books, P.O. Box 721338, Jackson Heights NY 11372. More information is at [JerryResists.net](http://JerryResists.net).

Write letters to prisoners and get involved in anti-prison work.

Here are a couple of starting points among many: Stop the Anarchist Witch Hunt [anarchistwitchhunt.org](http://anarchistwitchhunt.org), and NYC Anarchist Black Cross [nycabc.wordpress.com/](http://nycabc.wordpress.com/)

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