

AFFIDAVIT

I, JOHN I. PI, being duly sworn, hereby depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) currently assigned to the National Infrastructure Protection Squad of the Los Angeles Field Division. I have been a Special Agent with the FBI since 1997. Since 1997, I have conducted investigations involving computer intrusions, computer fraud, violent crimes; and weapons of mass destruction. Before joining the FBI, I received a bachelor of science degree in computer science from Columbia University School of Engineering in New York, and I was employed as a computer engineer for IBM Inc. in Poughkeepsie, New York for approximately two years. I am currently the course instructor for a law enforcement training course, "Cyber Crime Investigation." I am a board certified Emergency Medicine physician with specialty interests in emergency services, toxicology, and trauma. I have worked with poison control centers and emergency services and have detected and treated numerous victims of biological and chemical poisoning as well as penetrating and blunt traumas. I have participated in weapons of mass destruction investigations, including the bombing of the United States Embassy in Tanzania, Atlantic Olympic bombing, and the latest New York City World Trade Center bombing. My current responsibilities include the investigation of computer intrusions and malicious computer activities on the Internet as well as investigation involving weapons of mass destruction.

2. This affidavit is respectfully submitted in support of a complaint charging Sherman Martin AUSTIN (AUSTIN) with violations of 18 U.S.C. § 842(p)(2)(A) (distribution of information relating to explosives, destructive devices, and weapons of mass destruction with the intent that such information be used in furtherance of a federal crime of violence (namely, 18 U.S.C. § 844(i)(arson)) and 26 U.S.C. § 5861(d) (possession of a firearm (as defined in 26 U.S.C. § 5845(a)(B)) which is not registered to him in the National Firearms Registration and Transfer Record) and an arrest warrant for AUSTIN for the above violations. This affidavit is intended to show that there is probable cause for the complaint and arrest warrant, and does not purport to set forth all of my knowledge of or investigation into this matter.

DEFINITIONS AND BACKGROUND INFORMATION

3. Internet, also known as the World Wide Web (WWW), refers to the global information system, which physically is comprised of individual computers linked together by telecommunication lines, based on Internet Protocol.

4. A webpage is a document on the Internet.

5. A website is an organized collection of webpages and is owned and organized by an individual, company, or organization. Each website and its webpages have their unique identifier, known as the Uniform Resource Locator (URL). WWW.RAISETHEFIST.COM and WWW.RAISETHEFIST.COM/INDEX1.HTML are examples of URL's for a website and a webpage.

6. A web server is an Internet computer where a website and its webpages are located.

7. Based on my previous experience in the investigation of illegal Internet activities, I learned that participants of criminal activity frequently use fictitious names and contact information in order to avoid detection and identification by victims and law enforcement officers. I also learned that the participants of criminal activity use unique aliases or nicknames to identify themselves with each other.

8. Based on my previous experience in the investigation of illegal Internet activities, I learned that participants of criminal activity frequently communicate with each other via Internet webpages, Emails, electronic bulletin boards, news postings, and IRC channels. Topics communicated include methods, plans and coordination.

9. Based on my previous experience in the investigation of illegal Internet activities, I learned that illegal information may be transmitted, obtained, and propagated on the Internet.

STATEMENT OF PROBABLE CAUSE

10. On January 24, 2002, pursuant to a Federal Search Warrant of AUSTIN's residence located at [address omitted], Sherman Oaks, California, FBI Special Agents conducted a search of the residence of AUSTIN. The affidavit in support of the search warrant is attached hereto and incorporated herein by reference.

11. At the time of the search, when he was not in custody, AUSTIN told me, among other things, the following information:

a. AUSTIN authored the webpage, RAISETHEFIST.COM/NEWS.CGI?ARTICAL=WIRE/83903T4A.ARTICLE (Anti-WEF webpage), which had the title of "ANTI-CAPITALIST CONVERGENCE NEW YORK" and included the following:

- i. "Shut down the WEF!" (WEF was an abbreviation for the World Economic Forum, which was held on or about January 31 through February 4, 2002 in New York city.)
- ii. "This guide was developed as means to inspire and inform participants of the upcoming resistance in NY against the World Economic Forum. With this convergence comes the need to organize security, safety and direct action. The information within these pages is to hopefully strengthen these tactics amongst our resistance."
- iii. "Stop the WEF by any means necessary!"
- iv. Links to "Security Culture," "Black Bloc," "Defense Weapons," and "Shields."

b. AUSTIN authored the webpage RAISETHEFIST.COM/EXIT/WEAPONS.HTML, which had the title "defensive weapons" and was the link to "Defense Weapons." This webpage included the following information:

- i. "In developing defensive-offense tactics, our bodies cant provide for everything we do in a battle. That is why we need to be prepared with the proper tools to execute our goal."
- ii. "Many different weapons and tools can be used in street fighting. Make sure that you keep them clean of fingerprints, DNA fibers (hair follicles, etc.), especially explosives because they may not always ignite."
- iii. "The following weapons are widely used and effective in executing the goal of the demonstration." This statement was followed by instruction on making and use of slings, slingshot, boomerangs, ninja stars, Molotov cocktails, smoke bombs, fuel-fertilizer explosives, pipe bombs, draino bomb, soda bottle bomb, and match head bomb.
- iv. "Bust out Bart Simpson style and fire some tiny metal pellets at pigs. Very effective when used by large groups at once" was referenced under the use of slings.
- v. "These easily available or homemade items are great when dealing with illegal situations. It can shield any media or police cameras from catching anyone on from participating in an illegal act. It can also disorient the police when they are advancing on the crowd" was referenced under the usage of smoke bombs.

vi. "Remember, be careful and responsible with these explosives. Don't blow yourself up, or any of your comrades! Don't get caught!"

c. AUSTIN authored the webpage, RAISETHEFIST.COM/EXIT/MOLOTV.HTML, had the title "Molotov Cocktails" and included the following:

i. "There are many variations of the molotov cocktail. The classic is a glass bottle filled with gasoline. An oily soaked rag is placed in the neck of the bottle. The rag is lit on fire and the bottle is thrown at the opposition. However, practice has created new models of the molotov that defeat the classic version."

ii. "To make a firewall, simply fill bottles with rubbing alcohol and light the mixture. These bottles should be lined up side by side to create a large area of fire that police will not walk through."

iii. "By far the stickiest mixture is 50% gasoline, with 25% tar and 25% grease. Shake well and throw hard!"

iv. The most high explosive and lethal mixture is ammonium-nitrate-based fertilizer mixed with gasoline. Just stuff the bottle with this mixture and light the fucker. This method should be made with a plastic bottle so that it will not break on impact. When you light it, the bottle will quickly explode so be quick. Using a fuse is a good idea."

d. AUSTIN authored the webpage, RAISETHEFIST.COM/EXIT/SMOKE.HTML, had the title "Smoke Bombs" and included the following:

1. "... A pound of this will smoke up an entire block."

e. AUSTIN authored the webpage, RAISETHEFIST.COM/EXIT/DRAIN.O.HTML, had the title "Drain Bomb" and included the following:

i. "Take this mixture to a copy car and drop it in the tank. Run like hell. In about ten minutes the car will explode like in the movies."

f. AUSTIN had exclusive control of the websites hosted on his computers, including RAISETHEFIST.COM, 2CP.COM, and ARMADASTYLE.COM.

g. AUSTIN operated the web server RAISETHEFIST.COM from his bedroom.

h. AUSTIN had intruded into numerous private and commercial computers and defaced their websites in order to "get the messages out" to the public, and the messages included anti-government and militant rhetoric as well as a conspiracy theory of the NEW WORLD ORDER. AUSTIN also defaced websites in order to promote and recruit for his militant group, UCAUN FREEDOM FIGHTERS (UFF) troop. On one of his defacement webpages, AUSTIN wrote the following:

i. "This server was hacked into so we could simply to get a warning message accross to the public."

ii. "The U. C. A, is currently seeking anyone who has at least 1 or more of the following qualifications: weapons training, inteligance in telecommunications, X-military/Navy Personal, Inteligence in computer hacking, financial support to help carry out this operation, ability to fly aircraft, ..., ability to provide uniforms... guns... etc..., the will to fight."

iii. "We are establishing UFF (UCAUN Freedom Fighter) troops into all major cities world wide. If you would like to become a UFF troop, then please e-mail: UCA@NETZERO.NET

iv. "We don't gather weapons, plan extream operations and risk our lives for nothing. This is REAL."

i. AUSTIN posted the webpages about the making and use of the explosives on RAISETHEFIST.COM in order to "educate others" about "security culture" and "reclaim." AUSTIN explained "security culture" was the process of teaching others how to build "defensive weapons" in order to counteract police brutality. AUSTIN explained "reclaim" was the activity of "taking back the street, land, and planet from the government."

j. AUSTIN authored the following webpages on RAISETHEFIST.COM:

i. The webpage, DC.RAISETHEFIST.COM, had the title of "BREAK THE BANK!", which was a reference to the meeting of the WORLD BANK AND INTERNATIONAL MONETARY FUND (IMF) in Washington, D.C., which was scheduled to take place on or about September 29, 2001. This webpage included the following:

(1) Links on "Security Culture," "Black Bloc," "Unarresting Comrades at a demonstration," "De-Bloc'ing," "Police tactics and How to Defeat them," "Defensive Weapons," and "Shield Construction."

(2) The link "Defensive Weapons" was the same link as the "Defense Weapons" on the Anti-WEF webpage. The link on "Security Culture" was the same link as the "Security Culture" on the Anti-WEF webpage.

ii. The webpage, RAISETHEFIST.COM/EXIT/TACTICS.HTML, for "police tactics and how to defeat them" included the following information:

(1) "One would attack the poorly defended positions by hurling rocks and firebombs. Since regular police could not sustain that for any longer period of time, the riot police would have to come to their aid. Then the second group of protesters would attack the now much weakened main objectives and possibly seize them."

(2) "If more aggressive approach was desired, one group of protesters would lead the police in a trap by making a quick assault and falling back immediately afterwards, as if fleeing the scene. The police would usually pursue them haphazardly, falling easy prey to a flanking attack of other protesters who would suddenly rush out from side streets."

(3) "Cars can be wonderful barricades and can be easily set on fire."

iii. The webpage, RAISETHEFIST.COM/EXIT/RECLAIM.HTML and its links contained the same links on "Security Culture," "Black Bloc," "Unarresting Comrades at a demonstration," "De-Bloc'ing," "Police tactics and How to Defeat them," "Defensive Weapons," and "Shield Construction" as DC.RAISETHEFIST.COM.

(1) The link "Defensive Weapons" was the same link as the "Defense Weapons" on the Anti-WEF webpage. The link on "Security Culture" was the same link as the "Security Culture" on the Anti-WEF webpage.

iv. The webpage, RAISETHEFIST.COM/NEWS.CGI?ARTICAL=WIRE/9163WANTED.GIFIMG.ARTICLE, which had the title, "BUSH WANTED DEAD OR ALIVE!" and containing a graphical image of President George W. Bush with an overlay of a rifle scope sight centered on his face.

v. The webpage, RAISETHEFIST.COM/INDEX1.HTML, which was the home page of the website RAISETHEFIST.COM, included the following information:

(1) Links to the same information on "Security Culture," "Black Bloc," "Defensive Weapons," and "Shield Construction" as the Anti-WEF webpage.

vi. The webpage, ICC.RAISETHEFIST.COM, which was the main page for the INTERNATIONAL COLLECTIVE FOR CLASS WAR (ICC), AUSTIN explained that he created ICC as a new "direct action activist group." The webpage ICC.RAISETHEFIST.COM included the following:

(1) "Our focus is towards establishing a strategic resource for revolutionary libertarian socialists to encourage the study of, and training in, military and insurgency techniques in anticipation of current conflicts with the internationalized statist forces and global capitalist interests. We believe now is the time to establish a currently active martial force."

(2) "What more proof do we need? They kill us, put us on death row, pepperspray us, beat us, shoot us (ICC was shot up in the leg by some pigs a while back), imprison us, phone tap us, surveil us... I mean jesus christ, what more do we need? How long is it going to be until we, the sitting ducks that we are, decide to take up arms and fire back?"

12. On the webpage, RAISETHEFIST.COM/NEWS.CGI?ARTICAL=WIRE/9135BINBUSH.JPGIMG.ARTICLE, AUSTIN directed an inquiry "anyone suggest any sites where recipes for bombs and weapons are?" by an individual known by the alias, DEVON STORM, to his bomb making webpages located at WWW.RAISETHEFIST.COM/EXIT/RECLAIM.HTML.

13. At the time of the search, AUSTIN stated that he owned all the items inside his bedroom at his residence. During the search of AUSTIN's bedroom, the FBI Special Agents discovered, among other things, the following items:

a. Two glass bottles both of which contained gasoline or petroleum-based products. One of these two glass bottles had a metal screw top in which a hole had been punched. The other glass bottle contained a ong white material with burnt marks.

b. One gasoline tank which had the smell of petroleum-based fluid.

c. Four boxes of bottles, which included 63 glass bottles and five plastic bottles, stored in the closet of AUSTIN's bedroom.

d. One radio remote triggering detonation device, which was modified from a radio controlled car. AUSTIN explained that he had modified this radio-controlled car to ignite matches. According to the explosive ordinance specialist, Special Agent Brendan Finn of the FBI, both the remote control unit and radio-controlled car were mechanically modified to perform only the above function.

14. At the time of the search, I observed two additional gasoline tanks and one bag of fertilizer inside the passenger compartment of AUSTIN's personal vehicle, California license number 3JGL541, a 1981 Toyota station wagon, which was parked on the street by the residence of AUSTIN.

15. On February 3, 2002, I conducted a review of a New York City Police Department police report, which told me that AUSTIN was arrested by New York Police Department (NYPD) on February 2, 2002 for unlawful assembly and disorderly conduct during a demonstration against the World Economic Forum (WEF) event at New York City, New York. AUSTIN admitted that he had traveled from Los Angeles, California to New York City, New York in his personal vehicle, California license number 3JGL541, a 1981 Toyota station wagon. AUSTIN was released by the NYPD without being charged.

16. At the time of his arrest by the NYPD, AUSTIN consented to a search of the above vehicle. The search uncovered, among other things, electrical wiring, electrical tape, one empty gasoline tank, and anarchist literature and related paraphernalia.

17. I conducted a review of previous police records of AUSTIN and disclosed the following:

a. On or about May 1, 2001, AUSTIN was arrested by Long Beach Police Department (LBPd) in a violent demonstration at Long Beach, California. AUSTIN was charged by the State of California for the violation of California Penal Codes (PC) Sections 404(A) riot, 406 rout, 407 unlawful assembly, and 182(A)(1) conspire to commit a crime. The case is ongoing.

b. On or about June 24, 2001, AUSTIN was cited by San Diego Police Department (SDPD) for a traffic violation, California Vehicle Codes Section 21456(B), "pedestrian crossing against a dont walk or wait signal," during a demonstration against the 2001 Biotechnology Industry Organization International Convention and Exhibit event at San Diego, California.

18. On or about January 3, 2002, I conducted a review of the website, RAISETHEFIST.COM, which revealed the following:

a. On the webpage, RAISETHEFIST.COM/COMRADELINK/EBOARD.CGI?SYSTEM=REVOLUTION&TOPIC=99911.TOPIC&USERNAME=&PASSWORD=, AUSTIN wrote the following:

i. "YEAH MOTHERFUCKER I'M A TERRORIST TO THE U.S. GOVERNMENT! I'M A TERRORIST TO CAPITALISM! NOT TO INOCENT PEOPLE! U'M A TERRORIST TO THE EVIL SYSTEM THATS TERRORIZING ALL OF US!"

ii. "FUCK THE GOVERNMENT. I HOPE THEY BURN IN FUCKING HELL, RIGHT BACK WERE THEY CAME FROM! MOTHERFUCKERS! YOU CAN'T FOOL ALL THE PEOPLE, WE KNOW YOUR FUCKING STYLE!!"

b. In reply to a bulletin posting, "that to me, is how an effective demonstration should work. No vandalism, no broken windows, just the facts," AUSTIN wrote, "no property destruction. Well I disagree. Do you forget that minute by minute, while you have the luxury to go out there with a sign, or a big puppet, that most people don't? ..." and "is simply holding signs going to solve the problem? It will increase awareness, yes, but will it SOLVE THE PROBLEM? I believe not. We need to move from protest to resistance if we plan to change anything..." on the webpage, RAISETHEFIST.COM/NEWS.CGI?ARTICAL=WIRE/9233T4A.ARTICLE.

c. On the webpage, RAISETHEFIST.COM/COMRADELINK/EBOARD.CGI?SYSTEM=REVOLUTION&TOPIC=99783.TOPIC&USERNAM=&PASSWORD=, AUSTIN wrote "enough is enough. I say we organize a massive student revolt, and we take our campuses back by seizing them, by any means necessary. That will surely get peoples attention."

19. Based on the foregoing, I belive there is probably cause to believe AUSTIN violated 18 U.S.C. § 842(p)(2)(A) (distribution of information relating to explosives, destructive devices, and weapons of mass destruction with the intent that such information be used in furtherance of a federal crime of violence (namely, 18 U.S.C. 844(i) (arson) and 26 U.S.C. § 5861(d) (possession of a firearm (as defined in 26 U.S.C. § 5845(a)(8)) which is not registered to him in the National Firearms Registration and Transfer Record).

AFFIDAVIT subscribed and sworn to before me this ____ day of February, 2002.

UNITED STATES MAGISTRATE JUDGE