

Journalist Barrett Brown's Day of Reckoning. The Machinations of the US National Security Apparatus

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A feisty, confrontational journalist who exposed explosive details about the machinations of the national security apparatus and faced more than a century in prison has been sentenced to five years and three months.

For more than 1,000 days, the 33-year-old writer has been jailed awaiting resolution of a case that stands to set a [frightening precedent](#) for free expression in the Internet era.

Brown's trial mostly revolved around an indictment for sharing a hyperlink in the course of journalistic research—construed by the Department of Justice as trafficking in identity-theft data—and [making a series of hyperbolic, rambling threats](#) against an FBI agent on [YouTube](#).

Even during his sentencing, Brown displayed the instinctive defiance that made him an easy target for the authorities. In a [statement to the court](#), he accused the government of lying at length to make their case against him, while acknowledging that he did at times break the law. In referring to how prosecutors flip-flopped over whether he was a journalist, he said:

“What conclusion can one draw from this sort of reasoning other than that you are whatever the FBI finds it convenient for you to be at any given moment. This is not the rule of law, your honor, it is the rule of law enforcement, and it is very dangerous.”

In an interview with *WhoWhatWhy* from jail, Brown said the FBI had lied in court. He said an agent testified that a) he'd visited the Middle East (he never had) and b) that there was evidence on his laptop that he'd falsely called 911 on someone (He never did.)

“These people, these prosecutors, these FBI agents have blatantly lied so much,” Brown said. “They aren't rookies; these are people who have been around for a long time. So what that tells me—what that should tell everyone—is that they don't lie for fun; they do it because it works. And the question is, why does it work? ...There doesn't seem to be any negative feedback to prevent an FBI agent from lying on the stand.”

Why Brown?

Before he was arrested in September 2012, Brown published [incendiary findings](#) about what private intelligence contractors were doing. His work, still largely ignored by the mainstream

media, came before NSA whistleblower Edward Snowden's revelations made surveillance by the government and its contractors a household topic. Brown's writings and creation of Project PM, a virtual research syndicate, eventually attracted the FBI's attention.

In handing down the sentence, U.S. District Judge Sam A. Lindsay said he considered Brown a strategist for the hacktivist network Anonymous. The prosecution said Brown, a self-described anarchist, and Anonymous "secretly plotted the overthrow of the government."

Brown helped bring Anonymous to widespread attention by demonstrating what hacktivists and journalists could accomplish together via Project PM. He showed his audience how mine business registrations, patent filings and press releases so they, too, could turn Anonymous's hack-leaks into actionable information.

That, as far as Lindsay was concerned, amounted to a crime when Brown shared a link to a file said to contain credit card data hacked from the servers of private intelligence firm Stratfor. "His involvement in posting that link is more than the defense wants me to believe," Lindsay said. Although the plea deal did not include a charge for that, prosecutors successfully argued that it was conduct relevant to the determination of Brown's sentence.

Threatening the Feds

The bulk of Brown's sentence—four years—came from the [threats he made](#) against the FBI agent. Lindsay added a year for [Brown's attempt to shield one of his sources](#), hacker Jeremy Hammond, and three months for interfering with execution of a search warrant by hiding his laptops.

Originally facing 105 years in prison, and as a welter of public criticism grew over the government's conduct in the case, Brown on April 29 [took a dramatically lowered plea deal](#) that allowed for a maximum sentence of eight-and-a-half-years.

Brown will probably spend about two more years in prison with credit for time already served, defense lawyer Marlo Cadeddu said after the hearing.

By the time Brown took his plea deal, prosecutors had already [dropped the most severe charges he faced](#): those relating to identity theft for his sharing, among fellow researchers, the link that the hackers of Stratfor had already posted publicly. That accusation in particular brought sharp criticism from the [Committee to Protect Journalists, Reporters Without Borders](#), the Electronic Frontier Foundation and others. They called it a violation of the First Amendment, and Brown's prosecution payback for his journalism.

Why was the government so concerned with keeping Brown at heel? Prosecutors let one motive slip during a 2013 hearing, as first reported by *WhoWhatWhy*. At that time, the government made a failed attempt to [prevent Brown from criticizing anyone in the government](#) whatsoever while his case was ongoing. For several months, he and his lawyers were even [gagged from addressing the public about his case](#).

Prosecuted for Politics?

At the sentencing, prosecutor Candina Heath denied Brown's prosecution had anything to do with his politics. He was charged for illegal conduct including "his participation in hacks" and "his disseminating...of credit card data."

Now sentenced, Brown joins other Internet activists prosecuted by the authorities. Hammond, a source of Brown's, is currently serving a 10-year prison sentence. That's despite the fact [the FBI encouraged his hacks of Stratfor and foreign governments](#) via a snitch it controlled. Whistleblower [Chelsea \(formerly Bradley\) Manning](#) is serving 35 years after giving classified or otherwise restricted Pentagon and State Department files to WikiLeaks.

That may be the fate of others who try to uncover the kind of corporate and government malfeasance he and others did, Brown said during his interview from jail:

"Not everyone is going to be like Glenn Greenwald, glancing off these blows and going forward. Some people are going to be intimidated. Some people are going to be discredited. And even if they are brave, even if they are willing to go forward, they're going to be rendered incapable of doing that. Some will be in jail. Some will be in jail on charges that are made up based on evidence that is falsified by companies and the FBI working together. Take that conjunction with them coming after me for being an anarchist, and you have a very dangerous situation here."

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