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## The War on Twitter

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# The war on Twitter

**Michael I. Niman** tells how the Feds busted a Twitter tweeter and impounded *Curious George* and *Buffy* videos in a terror probe

I couldn't make this stuff up if I tried. This story begins last month at the G-20 economic summit in Pittsburgh, where finance ministers and leaders from the 20 richest nations met to scheme on how to prop up global capitalism for another year. Protesters from around the world came to Pittsburgh to demand economic justice from the G-20. And New York City social worker Elliot Madison came to Pittsburgh to work with the Tin Can Communications Collective a group of anarchist communications activists providing real-time logistical reporting for, as they explain on their Web site, "activists fighting the state and capitalism."

By all accounts, Madison spent his time in Pittsburgh monitoring police calls and using Twitter to report real-time police movements around the G-20 protests. In one contentious tweet, Madison reported on a police order closing a street near the protest and ordering everyone on that street to disperse.

Anyone subsequently on that street would be arrested, whether or not they were informed of the closing. People monitoring the Tin Can tweets or subscribing to Tin Can text messages knew to avoid the closure area and hence avoid arrest by eschewing lawless behavior they otherwise might not have known was lawless. MSNBC and local news organizations also pro-

vided live coverage of the demonstrations.

Madison's tweeting came to an end, however, after the Pennsylvania State Police stormed his hotel room, guns drawn, and, according to the *New York Times*, arrested him for "hindering apprehension or prosecution," "criminal use of a communication facility," and "possession of instruments of crime." The hindering charge stems from the tweet in which he essentially acted as a reporter, reporting real-time news about the police dispersal order and street closure. By reporting on the closure and hence dissuading people from breaking the law, Madison allegedly hindered prosecution; thanks to him, there were no laws broken and no one to prosecute.

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If the aim of the police was to clear the street, Madison's tweets would appear to be an aid rather than a hindrance. If the police's aim, however, was to arrest as many protestors as possible before President Barack Obama arrived at the summit and thereby undermine the protestors' right to demonstrate, Madison's reporting could derail their plan.

In a legal sense, Madison's arrest is a historic first. If Madison broke the law, so

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## TERROR TWEETS

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has every journalist who ever covered live breaking news involving the police. My local news radio station, for example, reported this morning that state troopers are intensifying enforcement of New York's ban on cell phone use by motorists on the New York Thruway. If Madison is a criminal, so is the reporter who put this story together, and the management of the radio station that aired it. Like Madison's report, this news piece will warn people not to break the law, and hence help them avoid arrest.

Madison, like a “live eye” TV or radio journalist, is reporting ongoing news. Madison's prosecution is a chilling assault on the First Amendment. And like a city beat reporter, Madison legally monitored police communications with a scanner that any hobbyist can pick up at Radio Shack. Also nothing illegal here. And like a journalist, Madison's tweets were available to the public, as anyone could subscribe to Tin Can's Twitter site – which, it turns out, was subscribed to and monitored by the police.

In an ironic twist on this story, the American Civil Liberties Union has launched an investigation into the constitutionality of the street closures and orders for law-abiding protesters to disperse. In retrospect, it appears more likely that it was Madison's accusers, and not Madison, who broke the law in Pittsburgh.

The selective prosecution of Madison appears to have more to do with Tin Can's stated support for the demonstrators than with any true violation of law. Disseminating logistical information to demonstrators (Tin Can also tweeted about workshops and shared meals) is a tradition as old as organized political demonstrations. By charging Madison, Pennsylvania is attempting to criminalize dissent.

Madison was eventually released after posting a \$30,000 bail bond. You could write this off as the actions of a wayward police unit or an overcaffeinated Pennsylvania prosecutor – except one week later the FBI and the Joint Terrorism Task Force stormed Madison's Queens home at 6am,

knocking down his front door with a battering ram and raiding his home with over a dozen officers, guns drawn.

### **Buffy the Vampire Terrorist**

After searching Madison's house for 16 hours, police carted away and impounded a Curious George doll, passports, computers, Buffy the Vampire Slayer DVDs, refrigerator magnets, a needlepoint portrait of Vladimir Lenin, letters, tax records, books, phones, flags, photos, and, according to the New York Post, gas masks, hammers, triangular pieces of metal, some kind of ammo, and about a liquid ounce of mercury.

None of this quite adds up to terrorism. There are house painters, basement cleaners, and military buffs who also have gas masks, for example. They are also now common among journalists who regularly cover political demonstrations, and they're often carried by cautious demonstrators. The need for gas masks at political rallies is an unfortunate reality in a democracy seemingly in decline.

During the G-20 summit, MSNBC cameras caught a police tear gas attack on what appeared to be peaceful protestors. Perhaps Madison should have brought the masks to Pittsburgh. And perhaps he also should have brought ear protection, as police made history by using a sonic weapon whose manufacturer warns that it could cause permanent hearing loss in an effort to disperse demonstrators. While regularly employed in overseas military operations, I believe this was the first time it had been used domestically. Police also sniped the crowd with rubber bullets, a favorite weapon of the apartheid regime in South Africa.

Who knows why someone would have mercury around the house? I recall stories about my dentist giving me a vial of the shiny toxic liquid when I was about six, to reward me for not screaming in the chair. (We lost track of it after my brother spilled it on the carpet and my mom vacuumed it up.) And I don't even want to speculate on what was in those ancient bottles of

photographic chemicals left behind in my deceased grandfather's darkroom. Sure, it's disturbing that there was mercury in Madison's home, but search any home and you're likely to score a weird haul. This is why our constitution protects against unwarranted searches – so the government can't target an individual and then go fishing for a crime. The law also protects people's right to possess items far more dangerous than hammers and heavy metals. There are more guns than people, for example, in the United States. Americans view having this stuff as a sacred right and invading someone's home and seizing their belongings as a form of state terror.

Madison's real crime, it seems, is being a self-proclaimed anarchist, which is no more illegal than being a self-proclaimed Demo-

crat or Lutheran. His tweets were not more informative or subversive than MSNBC's live coverage of the G-20 protests. And they certainly weren't much different than the Twitter chatter posted by the pro-democracy protesters in Iran, whose right to tweet was so voraciously defended by the US State Department. It seems the Pennsylvania State Police, and subsequently the FBI, may have taken a page from Iranian president Mahmoud Ahmadinejad's playbook. **CT**

*Dr. Michael I. Niman is a professor of journalism and media studies at Buffalo State College. His previous Artvoice columns are available at [www.artvoice.com](http://www.artvoice.com), archived at [www.mediastudy.com](http://www.mediastudy.com), and available globally through syndication.*

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