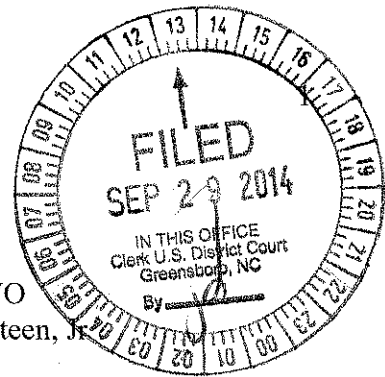


U.S. District Court
North Carolina Middle District



USA v HILL)

Case No: 1:13-cr-00435-WO

)

Chief Judge William L. Osteen, Jr.

Declaration of Susan Basko in Support of Brian David Hill's Motion to Withdraw his Guilty Plea, Motion for a Substitute Attorney, Sentencing, and any other purposes

1. My name is Susan Basko. I reside in Illinois. I can be reached by email at SueBasko@gmail.com and by phone at 310-770-7413. I have a website at <http://suebasko.blogspot.com> and another one at <http://subliminalridge.blogspot.com>
2. I am a lawyer licensed in Illinois and California. I practice law for independent media, including for the internet. I do not generally go into court, so ask the Court to please forgive if my paperwork is not in the exact usual form.
3. I am aware that Brian David Hill is innocent of the charges and I will explain herein how I know this.
4. I am aware that Brian David Hill was a volunteer independent journalist active in independent online media and in the Patriot or Constitutionalist movement. Brian has many such videos on Youtube. Brian was active in supporting the repeal of the NDAA.
5. I am aware that Brian David Hill was part of a group of friends or associates who also are independent journalists or activists in the Patriot or Constitutionalist movement, including the other men I will name in this declaration.
6. In early July of 2014, I got an urgent message from Luke Rudkowski, an independent journalist with We Are Change, saying he was in Poland and someone sent him an email saying they had exclusive photos from the Bilderberg Conference, which he had just covered, and telling him to download the pictures and pass them around. The email was a bit suspicious since it went to an email account Luke had not used for several years. Luke previewed the pictures and saw they were child porn, and did not download them. Then he contacted me about what to do. I told him to contact the U.S. Embassy in Gdansk and have them contact the FBI. Luke did that. He also made a video about the situation. You can view and read the full email sent to Luke and also view the video he made about the situation at one of my blogs at: <http://subliminalridge.blogspot.com/2013/07/attempt-to-set-up-journalist-with.html>
As I recall, Luke then received a second email stating that the person would do the same to others, meaning that others would be set up with child porn.
7. When I told Luke Rudkowski to contact the Embassy in Gdansk, the purpose was to alert the FBI so that they could prevent Luke from having any trouble in border crossings.

The other purpose was to follow the provision in federal child porn law that gives an affirmative defense under this law:

18 U.S. Code § 2252A - Certain activities relating to material constituting or containing child pornography

(d) Affirmative Defense.— It shall be an affirmative defense to a charge of violating subsection (a)(5) that the defendant—

(1) possessed less than three images of child pornography; and

(2) promptly and in good faith, and without retaining or allowing any person, other than a law enforcement agency, to access any image or copy thereof—

(A) took reasonable steps to destroy each such image; or

(B) reported the matter to a law enforcement agency and afforded that agency access to each such image.

8. Shortly after Luke's situation, a group of indie journalists and activists contacted me and said they had porn sent to them in trick emails where the sender opened an email account in the name of someone the activist trusted. The delivery technique had advanced to placing the images inside a pdf, so they images could not be previewed. These men have access to a computer forensics expert who previewed the pdfs in a "sandbox," and saw they were child porn. These men included Dan Johnson of People Against the NDAA, Stewart Rhodes of Oathkeepers, and several others. These men were aware that Brian David Hill had also had child porn downloaded onto his computer. They were all friends or associates of Brian David Hill.

9. For this set of men that included Dan Johnson and Stewart Rhodes and others, I filed a notification directly to a specific FBI agent in New York City that I thought was trustworthy. That agent told me he forwarded the complaint to an agent that handles such matters. The men were all very tense about the situation. We held a conference email call where they stated they did not want to include Brian David Hill in their complaint because of his autistic behavior and how his lack of public discretion might put them all at jeopardy. The men were all shocked and terrified and had their lives and reputations at stake. Instead of including Brian in their complaint, they decided to tell Brian to contact me himself if he wanted to file his own complaint. I did not hear from Brian for months afterwards and when he did contact me, I looked on pacer and saw that there was already a federal warrant for his arrest.

10. Brian David Hill blamed his local officials for setting him up with child porn. While this may be the case, I think it is more likely he was set up as one of the people involved in the Patriot movement, just like the other men. Like Luke Rudkowski, Brian David Hill had gone to report on the 2012 Bilderberg Conference in 2012. The child porn attack against Luke Rudkowski came just after the 2013 Bilderberg Conference. The second email sent to Luke Rudkowski warned that others would be set up, too.

11. You can view a video of Dan Johnson and Stewart Rhodes speaking about being set up with child porn here:

<http://subliminalridge.blogspot.com/2013/07/child-porn-emailed-to-activists-to-try.html>

12. Within weeks after I made the FBI report for the group that included Dan Johnson and Stewart Rhodes, I was contacted by several other men who are also set up with child porn on their computers. They were attacked with child porn via other methods. One had a direct download go into his computer, followed by a pop-up saying there was child porn on his computer. I told each of them how to file an FBI report and why it was important. The men all seemed to be in the same social circle of being involved in the Patriot movement. For each of these men, these attacks against their integrity were deeply disturbing, terrorizing, terribly frightening.

13. After I assisted these men and word went out on the internet, I received an onslaught of emails trying to get me to download pictures, videos, or documents. I deleted all the emails without even opening them. I reported many of the emails to Google. Google put out a warning that such emails may be tricking people into downloading pornography.

14. When Brian David Hill finally contacted me, I looked on pacer and saw there was already a federal arrest warrant for him. Brian emailed me a large amount of documents that added up to what I already knew – that he had been set up with child porn. Brian David Hill seemed intent on blaming his local officials for setting him up and that may be the case, but the set up could also have come from anyone in the world. It seemed more likely to me that since Brian was set up at the same time as the other men in his same social and activism circle, that he was set up by whoever was also setting up the other men.

15. Brian David Hill has autism and diabetes. When Brian has communicated with me, it takes a lot of patience and time and skill to understand his points, because he concentrates on tiny details. I think he needs a disability advocate to help him have a fair trial.

16. I emailed this information about the child porn set-ups very early in this case to both Brian's lawyer, Eric Placke, and to the prosecutor, and did not hear from either one of them.

17. I have been told by Brian's grandparents, Ken Forinash and Stella Burnette, that Brian wants to withdraw his guilty plea because he is innocent and that he wants a substitute public defender. I have communicated these needs of Brian's to the public defender's office head, Louis Allen, as well as to Brian's lawyer, Eric Placke, and to a Senior attorney with the office, Greg Davis.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 24, 2014

signed electronically: /Susan Basko/

Susan Basko

Email: SueBasko@gmail.com

phone: 310-770-7413

Susan Basko 9-24-2014
Please feel free to contact me.
Thank you.