

PI # 05/08
Extension #3

POLICE DEPARTMENT
CITY OF NEW YORK

April 30, 2009

From: Intelligence Collection Coordinator and Intelligence Analysis Coordinator

To: Commanding Officer, Intelligence Division

**SUBJECT: REQUESTS TO EXTEND THE PRELIMINARY INQUIRY
CONCERNING DENNIS CHRISTOPHER BURKE, CERTAIN OF HIS
ASSOCIATES AND A GROUP CALLING ITSELF FRIENDS OF BRAD
WILL**

1. Pursuant to the modified Handschu Guidelines, the undersigned requests that the Intelligence Division be authorized to extend the existing Preliminary Inquiry concerning the individuals and organizations more fully described in paragraph 2, below. To date, the Preliminary Inquiry has revealed information that raises the possibility of unlawful activity by members of, or persons associated with, the subject organization, but has not yet revealed sufficient information for a determination regarding whether or not a Full Investigation should be undertaken. Neither has the inquiry revealed sufficient information to conclude that further investigation is not warranted. Consequently, responsible handling of the information currently known requires an extension of the Preliminary Inquiry. The requested extension is necessary so that accurate and reliable information may be obtained regarding any plans on the part of members of, or persons associated with, the subject organization to engage in terrorist activity or other unlawful conduct. Such information will also be utilized by the Department to gather sufficient evidence to maximize the potential for successful prosecution of legal proceedings concerning the subject organization and/or individuals associated with it, and to facilitate the efficient deployment of police resources to ensure public safety and security.

2. The subjects of this Preliminary Inquiry are Dennis Christopher Burke ("Burke"), aka Thaddeus, and his associates, who were members or participants in Times Up, Inc. (Times Up) or who were associated with Bradley Will, a documentary filmmaker and journalist affiliated with Indymedia, was shot and killed on October 27, 2006 in Oaxaca, Mexico. Times Up and its membership were the subjects of Full Investigation # 04/05 which was authorized on March 30, 2005 and discontinued on or about March 29, 2006. Prior to its becoming a subject of

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FI # 04/05, Times Up was a subject of FI # 03/03 which was discontinued when FI # 04/05 was opened. The group of individuals calling itself the Friends of Brad Will was the subject of Preliminary Inquiry # 13/07, which was opened on October 26, 2007 and extended four times with the last extension authorized on January 8, 2009. This Preliminary Inquiry was initially approved on March 27, 2008 and extended twice, with the last extension being approved on February 4, 2009. This is the third request for an extension.

3. The factors justifying the application for extension of this Preliminary Inquiry include:

- A. Information reported in the first Investigative Statement for this Preliminary Inquiry indicated that on March 6, 2008, at approximately 0342 hours a small bomb explosion occurred at the United States Armed Forces recruiting station located at 43rd Street in Manhattan (“Times Square Recruiting Station”) causing property damage only. Surveillance video retrieved from a building in the area of the explosion indicated that shortly before the explosion an individual wearing a dark hooded sweat shirt and riding a bicycle arrived at the island at which the Times Square Recruiting Station is located, got off the bicycle and walked to the front door of the recruiting station.
- B. Information reported in the first Investigative Statement for this Preliminary Inquiry indicated that according to open source information the Time Square Recruiting Station bombing was the third event since May 2005 in which (1) an explosive device was placed or thrown at a building between 0330 and 0400 hours to cause property damage at a venue associated with a governmental or corporate entity that has been the target of demonstrations or other protest actions and (2) an individual riding a bicycle and wearing a hooded sweatshirt was observed at or near the site of the explosion shortly before or after the explosion. The first explosion event occurred on May 5, 2005 at a building in Manhattan housing the British Consulate and utilized by Caterpillar Inc, which has been the object of protests by the International Solidarity Movement (a subject of Full Investigation # 05/03 which was discontinued on March 27, 2007), as well other organizations, concerning the death of Rachel Corrie in March 2003. The second and third events occurred at the Mexican Consulate and are more fully described in paragraph C of this Preliminary Inquiry.
- C. Information reported in the Investigative Statement for the second extension of this Preliminary Inquiry indicated the following: Bradley Will, a documentary filmmaker and journalist affiliated with Indymedia, was shot and killed on October 27, 2006 in Oaxaca, Mexico while he was videotaping a protest by striking teachers. Demonstrations organized by the Friends of Brad Will were held outside the Mexican Consulate located at 39th Street and Madison Avenue in New York City on October 28 and October 30, 2006 to protest his murder by what demonstrators alleged were Mexican Government backed paramilitary forces. On October 26,

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2007, two explosive devices were thrown at the Mexican Consulate in New York City and one of the devices detonated, smashing several windows but causing no injuries. These explosions occurred one day before The Friends of Brad Will scheduled to hold (but ultimately did not hold) a demonstration at the Mexican Consulate in New York City to protest what the group continued to claim was the Mexican Government's responsibility for Will's death. Following the explosive device incident in October 2007, the group calling itself Friends of Brad Will has held meetings and other events in New York City in protest of the death of Brad Will as well as in protest of initiatives of U.S. Government support for Mexico in its war on drugs

- D.** Information reported in the first Investigative Statement for this Preliminary Inquiry indicated that according to open source information at or about 0600 hours on March 6, 2008, a blog called Bombs and Shields (which below its title prints the statement "Always Keep Your Shield Between You and Your Bomb") reprinted a news article reporting on the Times Square Recruiting Station bombing. Information obtained by a confidential source in FI # 03/03 indicated that (1) as of March 2005, Bombs and Shields was administered by Burke and (2) as of March 2005, a purpose of the blog was to keep individuals engaged in protest activity apprised of bombings and other acts of violent protest. The less than 3 hour period between the bombing and Bombs and Shields posting on the bombing raises the possibility that Burke or someone else associated with Bombs and Shields had information concerning the Times Square Recruiting Station bombing prior to its occurrence.
- E.** Information reported in the second extension for this captioned Preliminary Inquiry indicates that on October 10, 2008, Burke was seen in the company of David Segal, who was convicted of attempted arson for attempting to set an Armed Forces Recruitment Center in the Bronx on fire in January 2005. Segal, who is 22 years old, was released from federal prison on September 8, 2006. He was placed on federal probation until September 7, 2009. During Segal's incarceration, Burke wrote about Segal on his website, "Bombs and Shields."
- F.** Information obtained since the second extension of the captioned Preliminary Inquiry indicates that Segal has been arrested twice since March 2009. Segal's first arrest was on March 27, 2009 for Obstructing Governmental Administration and Disorderly Conduct, after he interfered with the arrest of another individual in Brooklyn. The court placed him in ACD (Adjudication in Contemplation of Dismissal) status. The second arrest came on April 10, 2009 at a protest at the New School University. He was charged with throwing a police barrier at a Police Officer during the protest. He was arraigned on Assault 2nd Degree - Intent to cause Physical Injury to an Officer, Riot 1st Degree, Menacing 3rd Degree, and Resisting Arrest. He was released on his recognizance and is scheduled to return to court on July 8, 2009.

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- G.** Information reported in the first Investigative Statement for this Preliminary Inquiry indicated that until the discontinuance of FI # 04/05 in March 2006, Burke was a member of Times Up and a close associate of Times Up leaders William DiPaola and Brandon Neubauer. Information reported in the Investigative Statement for FI # 04/05 indicated that leaders and members of Times Up, including DiPaola and Neubauer, have (i) planned and participated in unlawful conduct in connection with Critical Mass bicycle rides and (ii) have solicited and trained other individuals to engage in Bike Blocs, which are organized efforts by bicycle riders to divert police personnel during a demonstration or protest for the purpose of facilitating unlawful conduct by other protestors at the event. Information obtained in FI # 03/03 and FI # 04/05 also indicated that Burke, DiPaola and Neubauer, as well as other members of Times Up, have advocated engaging in unlawful activity, including unlawful activity that involved the use of bicycles, as a form of social or political protest.
- H.** Information reported in the first Investigative Statement for this Preliminary Inquiry indicated that Burke has been arrested on several occasions while participating in demonstrations or protest activity. Information obtained in FI # 03/03 also indicated that on August 27, 2004 during the last Critical Mass bicycle ride before the Republican National Convention began, a confidential source observed Burke taking his bicycle and pushing it forward like a shield into a group of police officers who were trying to disperse a crowd and make arrests outside St. Marks Church. Burke was not arrested on that occasion.
- I.** Information reported in the first Investigative Statement for this Preliminary Inquiry indicated that on February 3, 2005 members of Times Up held a meeting to discuss planning for and recruiting riders for a Bike Bloc to be held in connection with anti-war demonstrations concerning the second anniversary of the war with Iraq. Information reported in the first Investigative Statement for this Preliminary Inquiry also indicated that Burke participated in the aforementioned February 3, 2005 meeting and that at this meeting, Neubauer suggested that small affinity groups of Bike Bloc members support the more radical actions that might occur at the demonstrations being planned for.
- J.** Information reported in the first Investigative Statement for this Preliminary Inquiry indicated that when Bradley Will was alive, he and Burke were friends and had lived as squatters at the same location. Information reported in the first Investigative Statement for this Preliminary Inquiry also indicated that Burke has been associated with other individuals who (1) were friendly with Bradley Will and (2) have engaged in unlawful activity as a means of social or political protest. These individuals include Timothy P. Doody, Mark Read and Adam Weissman.
- K.** Information reported in the Investigative Statement for second extension of the captioned Preliminary Inquiry indicated that, Adam Weissman was arrested on February 26, 2008 for Reckless Endangerment in the First

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Degree, after chaining himself to the front door of 780 Third Avenue in Manhattan. On June 18, 2008, he was convicted upon a plea of guilty on the reduced charge of Disorderly Conduct and sentenced to three days of community service.

- L. The undersigned concludes that the foregoing information indicates that there is a possibility that Burke and certain of his associates, who were members or participants in Times Up or who were associated with Bradley Will, have engaged in, are engaged in or are planning to engage in unlawful conduct, including unlawful activity that may be related to the Time Square Recruiting Station bombing and/or earlier similar events involving explosive devices.
- M. Responsible handling of the information currently known requires that further investigation be conducted concerning Burke and those of his associates, who were members or participants in Times Up or who were associated with Bradley Will.

4. For your consideration.

Paul Ciorra
Deputy Inspector

Mitchell Silber
Director

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ACTION BY AUTHORIZING OFFICIAL

The request to extend Preliminary Inquiry # 05/08 is hereby:

APPROVED

DISAPPROVED

Assistant Chief Thomas Galati
Commanding Officer, Intelligence Division
Dated: May , 2009

FINAL ACTION
DEPUTY COMMISSIONER INTELLIGENCE

The request to extend Preliminary Inquiry # 05/08 is hereby:

APPROVED

DISAPPROVED

David Cohen
Deputy Commissioner Intelligence
Dated: May , 2009