



Written by [Alex Newman](#) on April 13, 2017

## Critics Slam Prosecution of Man Who Tried to Save Girl from Gov't

The U.S. Justice Department is facing growing criticism over an ongoing Obama-era prosecution — or persecution, as some critics have put it — of a political activist accused of shutting down a hospital's website. His goal was to bring attention to what he and others across America viewed as a grave and potentially life-threatening injustice. The alleged crime has been described by critics of the prosecution as “civil disobedience” tantamount to “digital vandalism” — all for what the critics viewed as a very worthy cause: [saving a girl from potentially deadly abuse inflicted with the cooperation of local government](#). But if prosecutors get their way, the man could face more than a decade behind bars. Family members and supporters are hoping Attorney General Jeff Sessions might intervene.



When the defendant in the case, Marty Gottesfeld (shown), heard about a scandal surrounding what was widely described as the government-backed abduction and abuse of young Justina Pelletier by the Boston Children's Hospital, he felt he had to take action. And so, he allegedly helped orchestrate a so-called “denial of service” (DDOS) attack on the website of the hospital in question in an effort to draw attention to the case. Basically, he shut the hospital's website down for a period time, causing disruptions at the facility, according to prosecutors. If convicted, he faces up to 15 years in prison, or even 25, according to his supporters and family members.

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On the other hand, the officials and doctors involved in what has been described by many analysts as the horrifying abuse of the Pelletier family — condemned by Gottesfeld and other critics across America as “kidnapping” and “torture” — remain free and have not been charged with any crime. The scandal captured national attention when doctors at the Boston Children's Hospital purported to overrule Pelletier's regular doctors at Tufts Medical Center and ordered the girl locked up in a psychiatric facility. Local child protection authorities also got involved in order to deprive the girl's parents of custody and their parental rights to make decisions for their daughter.

At the time of the incident, *The New American* featured [several articles](#) about what [was widely criticized as a particularly horrifying abuse of power](#). The origin of the case goes back several years, when Justina Pelletier was taken to Boston Children's Hospital. Her doctors at Tufts had diagnosed her with mitochondrial disease, a rare genetic disorder that she was being treated for at Tufts. But at BCH, a doctor reportedly in the seventh month of his internship decided the original diagnosis was wrong.



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Instead, he claimed that Justina was suffering from somatoform disorder, a mental illness. The parents tried to have their daughter discharged, only to have her locked up in a mental ward.

The Massachusetts Department of Children and Families (DCF) eventually took custody of the then-15-year-old girl from the Connecticut couple. In what was described as being like a “horror movie” by Liberty Counsel attorney Matt Staver, the parents were charged with “medical child abuse” for reportedly refusing to accept the diagnosis of the BCH doctor and instead trying to have their daughter treated for the original condition with which she was diagnosed. Justina was confined in the psychiatric ward at BCH — against the wishes of her parents — for almost a year. The conditions were reportedly appalling.

And there, her health deteriorated quickly, according to multiple sources, culminating in what her family and lawyers described as serious physical, emotional, and spiritual damage. “The more light shed on the situation, the more it becomes apparent that the behavior of DCF and Boston Children’s Hospital is indefensible,” said Staver, who helped the parents after they defied a government gag order and went public. “Justina and her parents desperately need justice. The parents love their daughter and want to get her the best medical treatment possible.” The hospital has declined to comment on the case.

The case sparked headlines and outrage across America, and caught the attention of Marty Gottesfeld, a tech-savvy systems engineer in Boston. At one point, he and his wife drove to the FBI’s offices to seek a federal investigation of Justina’s plight. According to authorities, Gottesfeld was also a member of the hacker activist (“hacktivist”) group Anonymous. And upon learning of Justina’s plight, he allegedly decided to do what he could, orchestrating a DDOS attack that temporarily took down the BCH’s website. His goal with the civil disobedience, he says, was to raise awareness about the abuse of Justina.

“I was seriously concerned Justina would never recover physically or mentally from the trauma she was being put through, and it was even possible she could die,” Gottesfeld explained in a letter from jail last year. “If defending Justina’s life was wrong, then I don’t want to be right.”

Prosecutors, though, said the DDOS attack on the hospital’s website was “tremendously disruptive” and that there was “no excuse” for his actions. And so, like the [infamous case of late hacker and Internet freedom activist Aaron Schwarz](#), federal authorities charged Gottesfeld with federal felonies for alleged computer hacking that could potentially put him behind bars until after 2030.

In a statement from Marty Gottesfeld provided to *The New American* via his wife, the defendant spoke out about the case. In particular, the embattled activist, who has been behind bars in pre-trial detention since he was arrested in Miami after his boat broke down near Cuba, drew attention to alleged conflicts of interest among those overseeing what he views as his persecution. Among other concerns is the fact that the judge in the case is reportedly married to a professor at Harvard Medical School, which oversees the hospital in question. In fact, the judge herself was employed by Harvard Medical School prior to starting her legal career.

“Magistrate [Marianne] Bowler’s deep personal connection to Harvard Medical School and therefore its affiliated pediatric teaching hospital, Boston Children’s call into question every aspect of her involvement with her case,” Gottesfeld said in the statement. “From her original approval of the search warrant for my residence to her five month delay in issuing a bail finding to my detention over the last 14 months. I am deeply concerned about her ability to remain impartial.” So far, attorneys in the case have not filed a motion to have the judge recuse herself, but the case is ongoing.



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Gottesfeld also criticized the Justice Department's refusal to prosecute Pelletier's alleged abusers. "The Boston FBI and U.S. Attorney's office under Carmen Ortiz and President Obama deliberately chose to violate their obligations under the convention against torture, a treaty which they claim to cherish, and ignored their obligations under that accord to investigate and prosecute the torture of a learning disabled girl when the torturers were affiliated with Obama's alma mater," Gottesfeld added. "This is exactly the type of cronyism decried by candidate Obama prior to his election and is especially heinous in the case of a child who will never walk again."

Gottesfeld's wife, Dana Gottesfeld, also spoke out. "What Boston Children's Hospital did to Justina horrifies me," she told *The New American* in an e-mail. "Justina could have been my sibling, child, or friend. She is all of those things to someone. I want to see justice. I want Boston Children's to stop using their influence to pluck kids out of their parents' lives, lock them up, and torture them. I pray one day Justina will be cured from the paralysis Boston Children's Hospital caused her and she will one day be able to walk and ice skate again."

Mrs. Gottesfeld, who has been trying to raise awareness of her husband's prosecution on the Internet and social media, expressed outrage over what has happened in the case. "I'm very angry that Assistant U.S. Attorney Adam J Bookbinder is pursuing the wishes of his alma mater rather than protecting kids who are being paralyzed like Justina Pelletier," she said. "I worry about the next family to become survivors because of his allegiances. I hope this unjust prosecution reaches Attorney General Sessions to do the right thing and drop the case before its too late."

The case has also attracted the attention of prominent voices, including Jim Jamitis at the popular conservative-leaning website RedState.com. "The stink of cronyism was already strong with regard to this case simply because elements within the city government and a prestigious medical school aren't being investigated for their own wrongdoing," he [wrote on March 29](#). "That the presiding judge is connected to the medical school in question only makes it stink more."

Before that, Jamitis [described the entire case](#) as "unjust selective prosecution" of a human-rights activist. "I'm no lawyer but I'm sure that bringing down someone's website is against the law, just as violating a court gag order is, and just as locking a child away from her parents and denying her medical treatment SHOULD be," he said. "The reason I'm writing this is not to gloss over any violations of the law. I'm writing this in order to argue that justice is not being served."

"It is utter hypocrisy that prosecutors want to put a man behind bars for something he did trying to help save Justina Pelletier's life, while doing nothing to the people who put her in danger in the first place," Jamitis continued, arguing that Gottesfeld may have broken the law, but it was done to prevent an even greater crime. "Boston Children's Hospital and the Boston Department of Children and Families violated Justina's human rights. They violated her parents' human rights. Yet no one from Boston Children's Hospital or the city government is even facing criminal investigation."

Jamitis was clear that he was not condoning criminal action or vigilantism. However, the prosecution is wrong, he argued. "Selectively prosecuting Gottesfeld while doing nothing to the Harvard institution that imprisoned Justine Pelletier or to the city government who abetted the violation of the Pelletier's rights smacks of cronyism, corruption, and frankly, tyranny," he said, echoing the concerns of other activists outraged about the prosecution. "It doesn't even come close to resembling justice."

Authorities, concerned that Gottesfeld would be a flight risk, asked the judge not let him out before the trial, even to visit his dying father or to attend his father's recent funeral. They pointed to the [fact that](#)



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[he got on a boat and went into international waters](#) at some point after his house was searched pursuant to the federal investigation into the DDOS attack. He was not yet indicted, though, and apparently violated no law.

Asked whether the prosecution was a good use of taxpayer funds, Christina Sterling, a spokesperson for U.S. Attorney's Office in Massachusetts, was unable to comment. "We can't comment because we are pending trial," she said. "Rules are pretty strict on what we can say publicly." The U.S. Attorney's Office said the maximum penalty on the conspiracy charge is no greater than 5 years and no greater than 10 years on the computer fraud and abuse charge, but that actual sentences for federal crimes are typically less than the maximum penalties. If Gottesfeld is convicted, the judge would impose the sentence based upon the U.S. Sentencing Guidelines and other factors.

Justina was [finally reunited with her parents](#) after almost a year in the psychiatric ward. Her health condition was reportedly dire. But critics of the whole saga said it was the [tip of the iceberg and that further investigations were needed](#). Gottesfeld and other activists said it was a larger problem.

Those interested in the case can follow developments on [social media pages](#) operated by [Gottesfeld's wife and supporters](#).

*Photo of Marty Gottesfeld: Facebook*

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