

Huge new development in 'Sound of Freedom' donor 'kidnapping' case

Aaron Walker

5:13 PM on September 25, 2023



Courtesy of Angel Studios Inc.

You might remember how about a month ago, how the news broke that supposedly a donor to 'Sound of Freedom' was arrested for Child Kidnapping. Therefore, the many on the left concluded, this meant that in fact the donor *was definitely guilty* and this meant that the people making the movies were actually the *real* child sex traffickers or something.

Of course, what was really happening is that the media so completely had it in for this movie that they had become desperate for anything to attack it with and this donor, named Fabian Marta, was seen as a convenient tool to bash the movie with.

Worse yet, I became convinced that Marta was innocent, in part based on some original reporting. So I wrote a piece called [‘That donor to ‘Sound of Freedom’? I think he is innocent.’](#) In that piece, I talked about how the media’s reporting on the subject was so terrible that they had the wrong charge—he wasn’t charged with kidnapping, but rather accessory to kidnapping. And I pointed out that literally on the face of the probable cause statement, he was obviously innocent as a matter of law. The probable cause statement didn’t even describe a crime.

So, let’s start with the first piece of news. A grand jury refused to indict him and the charges were dropped:

Fabian Marta 

@FabianMarta · [Follow](#)



Sound of Freedom is an important movie, go see it.

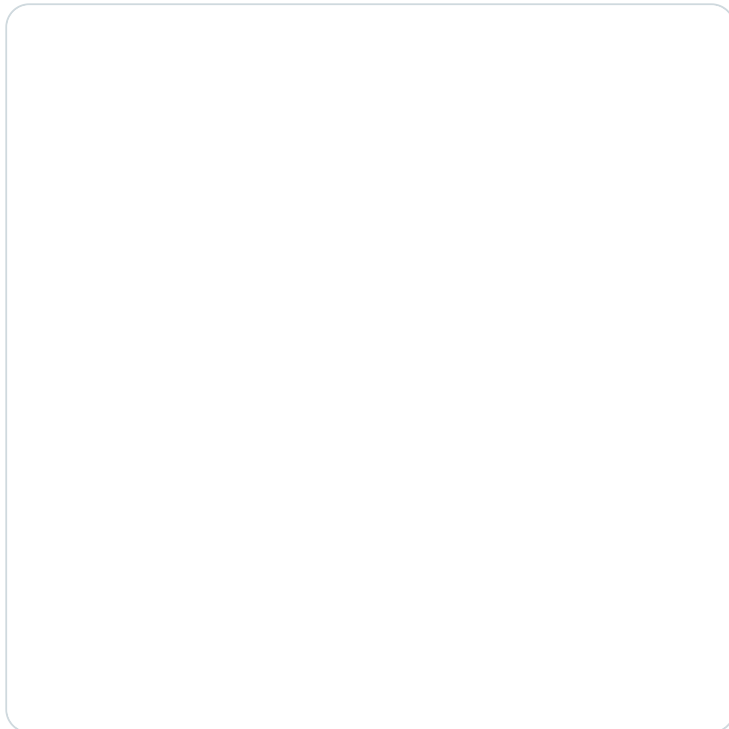
As far as all the demons out there who are trying to tie me to some bullshit story, here you go.

Grand jury could not indict. No crime was ever committed.

[#Godwins](#)

[#Truthprevails](#)

[#SoundOfFreedom](#)



 Last edited 4:09 PM · Sep 25, 2023



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He is showing a document that shows that a grand jury returned no true bill. That is how they say 'we are not going to indict this dude.' And I always believe in 'trust, but verify,' so I checked independently. If you go on the website for Missouri's court system, you can find the exact same document for yourself and I did exactly that. It's real and it is spectacular.

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As I said last time, the reason why he was definitely innocent of the specific charges is this. They were claiming that a mother had essentially kidnapped her own children and he was an accessory to that kidnapping. It is not impossible for parents to kidnap their own children—if children are taken away from one or more parent, it is often a crime to try to snatch them back. The problem here is this statute very specifically doesn't apply to such parental kidnappings. So, a mother couldn't be guilty of the underlying crime, therefore he couldn't be guilty of being an accessory to it.

But I was also concerned that the government might still find the right kind of kidnapping statute to charge the mother with and then charge Marta with accessory to kidnap under a statute that *does* apply to mothers. But regardless of whether the

mother was guilty of parental kidnapping, the probable cause statement didn't actually make out a case for him being an accessory, either.

This is probably a good time to drop a little more news. Last time I talked about this case I told you that 'I spoke on background to someone close to the defense and I am now convinced he is innocent.' Now I can reveal this person was Fabian Marta, himself.

First, you might reasonably ask why I agreed to allow him to speak anonymously on background. Simply put, his lawyers told him not to talk to the media and they might have been annoyed that he wasn't obeying that instruction, so he said he wouldn't talk to me except anonymously and on background. And to be fair, in 90% of cases, what those lawyers were telling him is solid advice. Very often clients manage to proverbially hang themselves talking about the case, admitting to things that they shouldn't admit to that can later be used against them. But in this case, Marta was also dealing with daily reputational harm because of how this story was being used to attack an anti-child-sex-trafficking movie, and his legal strategy should have included a media strategy, too.

Today, I asked him if he still wanted anonymity given that this case is over and he said it was fine to reveal he was my source, which is why I am doing so.

Of course a reasonable person might ask: How much can you trust him? My gut says he is a truthful man, but I am always careful. I didn't really know him. He was just a voice on the end of my phone. He seemed honest, but I have dealt with people who seemed honest who turned out not to be—a hazard of my profession, I guess. So, I was careful.

Most basically, I didn't base very much of my analysis on his word, and never his word alone. If you go back and read my prior piece, you will see that mainly I used him to verify information. For instance, I used him to verify the authenticity of the statement of probable cause and to verify that the reporting that he was basically a landlord and the alleged kidnapper was staying at one of his apartments was basically true. Those two verifications were enough to convince me he was innocent.

But now I can fill in a bit more from his perspective. He is a landlord. He owns a few apartments, but in this particular case, but as he told me, it wasn't a classic landlord-tenant relationship. The apartment in question had been vacated recently. The mother who allegedly kidnapped her children was working with him to fix the apartment so it would be ready for the next tenant. It's something she regularly did with him. As part of their arrangement, he would let her stay in the apartment—meaning that if she found it more convenient to sleep there while working, that was fine by him. She had a normal home she lived in, but he gave her the right to effectively live there as well.

According to him, the police were told she had kidnapped her children and they were checking every place she might reasonably be found. It made sense for them to wonder if she was staying at this apartment under repair so when they sought entry, he came by to talk to them about it. According to him, the police asked for the key and he explained he didn't have one. Under their arrangement, he gave her all the keys. According to Marta, the arresting officer didn't believe him. He believed that no landlord ever gave up all their keys. So, again according to Marta (and I haven't heard the police's side of this), they arrested him. Then they searched him, and found the keys that he did have on him. They tried every single key he had on his person on the door and none of them unlocked the door. But, according to Marta, they still thought he was holding out on them, somehow, and still charged him.

Of course, my view is that I see no reason to think he had to help them at all. I believe he could have said, 'yeah, I have a key, but I'm not giving it to you,' and even if there was a genuine kidnapping that's not accessory to kidnapping. You typically have no obligation to lift a finger to help the police.

And really, if you think that [Liberty Safe should not have been helping the police to open people's safes without a subpoena](#), then you don't think a landlord is obligated to open a suspect's apartment, either.

At the same time, I understand *why* a landlord might be willing to open a tenant's apartment without a warrant and it is more justifiable than Liberty Safe giving away their combination. The landlord is still the ultimate owner of the apartment (unlike a safe company that *sells* the safes), and if the police can't get in by a key, they might literally break the door down, damaging it. So. in that situation, you can understand why a landlord might say 'they'll get in anyway, so better to avoid damaging my property.'

But I see nothing in the law that says he has to lift a finger to help them if he doesn't want to.

(And in case I am not clear, Marta tells me he would have given the police the key if he could. I am just saying he didn't have to do so if he didn't want to.)

He also shared that there were a lot of allegations about what was happening between the mother and members of her family regarding custody of her children. I won't repeat them here because I really feel like I shouldn't without hearing from at least three other people to get their sides of the story. But I will say that he had every reason to believe that the mother wasn't a kidnapper, that he reasonably believed that while she didn't ordinarily have custody of her children, she was given a chance to lawfully visit with them pretty much for the summer. If you credit his version of events, that is another reason to think he is innocent. But even if you only believe in what the probable cause statement says, he is still innocent.

You'll notice I am being cagey about talking about the mother. The reason why is two-fold. First the dispute over custody is a bit of a rabbit hole and I prefer not to get into it. This is actually pretty normal for custody disputes—a lot of disputes that can be difficult to sort through. And the reason why I don't want to go down that rabbit hole is related to my second reason for being reticent in talking about her: Her domestic troubles are not in my opinion a valid national story. Frankly, Fabian Marta's arrest wasn't really a valid national story in my opinion. I wouldn't be talking about it at all, except the left-wing media was using it to bash the movie 'Sound of Freedom.' It is

ultimately one of those incidents like the Covington Catholic controversy that didn't actually deserve national coverage but I ended up sucked into it by the media's weird biases thrusting it into being a national story.

(Seriously, how is 'young guy smirks at old man' a national story? Even forgetting that the initial story was missing a lot of context, why was this suddenly something we should all care about?)

So, if I don't think Fabian Marta's criminal charge was a valid national news story in the first place, then I'm not going to shine my spotlight on this mother. I will simply say I hope that whatever is going on in her family works out for the best, especially in terms of what is best for her children. And otherwise, I will not bring her into the story more than I have to, to talk about Marta. My intention is not to name her or air her dirty laundry.

In any case, the grand jury didn't find any crime based on whatever the facts were. And according to Marta, they did so without talking to him--which is normal. So, they talked to the police and other potential witnesses without him having any chance to defend himself or tell his side of the story, and they still decided he didn't deserve to be charged. That suggests that he really didn't do anything wrong and I consider that pretty much an exoneration.

But Marta might reasonably be asking himself 'Which office do I go to to get my reputation back?'



Silly people will still think because Marta was charged, that he was still guilty, forgetting that people should be presumed innocent and forgetting that a grand jury of his peers didn't even find anything to charge him with. It's always weird how the 'all cops are bastards' (ACAB) crowd selectively decides that a person charged by a cop is definitely guilty.

Marta has indicated to me that he is interested in pursuing defamation claims, and he has a fair chance in some cases.

Obviously, if all a person said is 'Marta has been charged with accessory to kidnapping' that is just true and he has no valid cause of action about that.

But a bunch of outlets said he was charged with kidnapping, rather than accessory. Would that give rise to a claim for defamation? Well, there is a doctrine called 'substantial truth' which says that if you get something a little bit wrong, but it is still substantial truth, then there is no valid claim for defamation. Like if you said that a thief stole \$11,000 and, in fact, he or she only stole \$10,000, that would usually be seen as a 'substantially true' statement and therefore, no claim for defamation would lie. But, in my opinion, there is a world of difference between saying someone did a crime personally and were merely an accessory to it.

Also, anyone who said he definitely did these crimes might have a problem. It depends on how they state it. If someone simply wrote 'OMG, Fabian Marta kidnapped a child!' then that creates a potential case for defamation.


On the other hand, if someone said 'Fabian Marta was charged with kidnapping and I always believe every charge is true, so I think he did it' I believe that would be ruled to be a mere opinion based on disclosed facts. Let me explain what I mean by that with a classic example of a statement that is not defamatory, taken from the Restatement of Torts:

“A writes to B about his neighbor C: ‘He moved in six months ago. He works downtown, and I have seen him during that time only twice, in his backyard around 5:30 seated in a deck chair with a portable radio listening to a news broadcast, and with a drink in his hand. I think he must be an alcoholic.’”

A simple statement that a person might be an alcoholic can be defamatory by itself, but in this case, the claim that C might be an alcoholic isn't defamatory if every other fact in that hypothetical is true, because B is seeing the factual basis for the conclusion that C might be an alcoholic. It is A's *opinion* that those facts justify the conclusion that C might be an alcoholic. B is free to say, 'are you nuts? Seeing a guy drinking twice doesn't make him an alcoholic and it doesn't make me even suspect he is one.'

Similarly, in my hypothetical ('Fabian Marta was charged with kidnapping and I always believe every charge is true, so I think he did it'), it is ridiculous to assume Marta is guilty just because he was charged. But as dumb as that opinion is, that person would be entitled to their dumb opinion. I don't think a defamation case would be successful in that kind of situation.

So it very much depends on what they said. For instance this seems to describe defamation:


AXXA (pureblood) 🙏🇺🇸🍊🌸 




@AXXA13365950 · [Follow](#)

Replying to @Christo47473355 and @charliekirk11

The Newsweek article corrected the charge in the article to accessory one day after publishing, but they practice poor journalistic skills by continuing to defame [@FabianMarta](#) by saying in the headline that he was arrested for kidnapping. [@beautyinnis](#)


newsweek.com
"Sound of Freedom" funder Fabian Marta arrested for child kidnapping

2:03 PM · Sep 21, 2023 

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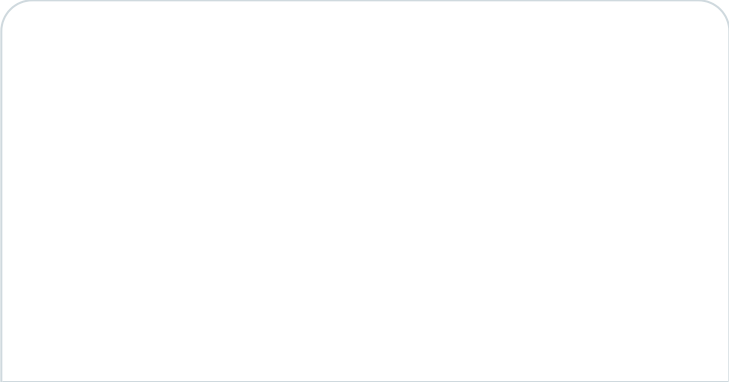
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'Sound of Freedom' Fans Shrug Off Arrest of Donor for Child Kidnapping




rollingstone.com
'Sound of Freedom' Fans Shrug Off Arrest of Donor for Child Kidnapping

5:58 PM · Aug 4, 2023 

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And apparently, neither did Harry Sisson:




KSD/SETIO 

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Sound of Freedom' Fans Shrug Off Arrest of Donor for Child Kidnapping. Well said [@harryjsisson](#)

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3:22 PM · Aug 7, 2023 

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Harry Sisson is a suspected spokesperson for the DNC, as explained by the community notes to this post on Twitter/X:

Harry Sisson 

@harryjssison · [Follow](#)



MAGA trolls have claimed that I'm paid by the DNC and the White House but that is simply not true 🙄

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Readers added context



In late 2022, Biden's campaign team connected with young social media influencers, including Harry Sisson, to draw in voters ages 18-29.

nypost.com/2023/04/09/bid...

axios.com/2023/04/09/bid...

washingtonpost.com/technology/202...

Sisson recently signed with Palette management. Palette received more than 200k from the DNC in the last 8 months.

linkedin.com/in/harry-sisson

fec.gov/data/disbursem...

Context is written by people who use X, and appears when rated helpful by others. [Find out more.](#)

7:09 PM · Apr 30, 2023





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So, I wonder if that means that the DNC itself might be on the hook for any defamation Sisson engaged in? At the very least, a little discovery might be fun.

In any case, Marta is trying to raise money for all his legal bills and has put out a video promoting his legal fund, here:

Fabian Marta  



@FabianMarta · [Follow](#)




givesendgo.com/fabianmarta

Help me fight. Legal costs are expensive and I am being prosecuted maliciously. They are trying to silence the Sound of Freedom movie and attempting to put me in prison over lies.

The mother was never accused of Kidnapping so my 'accessory to' charge... [Show more](#)

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 Last edited 12:00 PM · Aug 31, 2023 

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I say that not being able to vet the fund, but you might look into it, and decide for yourself if you want to donate.