

# War protestors acquitted on federal conspiracy charges in New York

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28 September 2005

Four war protestors charged with conspiracy in federal court here were acquitted Monday after over seven hours of jury deliberations. While they were convicted on lesser misdemeanor charges, the verdict was a clear blow to the government's campaign to suppress dissent and nonviolent protest against the Iraq war.

The four activists of the Catholic Worker organization from Ithaca, in upstate New York—Peter DeMott, 58, Daniel Burns, 45, Clare Grady, 46, and her sister Teresa Grady, 40,—were arrested on March 17, 2003, St. Patrick's Day, after entering a military recruiting office and pouring a small amount of their own blood on the walls and US flag in the entry vestibule. They were previously tried in a state court in 2004 for criminal mischief, a misdemeanor charge, and the jury voted 9-3 to acquit, resulting in a mistrial.

Federal prosecutors intervened and slapped what became known as the "St. Patrick's Four" with federal conspiracy charges and three lesser misdemeanor charges that could have resulted in six years of jail and over \$250,000 in fines.

In this latest trial, US District Judge Thomas J. McAvoy and the federal prosecutor, Assistant US Attorney Miroslav Lovric, worked together to erect a series of judicial roadblocks barring the codefendants, who represented themselves, from presenting the full legal context of their actions. Judge McAvoy forbade the four throughout the trial from mentioning international law, the US Constitution, the Geneva Conventions, the doctrine of necessity, and facts about the Iraq war and the carnage and suffering they had personally witnessed in several visits to the country.

Judge McAvoy, moreover, ruled after the trial commenced that the initial conspiracy charge could be changed from the use of "threat, force, and intimidation" to a more easily convictable use of the disjunctive word "or," changing the indictment to "force, threat, or

intimidation."

Reflecting the heavy-handedness of the prosecution and Judge McAvoy's complicity, DeMott and Burns were charged with contempt of court for refusing to name the person who had drawn their blood, and Teresa Grady was also charged with contempt for mentioning the previous Tompkins County state trial.

Lovric appealed to fear and reaction in the prosecution's case, calling only four witnesses—three police officers and one military recruiter—and offering no evidence to support the conspiracy charge that the four had made use of "threat, force, or intimidation." Instead, the prosecution relied on inflammatory rhetoric and slander, comparing the four to abortion clinic bombers, "9/11 terrorist" sympathizers, Timothy McVeigh "in hell," and the Ku Klux Klan.

Speaking to the WWSW after the trial, Clare Grady said she didn't "feel the need" to respond to Lovric's charges. "I think it was really clear where [Lovric] stood, and his characterization of things," she said. "It was pretty scary. There was nothing I could have said that would have demonstrated more the craziness and the outrageousness of his position and his point of view."

The intimidation and attempts to create a climate of fear extended beyond the court case itself. FBI agents reportedly monitored the proceedings, and the police filmed from an overlooking parking ramp the hundreds of St. Patrick's Four supporters gathered outside the Binghamton federal building throughout the week.

The misdemeanor convictions of trespassing and damage to government property carry sentences of up to six months and one year, respectively, and a total of \$5,000 in fines for each charge. A final misdemeanor charge of reentering a government building after previously being removed, which applies to only three of the defendants, will probably be thrown out. Bill Quigley, public interest lawyer and legal advisor to the four, told

the press he believed that the four codefendants would each end up with “just a couple of months in jail.”

Sentencing will be held in January, and Judge McAvoy will decide punishment for the contempt charges at that time as well. The judge refused the prosecution’s request for immediate imprisonment pending sentencing, but issued a stern warning to the co-defendants that they would promptly be sent to prison if arrested again for similar forms of nonviolent protest before January.

Quigley considered the verdict a clear victory: “The decision to acquit on the conspiracy charge, a felony,” said the Loyola law professor in declarations to the press, “is a huge victory, given the narrow parameters within which the four could present their defense, and given the restrictions on deliberations. This is a major setback in the government’s efforts to criminalize dissent.”

Teresa Grady added: “We were not allowed to mention Article VI, paragraph four of the Constitution, which says that the treaties of the United States are the supreme law of the land. We were not allowed to explain our actions in the context of the Nuremberg Principles, which declare that citizens can be held responsible for crimes of their government. Nor could we explain how this war was a violation of the UN Charter. The jury made a wise choice with what they had. It’s unfortunate, however, that they were denied the full truth.”

In statements to the press following the trial, Peter DeMott called on the public to recognize the “true crimes” that have been committed. “The idea that we’ve done something criminal or reprehensible is absurd,” he said. “The criminality has been in our government leadership.... The 12 years of sanctions, the deaths of a million and a half of Iraqis, that’s the crime, that’s where the genocide, where the mass murder that comes from our governmental leaders is evident.” DeMott concluded, “They’re the ones who should have been on trial.”



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