

Subpoenas rescinded for antiwar activists raided by FBI

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Federal investigators have rescinded grand jury subpoenas issued to the 14 antiwar activists whose homes and offices the Federal Bureau of Investigation raided on September 24 in Minneapolis and Chicago.

Whether or not the cancellation of the subpoenas signals that the government is dropping its case is not yet clear.

All of the activists—members of the Freedom Road Socialist Organization (FRSO) and various antiwar and international solidarity groups—had earlier announced publicly their decision to refuse compliance with the grand jury subpoenas, most of which were issued for hearings on October 5 and October 12. This decision potentially put them in contempt of court and subject to possible arrest.

According to the Twin Cities newspaper *City Pages*, the raid victims also made clear to the Justice Department, through their attorneys, that even had they attended the grand jury they would have invoked their Fifth Amendment right to remain silent.

The dropping of the current subpoenas therefore might presage the government issuing grand jury immunity to the 14. If they are assigned immunity and again subpoenaed, their responses to the grand jury cannot be used against them. However, if they again refuse to testify, they can be held in contempt of court and imprisoned for the life of the grand jury, which could be many months.

Federal grand juries are notoriously anti-democratic. In the late 1960s and 1970s, for example, the FBI's Cointelpro operation against radical groups such as the Black Panthers relied heavily on grand jury testimony.

The victims of the FBI raids in Minneapolis and Chicago said they feared that the proceedings would be used to gather information to use against other opponents of American imperialism both in the US and

in other countries.

"I was given a subpoena to testify to a grand jury today, and that subpoena explicitly states that the prosecutor wants me to testify about the meetings I had with activists in Colombia and Palestine," raid victim and Minneapolis resident Meredith Aby told a protest in Minneapolis two weeks ago. "I don't know how, in good conscience, I can betray the trust that was shared with me on those human rights delegations."

The activists do not believe that the FBI has dropped its case. "No one knows what will happen. That's sort of the problem with all this," said Thistly Parker-Hartog, who did not attend her scheduled grand jury appearance last week. "The net is definitely getting wider. We are hearing from more of our brothers and sisters around the country that they, too, are being looked at."

"It's a waiting period," said raid victim Mick Kelly. "We're all waiting to see if the other shoe drops."

The September 24 raids were carried out in police-state fashion—simultaneously, in the early morning, and without warning. At least seven houses were raided—five in Minneapolis and two in Chicago. An antiwar office in the Twin Cities was also raided. Over the course of several hours, the FBI took thousands of documents—books, newspapers, financial records, personal memorabilia—as well as cell phones and computers.

No arrests were made, but grand jury subpoenas were issued. In other states the FBI reportedly approached antiwar activists for information, including Wisconsin, Michigan, California, and North Carolina.

The raids were carried out under the auspices of the Joint Terrorism Task Force, even though the FBI quickly declared they did not believe the victims to be dangerous. It claimed instead to be searching for

evidence “concerning the material support of terrorism.” The claim is based on a law known as the Antiterrorism and Effective Death Penalty Act of 1996, passed under the Clinton administration, which essentially proscribes political speech in support of organizations the US president defines as “terrorist.”

The law, which prohibits “knowingly provid[ing] material support or resources to a foreign terrorist organization,” even if the “support” consists only of “expert advice or assistance” for “lawful, non-violent purposes,” was upheld in June by the US Supreme Court in the case *Holder v. Humanitarian Law Project*.

What Washington defines as “terrorism,” however, has everything to do with the interests of US imperialism. In the 1980s, for example, the African National Congress (ANC) was officially labeled a terrorist operation for its struggle against apartheid in South Africa. But the Contras in Nicaragua, who murdered and tortured tens of thousands of civilians in the dirty wars of the 1980s, were “freedom fighters” that received the support of the Reagan administration.

US Attorney Patrick J. Fitzgerald, whose charge is the Northern District of Illinois, would prosecute any grand jury investigation. Fitzgerald is famous for investigating the Valerie Plame affair, which led to the indictment and conviction of Scooter Libby, former aid to Vice President Dick Cheney. He also oversaw the prosecutions of former Illinois governors Rod Blagojevich and George Ryan.

The Obama administration’s aim with the raids and possible grand jury hearings is to intimidate opponents of its policies and to test the waters for more widespread suppression.

They have doubtless been encouraged by the banishment of the story from most of the news media and the indifference of liberal and ex-radical groupings.

While numerous small protests have been held on behalf of the victims of the FBI raids, the clear threat posed to democratic rights was not mentioned by a single speaker at the “One Nation” rally held October 2, which was organized and endorsed by over 400 groups, including unions, liberal organizations, antiwar groups, and organizations calling themselves “socialist.” Discussion of the raids would have clashed with the event’s purpose—drumming up support for Obama and the Democrats in the upcoming elections.



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