

## **Patriot Act Panel**

ISU Memorial Union, Sun Room

8 pm - February 4, 2004

Stephen Patrick O'Meara – US Attorney for the Southern District of Iowa.

Chuck Larson, Sr. – US Attorney for the Northern District of Iowa.

Ben Stone, Executive Director, Iowa Civil Liberties Union

Barbara Mack, ISU Journalism Professor, Moderator

Excerpts of discussion related to Grand Jury Drake Subpoenas.

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(End of Stone's remarks, about 5 minutes into side two of audio tape)

STONE: I do also do want to wrap it up here by just saying that ah, the ah, there is a section, 802, of the Patriot act, that deals with the definition of domestic terrorism, and it basically talks about that someone can be a domestic terrorist if they commit a criminal act in US territory that is , ah, dangerous to human life, and I want to ask a question, maybe to start off the situation.

I learned earlier today, that three peace activists in DM have been served with grand jury subpoenas by the United State's Attorney's office for the southern district. These are individuals who have participated as Catholic workers and, ah, American Friends Service Committee, Quakers, in nonviolent civil disobedience against the national guard for several years. They have a long record of nonviolent protest. And they have been served with a grand jury subpoena, which means that they have to go to the federal courthouse on February tenth, and they have to, go before a grand jury without an attorney and answer questions. And I know that, ahh, Mr. O'Meara cannot talk about grand jury proceedings because they are secret. But I do think it's important that we all consider that, you know, that we need to give the benefit of the doubt, because we don't know what this is about. But I would venture to say, that if it turns out that this grand jury investigation doesn't amount to much, and that it is really more about intimidating dissenters in this country, then there is going to be a lot more people than just the ACLU who are going to be upset. Because that's not what goes on in America.

Now let's hope, that this grand jury investigation, that's taking place in Des Moines, Iowa, with peace activists with a long history of nonviolent, pacifist civil disobedience, are being brought before a federal grand jury and being forced to answer questions, that this is not something that we will need to be ashamed about later. Let's hope. Thank you.

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(Last ten minutes of side two.)

O'MEARA: If I could, I'll make a closing comment, and I really feel compelled to because I think that there was a gross misrepresentation of the situation and again I don't want to get into any personal dispersions or attacks.

There is no question that there were people who demonstrated at STARC armory down by Des Moines. And, whether or not there is a grand jury – this is the absurdity of the law sometimes. Whether or not there is a grand jury investigation of that I could not tell you because federal rule of criminal procedure 60 precludes me from even acknowledging whether or not there is an investigation. So it's incredibly brave of someone to raise that issue when I can't comment on it, even whether or not it exists. But let me tell you what I can comment on.

I can comment on, to you, that the public record clearly shows that a large number of those people have protested there a number of times. And that every time they've crossed onto federal property I guarantee you that is either a misdemeanor or a felony offense of federal law, and they have never been prosecuted. What Mr. Stone neglected to tell you, when he was telling you about the peaceful demonstration, is that the public record will show that a deputy sheriff was severely kicked and has suffered serious injury to a knee, that's the public record.

AUDIENCE MEMBER: Umm ....

O'MEARA: That fact was not brought.

AUDIENCE MEMBER: I was there

STONE: Umm.

O'MEARA: That, that's record. Don't take my word for that, go look it up.

STONE: Are you finished?

O'MEAEA: I am.

STONE: Okay, first of all I did explain to people that you cannot comment. And if you are going to use a standard that I can't comment because there is a law that says you have to keep secret that there is a grand jury investigation, then that is a real recipe for a secret government.. So that's kind of unfair.

And I made a very express statement that we need to give you the benefit of the doubt. Ahh, and we need to see where this goes, uhhh, and , yes, there was an allegation of a severe kicking as you describe it, I have certainly heard from several people who were there

AUDIENCE MEMBER: I was there ...

STONE: that that is a gross misrepresentation and that is something that the government has alleged, and by the way, at this demonstration in November ahh, previously whenever this has happened, and this has happened about twice a year, I think, they you know Father Frank Cordaro, you know the police show up, they talk about how to do it, they say you can step here, you arrest us.

MACK: Look to the students, because we're getting feedback.

STONE: Alright And ah, so anyway.. At the last one, they had something like 40 officers there, 17 of them in full riot gear. For the exact same people who have been doing it for ten years.

MACK: Umm. That is , Umm, I'm going to ask you to hold that comment (referring to a person in the audience with her hand up, the same woman who spoke from the audience earlier), because frankly it doesn't relate to what we're here to talk about tonight and that is the USA-PATRIOT act.

STONE: Well, my question before was whether or not domestic terrorism, as, the I mean he can't answer this I know, but I think that it's a good question. Is this an example of the PATRIOT act being used in the US and having a domestic terrorism investigation under the new definition and because of the absurdity of the law, as Steve already mentioned, he can't answer that. But it's a good question.

OMEARA: I can't talk about the specific case, but I can tell you that there are at least three statutes that I have personal knowledge of because of an incident at the Air National Guard base earlier, or last year, which was not prosecuted federally, in spite of a lot of pressure to do so. Ahh, That there would be allegations of crimes outside of the PATRIOT act. The grand jury is used for criminal investigations, it is part of the beauty of our system. If there are differences of facts being alleged about what occurred in any situation, and there is a potential for federal prosecution, you must go, federally, it's constitutional, you must go to the grand jury, ahh, and the grand jury helps sort out whether or not there is a violation of federal law. So if, any, that has nothing to do with the PATRIOT Act. That is just the way the criminal system works in the United States. And that's a good system.

MACK: Umm. I have the joy of the last word, because I'm the moderator. ....