



505 Fifth Avenue, Ste. 901
Des Moines, IA 50309
(515) 243-3576

Feds Respond to Backlash, Quash Iowa Protester Subpoenas; ACLU Questions Breadth of Investigation, Demands Further Disclosure

by R. Ben Stone, ACLU-IA Executive Director
2/10/2004

WASHINGTON – Questions still remain about the broad scope of a Justice Department inquiry involving an anti-war protest in Des Moines, the American Civil Liberties Union said today, and the decision to quash a series of grand jury subpoenas raises concerns about why they were issued in the first place.

“In the two years since 9/11, we have heard one refrain from the Justice Department every time the executive branch seeks to arrogate more power to itself: ‘trust us, we’re the government,’” said Ben Stone, Executive Director of the Iowa ACLU. “But, if the government is going to be issuing secretive slapdash subpoenas and then rescinding them to save face, how can we trust that recently expanded surveillance and investigative powers will be used properly?”

Late last week, it gradually came to light in Iowa that four peace activists and Drake University, a school in Des Moines, had received federal grand jury subpoenas, which were delivered by an officer whose card showed that he was with the local Joint Terrorism Task Force. While the U.S. Attorney’s statement yesterday stipulated that this is not a terrorism investigation, the subpoenas fueled speculation that the incident was a repeat of the politically motivated witch-hunt investigations of the 1950s, 60s and 70s.

Interestingly, the National Lawyers Guild, the organization targeted by the Drake University subpoena, was the subject of intensive McCarthyite scrutiny during the worst days of the red scare, and has been highly critical of the administration in its protests against the Iraq War.

The U.S. Attorney’s statement shows that the five subpoenas were all related to a mid-November seminar at Drake University, led by the National Lawyers Guild, on non-violent civil disobedience. The following day, many attendees of the seminar staged a protest outside a local National Guard emplacement, during which – the New York Times reports – somebody tried to scale a wall and trespass in one of the facilities.

According to the Justice Department, that incident is the main focus of the investigation, which is apparently not connected to the USA Patriot Act or an “anti-terrorism” investigation.

However, the ACLU strongly questions the breadth of the investigation. In addition to compelling the testimony of four of the protesters, the Justice Department is seeking to obtain detailed information about the broad operations and membership of the National Lawyers Guild through its subpoena to the university. The national and state affiliate of the ACLU, concerned at the implications of this fiasco in light of the broadened executive branch powers under the USA Patriot Act and other post-9/11 security measures, will continue to pursue the matter.

“Despite any retreat by the Iowa U.S. Attorney, there remain serious questions about the scope of this particular investigation,” Stone added. “If it was just a trespassing investigation, why seek the membership records of the National Lawyers Guild? If this was an attempt to chill protests through the aggressive policing of a run-of-the-mill crime, we’ve got a serious problem in America.”