

We Have to Demand What Power Won't Concede

by Mary Beaudoin

When abolitionist Frederick Douglass said, "Power never concedes anything without demand. It never has, never will," it was the middle of the nineteenth century. He was certainly prescient. Here, in the United States, in the 21st century, the struggle continues. In the following two cases, people had to demand their First Amendment rights, which were violated by over-reaching law enforcement. We can take heart in that they received some justice, which helps to reaffirm those rights. Greater challenges remain with the subpoenas of antiwar and international solidarity activists, but the following victories can inspire our fight for First Amendment protection.

On March 31 of this year a federal judge ruled that a jury trial can go forward with protesters suing Ramsey County, former Sheriff Bob Fletcher and several sheriff's deputies regarding four raids that took place August 28 and 30, 2008, before the Republican National Convention when law enforcement seized thousands of pieces of literature from them. U.S. District Judge John Tunheim refused to grant the officers immunity and said they must face trial. According to the St. Paul Pioneer Press, he wrote in his opinion: "Based on the volume and breadth of documents seized, a reasonable fact-finder could conclude that the purpose of such broad seizures was to deter plaintiffs' speech and prevent them from exercising their First Amendment rights." There is now legal standing to challenge not only the warrants, but also the manner in which they were executed. Of course this doesn't mean that the jury will recognize the rights of the protesters, but it does give the go-ahead to further their case.

In the second case: On April 26, the city of Chicago agreed to settle a claim filed jointly by The Quaker organization, American Friends Service Committee (AFSC), and the ACLU over police spying. AFSC was awarded \$5,000 and the ACLU \$7,000, according to the Sun Times. The case dates back to 2002 when the Trans-Atlantic Business Dialogue was planning a major meeting in Chicago. The Chicago Police Department's "Red Squad" spied on, infiltrated and harassed groups. Ironically, they spied on the Quaker group at a time when the group was negotiating with police on how to keep a planned march and demonstration within police guidelines. The ACLU has urged recently elected Chicago Mayor Rahm Emanuel (former White House Chief of Staff) to have his police superintendent put reasonable suspicion guidelines in place to prevent police encroachment on protected First Amendment activity.

In both of these cases, people demanded that their First Amendment rights be protected. The same is true of the activists who were targeted in Chicago and Minneapolis under the new and ridiculously overreaching "material support for terrorism" law. Under the new ruling by the Supreme Court in *Holder v. Humanitarian Law Project* in June of 2010, such humanitarian aid can constitute "material support" in countries the U.S. government considers terrorist.

They were subpoenaed by a federal grand jury, whose proceedings are secret and do not allow them to have legal representation in the room. The activists have refused to appear or cooperate to cooperate with subpoenas. They have been traveling the country and speaking about the injustice of what amounts to a witch hunt and fishing expedition. It is very important to support them. Nothing less than our First Amendment rights are at stake.

Ask your member of congress to join with Representatives Ellison, Davis, Price, Schawowsky, and Guitierrez in writing to Attorney General Eric Holder expressing her/his concerns about the FBI's abuse of power in attacks on the rights of anti-war protesters. They could also join Congressman Davis in sending a letter to President Obama, as well. For more information: see stopfbi.net

There is also something else we all need to be aware of: Congress voted to extend the notoriously oppressive USA PATRIOT Act through May 27 to allow time for more debate on three sinister provisions. These provisions relate to spying on communications and obtaining them through secret orders. The Committee to Stop FBI asks people to demand their congress members vote not to renew these provisions.*

Want to hear more? Come to "Been to Palestine Lately? The FBI Might Come Knocking at Your Door." Saturday, May 21. 9:30 a.m. Refreshments; 10:00 a.m. Program. Location: Lutheran Church of Christ the Redeemer, 5440 Penn Avenue South, Minneapolis. Sarah Smith of Chicago and Sarah Martin of Minneapolis will talk about why they wanted to go to Palestine, their experiences, what our government doesn't want the public to know, an update on their case and how their lives have changed after being targeted by the FBI. Sponsored by: Middle East Peace Now (MEPN) and the WAMM Middle East Committee. FFI: Call WAMM, 612-827-5364.

* In addition, we should be aware of the JUSTICE (Judicious Use of Surveillance Tools in Counterterrorism Efforts) Act which was introduced in 2010 by then Senator Russ Feingold, the only senator courageous enough to vote against the PATRIOT Act when it was first introduced in the wake of 9-11. Provisions in the JUSTICE Act are specifically germane to the subpoenas. It contains stricter revisions of the overreaching standard set for "material support for terrorism" in the 2010 landmark Supreme Court case, Humanitarian Law Project v. Holder. At the end of April, according to the Bill of Rights Defense Committee web site: www.bordc.org, it had yet to be introduced in this congress and is awaiting cosponsors."

Mary Beaudoin is the editor of the WAMM newsletter.