State Criminal Charges Dismissed Against Blood Pouring Peace Activists: Federal Prosecutors Step In
by Bill Quigley

In an extraordinary legal maneuver, a New York state prosecutor announced that he will not re-try four peace activists in Ithaca, but instead handed the matter off to the local U.S. Attorney to take over the prosecution.

Four peace activists in Ithaca, New York, Daniel Burns, 43, Clare Grady, 45, Teresa Grady 38, and Peter DeMott, 57, were notified that the district attorney of Tomkins County New York, George Dentes, decided not to re-try them for felony charges of pouring blood on a military recruiting center to try to stop the invasion of Iraq. A jury trial in April 2004 resulted in a mistrial after the jury reported after 20 hours of deliberation that they were unable to reach a unanimous decision as required by New York law. Jurors later reported that they were deadlocked 9-3 in favor of finding the defendants innocent.

Prosecutor Dentes told the state court that he would not try to re-prosecute the anti-war protestors because he thought another trial would have the same outcome.

Dentes also told the court that he had contacted the United States Attorney for the Northern District of New York who had agreed to begin prosecution of the four under federal criminal law. The U.S. Attorney had no public statement about the prosecution and no new charges have yet been filed.

The four peace activists admitted pouring their own blood on the walls, posters, windows, and a US flag at a military recruiting center in Lansing, NY on March 17, 2003 in order to try to stop the imminent invasion of Iraq. Clare Grady told the jury about her visit with mothers and children in Iraq before the war with Kathy Kelly of Voices in the Wilderness. Peter DeMott, who served in both the Marines and the Army, told about his concerns for the people in the military who are exposed to the horrors of war. All four are parents and members of the Catholic Worker community in Ithaca NY.

They told the jury they acted to try to stop the war in Iraq in order to save the lives of people in Iraq and people in the US military. The four argued that their actions were legal because the invasion of Iraq was illegal under international law. They further argued that if their actions were indeed illegal, they were authorized under the defense of necessity because the harm they caused was far smaller than the harm they were trying to prevent.

Daniel Burns focused on the positive saying "The fact that the DA admits that local people will not convict their fellow citizens for taking direct nonviolent action against the war is a victory for all who struggle for peace and justice."

The peace activists were not deterred by the possibility of federal prosecution.

"If there is a trial in federal court," said Peter DeMott, "we will explain to a second jury why we had a right and obligation to take nonviolent direct action against the war." The rest of the four agreed.

Clare Grady was steadfast, "We are willing to testify to what we know and what we've done any place at any time." Teresa Grady affirmed that "Whether or not there is a trial in federal court, we
will continue to hold our government accountable for crimes against the peace and against the people of Iraq."

*Bill Quigley is a law professor at Loyola University School of Law in New Orleans and acted as one of the advisory counsel in the criminal trial of the peace activists. He can be reached at quigley@loyno.edu*