

Domestic Terrorism: USA vs Veterans and the First Amendment

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by Dave Lindorff, [This Can't be Happening.net](#)

"There are a whole range of free speech and assembly incidents where the federal government is becoming quick on the trigger," says Jeffrey Fogel, legal director of The Center for Constitutional Rights. The post 9/11 era has accelerated a trend not just toward pressure on First Amendment freedoms but toward proactive attacks on free-speech rights.

Formerly sleepy federal agencies with police functions have been folded into the new Department of Homeland Security, where the focus is the so-called War on Terror. That militant mentality, coupled with unprecedented approval for preemptive action, threatens to create a new class of potential terrorists among our own citizens.

Meet Kenneth Tennant, a 46-year-old disabled Army veteran who learned that expressing frustrations to the Veterans Administration can mean an early morning knock on the door, arrest at the hands of Homeland Security agents, and a night in the can.

Tennant left the Army in 1989 with a disabling disease called fibromyalgia, reminiscent of Gulf War syndrome. (He attributes it to vaccines administered to him as a combat medic trainee). His disease causes joint and muscle problems and a general malaise, determined by the VA back in 1995 to be service-connected, though Tennant was classified as just 10 percent disabled. As his ailment progressed, it became hard for him to work full time, and he pressed to be reclassified as more severely disabled. After battling the VA for nearly a decade, in 2003, he finally won a ruling declaring him to be 40 percent disabled. But Tennant wasn't satisfied. He felt the ruling should be retroactive, at least until 1995.

Another ignored vet

For the past three years, the frustrated Bettendorf, Iowa resident and part-time chiropractor, like many an ignored vet, did verbal battle with the regional office of the VA in Des Moines, making phone calls to officials and sending letters ... sometimes even to officials' homes if he could locate them (and in one case to a VA employee's spouse).

Last August, he apparently sent one too many sets of letters ... this time a photocopied flier that featured an image of a finger-pointing Uncle Sam saying, "I lied about Vets benefits?" followed by a list of charges linking the VA and the military to a spate of diseases allegedly caused by vaccines.

Over the next several weeks Tennant was contacted several times by Steven Familo, an agent of the Federal Protective Service, an agency that formerly was part of the General Services Administration charged with protecting federal property, but which is now part of Homeland Security. Familo warned Tennant he was being investigated. Then on Nov. 5, 2004, at 8:15 in the morning, Tennant heard a banging on the door of his home and opened it to find Familo, another FPS agent, and two local Bettendorf police officers on the porch demanding that he "step outside."

They told him that he was under arrest. With his six and eight-year old children crying inside

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and his wife throwing up in distress, he says federal agents ordered him to put his hands on his head and then to bend over--a painful exercise for him with his disease. "They were yelling at me like I was a violent criminal and like I was being uncooperative," he recalls.

Tennant was handcuffed and driven several hours away to the Polk County jail in Des Moines, where he was locked up for 12 hours while his wife struggled to raise bail money. While there, he was charged with a low-level misdemeanor that ordinarily does not entail arrest, but which is usually, according to Bettendorf Police Chief Phil Reddington, handled with a citation and a summons for an appearance in traffic court. Wil Calvey, the special agent in charge at the FPS regional office in Des Moines, states that Tennant at no time made any threats to VA officials. "He was annoying and harassing them," he says.

"More proactive"

As he told the Quad City Times a day after the arrest, the FPS, since 9/11, is taking a "more proactive" response to such cases. "We are trying to nip these things in the bud rather than let them escalate into a greater problem," he told the paper. "When you let things go, and people are not punished, they get worse and you have an increased chance of an incident where someone is injured or killed."

Asked when writing letters and making phone calls crosses the line from being legitimate First-Amendment expression and the constitutionally protected right to seek redress of grievances and becomes a crime or a threat of violence and death, he said, "That's hard for me to answer."

Jeffrey Fogel, legal director at the New York based Center for Constitutional Rights, says the last few years have seen a marked increase in federal efforts to silence people like Tennant. "There are a whole range of free speech and assembly incidents where the federal government is becoming quick on the trigger," he says.

At the Republican National Convention in New York last August, the Secret Service pressed local police to do preventive arrests, he notes, for example arresting everyone who wandered into Herald Square after undercover police heard that there were plans to do a sit-down protest in the square. "They were arresting people before they did anything, on the mere suspicion that they might be planning to participate in a protest," he says.

Similarly, the Secret Service has been instructing local police at the scene of presidential or vice presidential public appearances to establish remote fenced-in "free speech zones" for protesters and to remove and arrest those who try to stand with presidential backers along the route of a presidential caravan. "They're using a new federal ordinance that allows the Secret Service to set up 'restrictive zones' around presidential visits," says Fogel. "But then they interpret the regulations to permit presidential supporters to be inside the zone, while excluding and arresting protesters or opponents of the president who are inside it."

Such practices are not limited to the president or to Republicans. Boston police set up a fenced in "protest zone" for protests during the Democratic Convention last year, too, without protest

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from Democratic Party officials. "I'm sure some people genuinely fear terrorism and violence," says Fogel, "but I also think this new proactive approach is really an excuse to prevent criticism of public officials and government policies."

"Illegitimate complaint" leads to arrest

Carl Rusnok, director of communications for the central region of the Immigration and Customs Enforcement division of Homeland Security, says Tennant was arrested in part because his complaints were considered by the VA to be illegitimate. "If he had a legitimate complaint, he could probably have written 100 letters," he says. Rusnok also argues that Tennant "didn't make use of the avenues of complaint that were available to him, like writing his congressman."

In fact, Tennant says he complained not just to his own Congressional representative, Jim Nussle, but also to other members of the Iowa delegation ... to no avail. "They blew me off," he says. Asked for a comment on his case, a spokeswoman for Rep. Nussle, who represents Bettendorf, said the congressman couldn't comment "for legal and privacy reasons."

"They clearly could have issued him a citation," says Bob Rigg, who heads the Drake University legal clinic in Des Moines. "Arresting him on this charge was a terrible waste of police resources. The government was very aggressive here, and it seems clear they were trying to send him a message."

Tennant, who was found guilty in late February by a traffic court judge in a hearing at which he had no attorney, and who is still awaiting sentencing, says he sees the whole incident as an effort to silence him. "This is an act of domestic terrorism," he says.