

Three U.S. Anti-War Activists Sentenced to Long Prison Terms for Nonviolent Action

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Three anti-war activists who easily snuck into what is touted as one of the country's most secure nuclear weapons facilities were sentenced to long terms in federal prison Tuesday, Feb. 18.

The three were convicted last May on felony charges of depredation of property and sabotage for their nonviolent action called Transform Now Plowshares at the Y-12 Nuclear Weapons Complex in Oak Ridge, Tennessee. The convictions carried possible maximum sentences of 30 years in prison.

Federal District Judge Amul R. Thapar sentenced both Greg Boertje-Obed, 58, of Duluth, and Michael Walli, 65, of Washington, DC, to five years and two months in prison ("62 months," in the parlance of the federal court) plus three years of heavily supervised probation. Sr. Megan Rice, 84, of New York, NY, was sentenced to 35 months in prison plus three years of probation.

Megan, Michael and Greg entered Y-12 in the wee hours of the morning on July 28, 2012, cutting four fences and traversing a "lethal-force-authorized" zone, arriving at the Highly Enriched Uranium Materials Facility, the country's warehouse of weapons-grade uranium. They poured blood on the walls and spray painted "Woe to an Empire of Blood" and "The Fruit of Justice is Peace." They also chipped a corner of the concrete wall with a small hammer, a symbolic act reflecting the Old Testament prophecy of Isaiah who said, "They shall beat their swords into plowshares."

The judge also ordered the three to collectively pay \$52,900 in restitution for what prosecutors said was materials and overtime costs to fix the openings in four wire fences and paint over the slogans. Defense attorneys for the three have indicated that the grossly exaggerated repair costs would be challenged on appeal.

At Tuesday's hearing, each of the nuclear resisters spoke, reminding the court of the central purpose of their action ^¾to call the court's attention to the ongoing US violation of the 1970 Nuclear Nonproliferation Treaty (NPT) at the Y-12 plant in Oak Ridge, Tenn. In testimony at hearings before trial, former US Attorney General Ramsey Clark called the production of nuclear weapons components at Y-12 "unlawful" —and the work there "a criminal enterprise" —because the NPT obliges the US government to pursue good faith negotiations for the complete elimination of nuclear weapons.

Ignoring each of the defendant's direct appeals to the government's binding legal obligations under the NPT and the Constitution (which holds that treaties are the "Supreme

law of the land”) Judge Thapar repeatedly accused the three of showing “complete disrespect for law.”

Judge Thapar’s accusation of “lawlessness” was plainly dishonest and likely designed for the press, especially in view of his pre-trial orders forbidding the defendants from presenting legitimate law-based defenses. The defense of necessity —that unlawful government actions may be interfered with by citizens acting in the spirit of crime prevention —was also disallowed by Judge Thapar, who ruled before trial that the question of whether nuclear weapons production is unlawful was not relevant to the case and would confuse the jury. What the judge did not say was that when juries are allowed to consider evidence of the outlaw status of nuclear weapons, they regularly find protesters not guilty by reason of justification.

Assistant US District Attorney Jeffery Theodore had recommended much longer sentences for all three: At least 92 months for Michael; 78 months for Greg; and 70 months for Sr. Megan. But Judge Thapar challenged the prosecutor on his claim that the three had “harmed the national defense.” When Mr. Theodore asserted that the protesters “did not just monetary harm” but much more, the judge flatly disagreed. “What is the other harm —beyond the property damage —harm to pride? What is the real harm to the security of the United States?” the judge asked. Mr. Theodore merely noted the sworn testimony of a General Johnson who said that break-in had destroyed the “mystique” of robust security around nuclear weapons factories.

Speaking for himself in reply to the judge’s characterization of the action as “disrespectful of law,” Michael Walli, said in part, “I’m offended by the notion that Auschwitz had a legal right to exist. The gas ovens, the crematoria, fences and buildings there all had a purpose that was not legal or just. The *name* of the law used by the US to protect the criminal state terrorism going on at Y-12 is preposterous. ... The law codified in the Nuremberg Principles forbids complicity in ongoing crimes against peace, crimes against humanity, and war crimes” such as the planning a preparation of mass destruction.

The statement issued by the three at the time of their action said Y-12 was chosen for the action because of its plans for a multi-billion dollar H-bomb factory there —the Uranium Processing Facility. The sole purpose of the UPF (price tag now \$19 billion) is to produce thermonuclear cores for gravity H-bombs and ballistic missile warheads. Y-12 is a weapons production facility where workers today perform so-called “Life Extension Upgrades” on the W76 warhead and potentially the B-61 gravity H-bomb.

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