

Sentence postponed for Transform Now Plowshares

Patrick O'Neill | Jan. 28, 2014
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A late-afternoon snowfall that blanketed the South led to the postponement of the sentencing of three Catholic anti-nuclear activists in federal court on Tuesday.

U.S. District Court Judge Amul R. Thapar* issued a continuance in the case of Sr. Megan Rice, Greg Boertje-Obed and Michael Walli when he was told the courthouse would be closing at 2:30 p.m. because of the snowfall. The case, which involves more than a half-dozen lawyers, was reset for Feb. 18.

The three, who call themselves the Transform Now Plowshares, are facing long prison sentences for sabotage following their July 28, 2012, break-in at Y-12 nuclear weapons facility in Oak Ridge, Tenn. They were convicted May 8, 2013***, of "injuring the national defense" and depredation of government property, charges that carry up to 30 years in prison. Federal guidelines in the case call for the three to receive from five to nine years in prison.

In Tuesday's sentencing hearing, which was witnessed by more than 100 supporters of the group, defense lawyers argued that Thapar should "downwardly depart" from the sentencing guidelines suggested by the federal prosecutor. Thapar also agreed with the government's contention that the defendants were responsible for making restitution to the government of \$52,557.

The judge disagreed with defense contentions that the defendants were entitled to leniency because they had accepted responsibility for their actions. Federal prosecutor Jeffrey E. Theodore argued that the defendants were not entitled to departure from the guidelines because, "They have never admitted to criminal conduct." The Plowshares activists, who take their name from Isaiah 2:4 ("They shall beat their swords into plowshares; their spears into pruning hooks. One nation will not lift sword against another, nor shall they train for war anymore") have claimed they were following international law when they gained access to the Highly Enriched Uranium Materials Facility, which contains a stockpile of weapons-grade uranium. Once inside the facility, the three chipped the building's structure with hammers and sprayed "biblical graffiti" before lighting candles and awaiting arrest.

"The critical point is contrition, and I don't think any of the defendants are contrite about what they did," the judge said. "The defendants will not be given acceptance of responsibility."

Thapar also denied the defendants' claim that they deserved leniency because they believed their "criminal acts" at Y-12 "were committed to prevent a perceived greater harm" (the possible use of nuclear weapons). Thapar said, "I understand that the defendants perceived a greater harm, but I think the United States has a different point of view."

The judge still will hear arguments for departure based on the argument that the case includes "special or unusual circumstances." Toward that end, the defense called four character witnesses, each of whom praised the defendants as committed peace activists who were led to nonviolent direct action out of their love for creation

and humanity.

In her testimony, Yale professor and author Mary Evelyn Tucker, a longtime family friend of Rice, said, "It is clear that Megan is a person of high moral principles with a profound Christian commitment to alleviate suffering and advance the cause of peace."

Catholic Worker Kathy Boylan, who lives with Walli at the Dorothy Day Catholic Worker House in Washington, D.C., testified that "Michael Walli is trying to save our lives; your life, Judge Thapar; your life, Mr. Theodore. Listen to him."

Witness Wilfred "Andy" Anderson called for the release of the three, calling them "terrific" and "decent, warm-hearted human beings" who did not "present a danger to society."

The Society of the Holy Child Jesus, Rice's religious order, is also calling on Thapar to be lenient. "We've been hoping and praying for either a suspended sentence or a lenient sentence, especially because of (Sr. Megan's) age," Sr. Sandra Lincoln**, who was representing the society at the hearing, told *NCR*. Rice turns 84 on Friday. "She has a heart condition and over 50 years of service in our community."

Boertje-Obed's wife, Michelle Naar-Obed, told *NCR* the judge wasn't in charge of the outcome. "I know it's the Holy Spirit who's in charge here," she said.

**An earlier version of this story incorrectly spelled Thapar's name.*

***An earlier version of this story incorrectly spelled Lincoln's name.*

****An earlier version of this story had the incorrect day of conviction.*

[Patrick O'Neill, a freelance writer from Raleigh, N.C., is a longtime contributor to *NCR*.]

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