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Judge denies request to dismiss peace activists' sabotage charge

by Patrick O'Neill

In a response filed Wednesday, U.S. District Judge Amul R. Thapar denied a request to dismiss a charge of sabotage against three anti-nuclear protesters.

Sr. Megan Rice, Greg Boertje-Obed and Michael Walli, known collectively as the Transform Now Plowshares, broke into the Y-12 National Security Complex in Oak Ridge, Tenn., on July 28, 2012. Thapar's decision, which he considered in the months since the protesters' trial and conviction in May, means the three now face a maximum of 30 years in prison.

Rice, Boertje-Obed and Walli are being held in the Irwin County Detention Center in Ocilla, Ga., a privately operated prison, until their sentencing Jan. 28. Lead defense attorney Bill Quigley said the defense team is still filing motions asking Thapar to impose less-severe sentences. They will receive credit for the time they have served since their trial when they are formally sentenced.

Quigley said he had been hopeful Thapar would dismiss the most severe charge of the willful "intent to harm the national defense," which carries more severe sentencing guidelines than the lesser charge of "willful injury or depredation" of government property.

Thapar wrote in his concluding remarks in the denial: "The defendants are entitled to their views regarding the morality of nuclear weapons. But the defendants' sincerely held moral beliefs are not a get-out-of-jail-free card that they can deploy to escape criminal liability. Because the defendants' actions violated the plain meaning of (the federal statute), their convictions must stand."

In an email to *NCR*, Quigley wrote: "This is a disappointment to the families and supporters of our three friends in jail and to those working for nuclear disarmament worldwide. The one sign of hope in the

decision is that the judge does recognize that our friends were engaged in nonviolent action and promised to take that into consideration in sentencing. The court continues to receive beautiful letters of support from across the nation and the world."

Quigley said Thapar received hundreds of letters from supporters of the three, asking for leniency. The letters "overwhelmingly" asked the judge to drop the sabotage charge, Quigley told *NCR*.

An excerpt from a Sept. 12 letter to Thapar from Diane Randall, executive secretary of the Friends Committee on National Legislation, a Quaker lobby, said: "To sentence these three gentle activists as 'terrorists' who were intent on 'sabotage' would surely not be just. They neither harmed anyone nor tried to harm anyone. Their goal was to awaken the conscience of the nation."

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

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