Nuclear Protesting Nun Goes on Trial This Week

ERIK SCHELZIG, Associated Press

NASHVILLE, Tenn. (AP) — An octogenarian nun and two codefendants used bolt cutters to cut through fences and spent about two hours inside a Tennessee national security plant that has had a hand in making, maintaining or dismantling parts of every nuclear weapon in the country's arsenal, federal authorities allege.

In July, the trio splashed human blood on the walls of fortress-like Highly Enriched Uranium Materials Facility in the Y-12 National Security Complex in Oak Ridge and painted phrases on its walls like: "Woe to the empire of blood."

Jury selection began Monday for the trial of Sister Megan Rice, 83, Michael Walli, 64, and Greg Boertje-Obed, 56. Rice and Walli live in Washington, D.C., while Boertje-Obed, 56, a house painter, is from Duluth, Minn.

All three have long histories protesting U.S. military policies. Walli, a Vietnam veteran, was arrested two years earlier for trespassing at Y-12 and sentenced to eight months in federal prison.

The activists arrested after the July incursion say in court filings that after they refused to plead guilty to trespassing, prosecutors substituted that charge with a sabotage count that increased the maximum prison term from one year to 20 years.

And while officials claimed there was never any danger of the protesters reaching materials that could be detonated on site or used to assemble a dirty bomb, the delayed response to the intrusion raised serious questions about security at the place officials liked to call the "Fort Knox of uranium."

The protesters call themselves "Transform Now Plowshares," a reference to the biblical phrase: "They shall beat their swords into plowshares, and their spears into pruning hooks." The loose-knit protest group has used high-profile demonstrations to draw attention to their nuclear disarmament goals and related causes around the country.

Their actions were lauded by some members of Congress, who said the incursion called attention to flawed security at Y-12, first built as part of the Manhattan Project during World War II that provided enriched uranium for the atomic bomb dropped on Hiroshima, Japan.

It makes uranium parts for nuclear warheads, dismantles old weapons and is the

nation's primary storehouse for bomb-grade uranium. The facility enjoys high levels of support in the region, and Oak Ridge has always taken pride in its role in building the atomic bomb, viewing it as crucial to the end of the war.

A report by the Department of Energy's inspector general said Y-12 security failures included broken detection equipment, poor response from security guards and insufficient federal oversight of private contractors running the complex.

The first security officer to arrive told the inspector general he didn't notice the trespassers until they approached his vehicle and "surrendered." Guards who heard the protesters beating on the walls of the building with a hammer incorrectly assumed that they were construction workers, according to the report.

For decades, protesters have rallied at the gates of Y-12 around the anniversary of the bombing of Hiroshima. Some deliberately trespass or block traffic to provoke arrest and call more attention to their cause. Some years, authorities have tried to deprive them of the notoriety by refusing to prosecute. In previous prosecutions, the stiffest sentence ever meted out was less than a year in prison.

U.S. District Judge Amul R. Thapar last week rejected arguments that the enhanced charge against the trio was the result of "vindictive and selective prosecution," ruling that the threat of more serious charges is a standard tactic of plea bargaining.

The judge denied defense attorneys' attempts to dismiss the charges based on the defendants' belief that the deployment of nuclear weapons violates international law.

Thapar cited legal rulings stemming from charges filed against demonstrators known as the "Plowshares 7," who sneaked past security at Giffiss Air Force Base in Rome, N.Y., on Thanksgiving Day 1983, and bashed B-52 bomber with crowbars and hammers and painted slogans on an engine maintenance shop. They were convicted of damaging federal property and conspiracy and sentenced to terms of two to three years in prison.

Trial and appeals courts rejected similar arguments that those protesters' actions were justified because nuclear weapons violated international law.

"We do not suggest that the deployment of nuclear armament systems does violate international law, but merely that Congress has the power to protect government property by statute," the 2nd U.S. Circuit Court of Appeals ruled in 1985.

Thapar said the same standard applies to the Y-12 case.

"The defendants' theory amounts to the creation of a self-help remedy for citizens who think that their government is violating international law," he said in the ruling. "No such remedy exists."

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