

By Hillel Kuttler

Day 1 of trial

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TOWSON, Md. (AP) - Peace activist Philip Berrigan told a jury Monday that he and three others charged with sabotaging military aircraft had a duty to prevent loss of life.

The 76-year-old former Catholic priest from Baltimore is one of four activists on trial in Baltimore County Circuit Court for spraying blood on two A-10 Thunderbolt jets and hammering on one of their engines at the Martin State Airport near Essex in December.

Each faces more than 25 years in prison if convicted of sabotage, malicious destruction of property and conspiracy to commit those offenses.

The activists say they chose the Maryland Air National Guard planes because they carried armor-piercing weapons hardened with depleted uranium, a substance with low levels of radioactivity that creates an airborne dust on impact.

"The evidence will show that we had not only the right but the duty to do what we did on Dec. 19. The evidence will show that we disarmed these planes out of necessity \_ the loss of life," said Berrigan, 76, who is representing himself at trial.

Defense attorney Jonathan Katz, representing the Rev. Stephen Kelly, said the defendants were peaceful people on a mission for peace. "They are not criminals, they are not guilty," he said.

But prosecutor Mickey Norman, an assistant Baltimore County state's attorney, said the defendants broke into the fenced, guarded area where the planes were kept to do damage. "Taking hammers and going up to property and beating up on it is malicious destruction," he said.

Berrigan is a founding member of the anti-war group Plowshares, whose members have taken hammers to military ships, planes and other weapons on about 60 occasions since 1980.

The other defendants are Susan Crane and Elizabeth Walz.

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By Hillel Kuttler

Day 2 of trial

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TOWSON, Md. (AP) — Asserting their commitment to non-violence, members of the pro-peace group Plowshares began their defense Tuesday against charges of damaging two A-10 Warthog fighter planes parked at a Baltimore-area military base.

One defendant and the lawyer for a second did not dispute that the defendants used hammers to dent the aircraft and the weapons mounted on it.

But said they did so to prevent them being used to fire the depleted uranium bullets that the defendants maintain cause cancer when ingested or touched.

"They believed that they could prevent exposure by damaging the Gatling gun. They believed that they had a right and a duty to do what they did, and that the good that they did \_ even if it just put two planes out of commission for a month or two \_ far exceeds the harm," argued former U.S. Attorney General Ramsey Clark, a lawyer for Susan Crane, 56.

Elizabeth Walz, 33, who is representing herself, told the jury of nine women and three men that the 19 attack at the Maryland Air National Guard facility was "based on our belief that weapons that poison the environment are prohibited" and that "the use of these A-10s is also prohibited."

Philip Berrigan, 76, is scheduled to argue on his own behalf Wednesday, with Maryland lawyer Jonathan Katz representing Stephen Kelly, 50. The defense plans to call as witnesses the four defendants and seven character references.

Judge Joseph Smith had earlier dismissed a charge of trespassing against all four, stating that an amendment to a state law appeared to erase the prohibition against unauthorized entry onto public property. The ruling is moot, however, with the defendants having already served the 90 days' maximum penalty since their arrest.

After Smith recessed the proceedings, Assistant State's Attorney Mickey Norman said, "I can understand that they believe that they're morally justified, but the issue in the case is whether there was a legal justification."

Their actions "might be motivated by ... moral beliefs, but they're criminal in nature," he said.

Norman rested his case Tuesday afternoon after the last of eight witnesses, Master Chief John Hertzberger, who is responsible for quality assurance for the maintenance of planes on the base, testified that the aircraft sustained nearly \$89,000 in damage. The total does not include labor costs of the repairs, he said.

Two airport security officers testified earlier on how Kelly and Crane ignored orders to cease hammering on the plane.

Crane is also charged with second-degree assault for holding a hammer above her head in a manner that Sgt. Thomas Piddington testified "concerned" him.

But Clark called Crane a harmless woman who "never for a moment considered or intended to hurt anybody."

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By Hillel Kuttler

Day 3 of trial

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TOWSON, Md. (AP) - The four people charged with damaging A-10 fighter planes at a Baltimore-area military base refused Wednesday to continue presenting a defense, and court marshals cleared the courtroom after supporters began shouting.

The jury hearing the case in Baltimore County Circuit Court was to begin deliberations Thursday. The defendants, members of the anti-war group Plowshares, have admitted to using hammers to strike two Warthog planes parked at the Maryland Air National Guard strip early on Dec. 19, 1999.

In February 1997, founding member Philip Berrigan and five others were arrested after boarding the USS The Sullivans at the Bath Iron Works shipyard in Maine and hammering missile hatches and spilling bottles of blood on the deck.

The proceedings turned chaotic shortly after the lunch break on the trial's third day Wednesday, when defendant Susan Crane abruptly rose and read from handwritten remarks on behalf of the four.

She said they "cannot put on a defense" of the charges that is based on their belief that depleted uranium munitions carried by the planes cause diseases, nor call expert witnesses to testify to such effect.

Smith ruled on Monday against the defense's motion to allow expert testimony on the effects of depleted uranium.

"Therefore, we can't go forward. We will not participate in what amounts to a legal gag order. We will not continue in what amounts to a legal railroad," Crane said, ignoring Judge Joseph Smith's call for silence.

Nearly all spectators who have filled the courtroom's eight rows of seats are members of Plowshares, and they shouted in solidarity with Crane as Smith ordered the jury to hastily depart.

A visibly angry Smith then admonished those present to hold "no more demonstrations in my courtroom," and warned that "if you cannot control yourselves because of how deeply you feel about this issue, you must leave this courtroom."

Spectators sang what one later said was a South African resistance song, "Courage, Brother," as county court marshals cleared the room.

Assistant state's attorney Mickey Norman said later that the group's actions caught him off-guard, but he predicted no ill-effects on his case.

Norman said he is confident that when the jury convenes for deliberations and is told what the law is, they will "make their decision of fact consistent with the law."

Asked about the defendants' refusal to reappear in court, Ramsey Clark, a former U.S. attorney general who is representing Clark, said: "I condone people acting on their conscience."

Crane was the only one of the four defendants to have taken the witness stand before the decision to forgo further participation in the trial.

Norman objected repeatedly during Crane's morning testimony to her attempts to introduce information about depleted uranium. Crane also refused to answer Norman's questions about how the group arrived at the air field, saying that to do so might implicate others not on trial.

Aside from the malicious destruction and conspiracy counts against all four, Crane is charged with second-degree assault for allegedly threatening an air field security officer with a hammer while he was arresting Rev. Stephen Kelly. The other defendants, Berrigan and Elizabeth Walz, were representing themselves at the trial.

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By Hillel Kuttler  
Day 4 (final day) of trial  
Thu Mar 23, 2000 19:13:55  
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Berrigan, three others convicted in air base peace protest

TOWSON, Md. (AP)— Peace activist Philip Berrigan and three others were convicted Thursday and sentenced to prison for damaging two A-10 fighter planes in a protest.

A Baltimore County Circuit Court jury took 4 1/2 hours to return guilty verdicts on charges of malicious destruction of property and conspiracy against four members of the antiwar group Plowshares.

The four hammered on two planes and poured what they said was their own blood on the jets at a Maryland Air National Guard base in Essex last December.

Judge Joseph Smith exceeded state guidelines in sentencing the four defendants, citing the more than \$88,000 in damage to the planes.

Berrigan, a 76-year-old former Roman Catholic priest, was sentenced to 30 months in prison. Under the guidelines, Berrigan would have received no more than a year.

Smith also imposed terms of 27 months each for the Rev. Stephen Kelly, 50, and 56-year-old Susan Crane. Elizabeth Walz, 33, received 18 months.

Smith also ordered full restitution.

The defendants forfeited the right to deliver closing statements by continuing a boycott that began Wednesday afternoon. They forbade their attorneys from speaking on their behalf.

They maintain they were unfairly barred from offering evidence they say justified their attack on the planes, namely, the health and environmental damage they say is caused by the planes' depleted uranium ammunition.

Jonathan Katz, an attorney for Kelly and Crane, said he strongly disagreed with the sentences. Former U.S. Attorney Ramsey Clark also represented Crane. Berrigan and Walz represented themselves.

The jury reached its verdict after deadlocking on whether to convict Crane of an additional charge that she threatened a Maryland Air National Guard security officer with a hammer. Prosecutors dropped the charge and agreed to the judge's suggestion that the jury be brought in to offer its verdict on the two other counts.

The nearly 100 supporters and members of Plowshares who filled the courtroom showed no reaction to the verdicts and exited quietly. On Wednesday, the gallery erupted into singing and chanting that disrupted the proceedings and led the judge to

clear the courtroom.

"I think the case was a no-brainer," said assistant state's attorney Mickey Norman. "They came here not to testify but to preach. I think what was important was that they were justifiably held accountable for what they did."