

# Cruise missiles get day in court

By Kathy Parrish  
staff writer

Covenant for Peace members joke about their "conspiracy" charges. Asked where the Lansing faith community holds its monthly retreats, Pat Robertson cracked, "We conspire everywhere."

Despite the jokes, organizers of the weeklong blockade at Williams International Corp. are worried about their trials beginning Thursday in 52nd District Court, Walled Lake.

Charging an attempt to kill the peace movement in Oakland County, they see the conspiracy charges as "acts of repression and intimidation aimed at thwarting non-violent witnesses for peace."

"THESE FIRST Amendment liberties to speak out and gather are hard-won liberties," said attorney F. Randall Karfanta last week during a pre-trial hearing.

He and other defense lawyers objected to a search warrant used during a public meeting in the Pontiac church where blockaders stayed. They contend all those at the songfest were intimidated by the warrant.

"The message it sends out is 'Don't come out to a constitutionally protected meeting,'" Karfanta said.

But Oakland County Prosecutor L. Brooks Patterson disagrees that his office is being harsh. Rather, it opted for misdemeanor charges instead of felonies, he said.

"We implored them not to go out and set up a confrontation. Now they're complaining about it," Patterson said. "It's political and transparent."

WITH MORE THAN 50 defendants arrested in five different actions, no one expected the Williams trials to be simple.

Adding two Circuit Court judges, three District Court judges, a half-dozen defense attorneys and three prosecutors makes the program more complex.

Six months after the Advent blockade, trials for those pleading innocent are just about to get under way. It has been so long that some defendants are now in jail for Good Friday protests at Williams.

The peace activists are protesting

the company's manufacture of engines for cruise missiles — winged, jet-powered aircraft which hug the ground and can strike within 100 feet of a target. The 20-foot-long missiles, which can carry conventional or nuclear warheads have a range of 1,500 miles.

And with issues like "peace" on trial, it's hard to tell how much longer the process will take. More than \$5,000 has been raised for a defense fund to help pay rising court costs.

"Essentially, we're putting nuclear arms on trial," explained defense attorney Julie Hurwitz.

"Ultimately the issue is whether these people (defendants) had the right to take action they felt was necessary to slow down production of nuclear weapons."

WHILE 54 NUCLEAR arms foes were arrested Nov. 27-Dec. 2 in the defense supplier's driveway, authorities took special interest in those who organized the protest.

Behind the blockade were nine people dedicated through religious faith to "peacemaking."

Covenant for Peace includes a priest and two nuns who do peace work for the Catholic church, the director of a conflict studies center, a former Redemptorist brother who now works with the poor, a woman who works with migrants, a consultant with a peace center, and a hospital nutritionist.

Since forming in October 1981, the East Lansing based group has taken its "peace ministry" to Bendix, Williams and K. S. Sawyer Air Force Base, Marquette.

"I would go to jail for the rest of my life for peace," said Elizabeth Walters, an IHM nun who works at a peace and justice center in Grandview for a Just World. Like some of the others, she intends to defend herself in court.

Organizers were advised by the prosecutor's office that conspiracy charges were possible. And warrants were issued for Covenant of Peace members who set up the event and held non-violence training workshops for participants.

Other defendants come from such Oakland suburbs as Southfield, Troy,

Madison Heights, outstate cities like Ann Arbor, Grand Rapids and Sault Ste. Marie, Waukegan, Ill., and Milwaukee, Wis.

Just after the arrests, blockaders were tried for violating an Oakland Circuit Court injunction against trespass at the plant. Most served 30 days in Oakland County Jail for the offense.

Now they also are in 52nd District Court on misdemeanor charges of trespass and conspiracy to trespass.

ATTORNEYS FOR the defendants tried to get the charges dismissed on grounds of double jeopardy, contending that they are being tried twice for the same crime.

Judge Martin L. Boyle of 52nd District Court dismissed some of the charges on double jeopardy grounds. The prosecution appealed, and Oakland Circuit Judge Hilda Gage reversed his ruling.

Last week, the other two Walled Lake judges disagreed on the argument in two separate Williams cases.

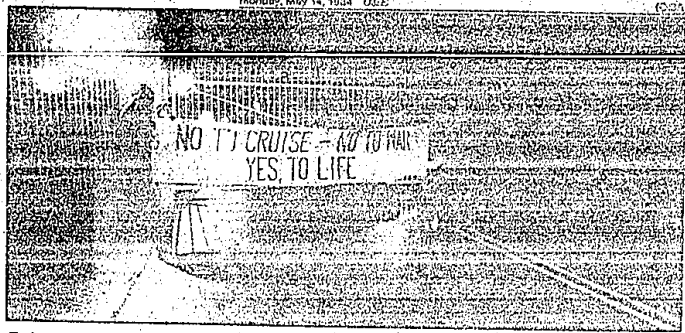
Judge Harold Bulgarelli told the defense his court is not the proper "forum" for their appeal, suggesting they take it back to the higher court. An hour later, Judge Michael Batchik dismissed cases against two defendants on grounds of double jeopardy.

AT THE CRUX of the double jeopardy argument is disagreement over whether the blockade was civil or criminal contempt of court.

It goes back to a ruling by Oakland Circuit Judge James Thorburn, who in June issued the injunction against trespassing.

When different protesters jumped the defense supplier's fence Aug. 9, Thorburn considered their action civil contempt and said he would release them from jail if they promised not to return to Williams. Civil contempt allows a prisoner to be held until complying with a court order — for example, to pay child support or alimony.

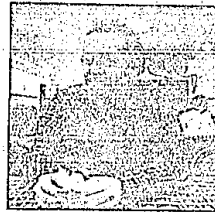
The Michigan Court of Appeals said the charges should be considered criminal contempt, based on the protesters' violating the injunction. They should receive a 30-day sentence given with no opportunity to purge themselves by complying with the order.



To keep employees from going into Williams International, blockaders stood or sat in the company's driveway every morning for a week.



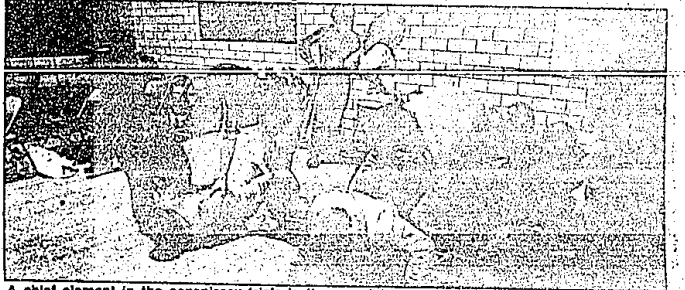
Elizabeth Walters, an IHM nun who does peace work, will defend herself in her upcoming trial.



Charged with conspiracy in the Advent blockade, the Rev. Peter Dougherty has been in Oakland County Jail serving time for a Good Friday protest at Williams. The Michigan Court of Appeals ordered his release Friday night.



L. Brooks Patterson believes he must take a tough stand on the protests.



A chief element in the conspiracy trials is the non-violence-training sessions organizers put on for blockaders.

# Patterson: System can't be intimidated

By Kathy Parrish  
staff writer

Frankly, L. Brooks Patterson would much rather tangle with the sheriff than 54 peace protesters.

"I don't need this," said the Oakland County Prosecutor, whose 59 lawyers juggle 12,000 cases a year. Three prosecuting attorneys are in court because of the weeklong blockade of a Walled Lake defense supplier's driveway.

"But I don't have a right to ignore it. They sought a confrontation and now they've got it."

PREPARED TO SPEND 30 days in jail for breaking a Circuit Court injunction barring trespass at Williams International, the defendants were surprised also to be accused of the misdemeanors of trespass and conspiring to trespass. Those charges meant another trial and possibly a year behind bars.

Charging he is trying to "kill the peace movement in Oakland County," their attorneys accused the prosecutor of undue harshness.

They unsuccessfully sought last week to get the charges dropped. The argument was that defendants are being tried twice for the same crime and their rights to speech and due process under the law are being violated.

"All the facts amount to no more than these people exercising their First Amendment right to freedom of speech," said defense attorney Julie Hurwitz. "The prosecution is trying to transform people coming together and meeting into a crime."

BUT PATTERSON contends his office is just doing the job taxpayers expect. He's not acting by choice, but out of duty.

The prosecutor believes ignoring the Nov. 27 to Dec. 2 blockades would lead to even more disruption at the plant, which manufactures turbine engines — some of which go into cruise missiles. And his obligation to protect county residents also extends to Williams and its 1,450 employees.

"I think not to prosecute would be to encourage further incidents," explained Patterson, adding that 1,000 demonstrators but only 54 were arrested.

"That would condone violation of the law and invite further adventurism by civil disobedience."

THE PROSECUTOR stressed that his office warned blockade organizers they could be charged with conspiracy for planning and training people in civil disobedience.

"We sent them a letter telling them conspiracy was possible. This is not kid's play," said Patterson firmly.

"And it's a hell of a day for law enforcement if we let defendants pick their own charges and punishments."

Actually, Patterson was as surprised by the defendants' reaction to his charges as they were to the conspiracy allegations.

The prosecutor contends his office could have

pressed felony charges but opted for lesser "high misdemeanor" charges which would mean only 30 days in jail — which the defendants have already served.

## CONTENDING RELIGIOUS belief compels

**'They feel they can step outside of the law because of their cause. I think that's hypocrisy.'**  
— L. Brooks Patterson

them to stop nuclear arms buildup, the blockaders look forward to arguing the peace issue in court. The prosecution is vigorously fighting that. To Patterson, no issue justifies breaking the law.

"I'm not making a comment on the peace movement. My comment is in response to their acts," said the attorney.

Patterson also believes civil disobedience is the wrong way to raise the nuclear arms question.

"There are enough debates and public forums in this country where their point of view can be expressed lawfully," he said.

"They feel they can step outside of the law because of their cause. I think that's hypocrisy," said Patterson, who believes the defendants should plead guilty and accept punishment for their actions.

PERSONALLY, THE prosecutor supports the position that a strong military insures peace.

"I just think we invite international tensions and adventurism by a country such as Russia if we lay down our arms," he explained.

"I think it would be a most dangerous position for this country." A lifelong Catholic, Patterson doesn't relish prosecuting peace activists — particularly clergy.

"But their habits and Roman collars won't protect them," he stressed.

"I think it's bad advice for bishops or priests to lead their flock into civil disobedience. They're asking people to violate the law."

"If it happened in my church I would walk out."

THE PROSECUTOR contends his own beliefs don't enter the courtroom.

"I've seen causes I agreed with and ones I didn't, but I can't let that influence me," he said. "Whether I agree or disagree, Williams International has a federally approved contract, and I've got to stop people who want to interfere with that."

Patterson strongly denies charges that he is working on behalf of the Walled Lake company or the FBI because of its defense contracts.

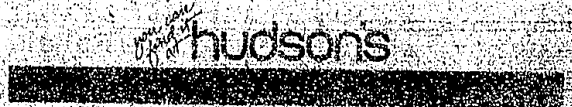
"I don't think the system can be intimidated. That's what the defendants are trying to do with their protests and wailing," said Patterson.

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