

Anti-nuke protest — was it conspiracy?

By Tim Richard
staff writer

A six-woman jury in western Oakland County will decide this week whether Prosecutor L. Brooks Patterson was right in raising the stakes for anti-nuclear demonstrators at the Williams International Inc. plant.

"They conspired to violate the law by trespass," assistant prosecutor Lawrence Bunting told the jury in Walled Lake District Court. "You heard (defendant) Jean Hutchinson say she's from England. They didn't just happen to wander in they planned it."

Crystal McCartney (a second defendant) made a very personal, very individual decision, "said defense attorney William Goodman, a civil liberties specialist from Detroit. "Crystal at no time agreed with anyone else that they would break the law. She made a deci-

sion. Others made a decision . . . You acted alone."

THE JURORS were to decide this week whether Hutchinson, an internationally known anti-nuclear demonstrator from Newberry, England; McCartney, an Adrian College senior from Detroit; and Michael Hefflin, an Adrian student from Brighton, are guilty of the serious charge of conspiracy, not just trespass.

The distinction is important because:

- Trespassing on the grounds of the Commerce Township plant which manufactures motors for U.S. cruise missiles is punishable by 30 days in jail and a \$500 fine.
- Conspiracy to trespass is punishable by up to a year in jail and a \$1,000 fine.

In news conferences last spring, defense lawyers contended Republican

Patterson is "vindictive" in charging conspiracy and is trying to crush the protesters' ideas, not their conduct," Goodman told the court.

Patterson says the demonstrators, of whom more than 50 have been charged on one count or another, have no right to pick out what they want to be charged with, and should be prepared to face the music for their actions.

KEY DEFENDANT is Hutchinson, who made speeches and coached the demonstrators on how to act when arrested. She actually took no part in the vain attempt to block the plant gate on W. Maple Road as workers showed up for a 7 a.m. shift the week of Nov. 27 to Dec. 2, 1983, and she isn't charged with trespass — only conspiracy.

Hutchinson, who returned to the United States for the trial, has camped with other women outside the Greenham Common U.S. Air Force Base in England for two years to dramatize opposition to cruise missile deployments.

In onlooker arguments and with testimony from a series of uniformed and plainclothed sheriff's deputies, Bunting stressed these points:

- "They had meetings in a gym (St. Vincent parish in Pontiac) to plan. They were pretty well organized."
- Demonstrators joined hands and locked arms across the Williams driveway, and they wore white arm bands, indicating they were acting in concert.
- Hutchinson "attempted to disguise her identity (Dec. 2, the day of her arrest) by changing her hat and coat with another woman and escape."
- Flight is an indication she knew she was doing something wrong, he said.
- When booked, Hutchinson gave a false name.



Jean Hutchinson
key defendant

The word "we" appeared four times on a banner carried by McCartney, Hefflin and others, indicating group action: "We shall go forth from this place proud of the things we've done sharing the things we've won. We shall not fail."

All three defendants' names were on a sign-in sheet which deputies discovered after obtaining a warrant to search the church gym.

DISTRICT JUDGE Michael Batchik accepted the sign-in sheet as evidence, despite a warning from defense attorney Kenneth M. Mogil of Detroit that it was "reversible error."

Batchik said the sheet isn't proof of conspiracy and would tend to prejudice a jury. "The sign-in sheet doesn't show who prepared it, or when," Goodman added.

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whether Hutchinson, McCartney and Hefflin . . . are guilty of the serious charge of conspiracy, not just trespass.

Batchik rejected defense attorney Julie Hurwitz's first-day motion to dismiss the charge against Hutchinson. The judge said, "There's enough evidence to show concerted action. Whether there's enough to show conspiracy . . ."

In December, defendants McCartney and Hefflin pleaded guilty and served the better part of 30-day sentences in Oakland County Jail for contempt of court. They and many other demonstrators freely admitted trying to shut down the plant and persuade Williams and its workers to produce something besides parts for first-strike missiles. But they are vigorously contesting the conspiracy charges.

"STRICT HIGH school, Crystal McCartney has been active on political issues . . . trying to change the world around her," Goodman said in opening arguments.

She worked for the 1982 Proposal E (nuclear freeze), he said, and in 1983 she joined a group at Adrian called People for Peace and Justice. "Crystal and her group studied these cruise missiles . . . a new phase in the arms race."

Where other missiles were intended as deterrents, these are a first-strike weapon. "This was the basis on which she, as

a lively, concerned person, wondered, 'What the heck am I do?' They could pass out literature; they could pray; some even talked about civil disobedience."

Goodman said the anti-nuclear activists held open forums in Pontiac prior to their demonstrations. In contrast, plainclothed state police and Oakland detectives "coopted their identities," he said.

"She's not charged with trespass. She's not charged with holding a banner . . . She never made an agreement with anyone else."

"They are on trial for their ideas, not their conduct. Someone who did not like their ideas charged them."

HURWITZ SAID the prosecution showed Hutchinson did "nothing more than assert her first-amendment right of free speech."

"All he showed was that she advocated breaking the law at some unspecified time in the future. Immediacy is crucial here," Hurwitz said, noting that the Hutchinson speech quoted by deputies was made two days before the demonstrations.

Hurwitz cited Ohio and Indiana cases to assert that conspiracy is an agreement to commit a crime, not merely the advocacy of committing it.

Vigil by candlelight set as show of solidarity

Anti-nuclear protesters announced they will hold a candlelight vigil at 8:30 today (Thursday) to express solidarity with five jailed demonstrators who have begun fasting.

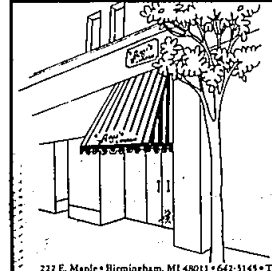
They will march from the Oakland County Courthouse, 1200 N. Telegraph, Pontiac, to the jail a block away.

Marchers want to encourage a change of heart by Circuit Judge James S. Thorburn, who sentenced the five for civil contempt in refusing to obey a court order. They were ordered to cease trying to block the entrance of the Commerce Township plant of Williams International Inc., which produces parts for U.S. cruise missiles.

To "purge" themselves of contempt and win release, Thorburn said they could promise never to return to the Williams plant, on W. Maple west of Haggerty roads.

The five were sentenced June 11 and began their open-ended water fast July 5. They are: Mary Givard, 29, of Lansing; Pat Mentzer, 50, of Detroit; Sheila Givard, 58, a nun in the order of the Immaculate Heart of Mary, Detroit; Bill Kellermann, 35, a Methodist minister from Detroit; and Margaret Dewey, a Dominican nun from Adrian.

Dewey has started a partial fast for health reasons. In a statement announcing their fast, they said the promise asked by Thorburn "would blind our consciences and forfeit the call of our God at whose urging we pray to act . . . In the good and long tradition of civil disobedience, we come prepared of heart to do time — even the maximum if so required. But we pray never to repudiate faith and conscience, even under duress of imprisonment."



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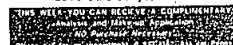
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