

Wednesday, July 9, 2008

**"Beat the Heat" now online.**

Â Bill of Rights.Â (From the public domain.)Â Â In 2000, I met Katya Komisaruk, when I joined other National Lawyers Guild members in defending World Bank/IMF protestors. Katya took an interesting path from being imprisoned after a 1987 Plowshares action hammering on a computer mainframe and other property at an airforce base, to graduating from law school, and then defending activists (I assume activists of a "progressive" bent). Â A few years ago, Katya wrote the very useful Beat the HeatÂ manual on dealing with police. Thanks to a link from WindyPundit, I found the Just Cause Law Collective's website, which has links to much -- if not all -- of the same information available in Beat the Heat. TheÂ Â Just Cause Law Collective's online manual is an excellent supplement to the Busted video that I prominently display here. Also, check out material about dealing with the policeÂ at the Midnight Special Law Collective's website. Â To switch gears from the aboveÂ Beat the HeatÂ topic, here is some more information about Katya and Plowshares actions: Â For Katya's Plowshares action,Â she originally was prosecuted for sabotage and destruction of government property.Â Over a decade later, I joined the legal team defendingÂ Plowshares activists who hammered on warplanes in late 1999.Â Both sets of activists were originally charged with sabotage but later only prosecuted for property destruction; in my case, the judge granted my motion to dismiss the sabotage count, which is a move that may not have won after my shared victory in a landmark Maryland double jeopardy case three years later. In Katya's case, the prosecutor dismissed the sabotage count after her lawyers filed a motion concerning proof of that count. Â Here are some more details about Katya's Plowshares action: Â - Here is the case summary from the Meiklejohn Civil Liberties Institute Archives: Â "U.S. v. Katya Komisaruk 874 F2d 686 (9th Cir 1989). 6/2/87: Def entered Vandenberg AFB, wrote "international law" on obsolete computer, smashed what she thought was part of NAVSTAR 1st-strike guidance system, wrote "Nuremberg Principles" on antenna. 6/3/87: Def described acts at news conference in San Francisco; FBI arrested Def: destruction of Gov't property, sabotage (18 USC Â§1361, 2155). U.S. Atty abandoned sabotage charge.Â "Rea, DJ, granted Gov't motion in limine barring necessity defense, Nuremberg Principles, motive evidence, int'l law. 11/16/87: Jury convicted Def of destroying Gov't property. 1/11/88: DJ sentenced: 5 yrs prison; \$500,000 restitution to come from book, movie deals; denied bail. 5/10/89: 9th Cir aff'd. Def served 25 mths; released. 1990: Def entered 1st yr Harvard Law School.Â "Leonard Weinglass, 6 W 20th St, NY, NY 10011; Dan Williams [whom I know through the Trial Lawyers College], 600 Montgomery St, 94111; William Simpich Jr, 223 Precita, 94110; both San Francisco, CA; Benjamin Gibson."Â - This link and this one further details Katya's action and her motivations forÂ doing it. Â Â - In true Plowshares fashion, Katya fully admitted what she did, as detailed at a Plowshares site: Â "On June 2, 1987 in the early morning, Katya Komisaruk, a peace activist from the San Francisco Bay area, walked through an unlocked gate leaving cookies and a bouquet of flowers for security guards and entered a satellite control facility named "NAVSTAR" at the Vandenberg AFB in Santa Barbara County, California. (Â™NAVSTARÂ™ is the U.S. global positioning system of satellites. When fully operational, this system will consist of 18 orbiting satellites which will be able to provide the navigational and guidance signals to Trident II and other nuclear missiles as well as the Star Wars system, for a first-strike nuclear attack.) Once inside, she used a hammer, crowbar and cordless electric drill to damage panels of an IBM mainframe computer and a satellite dish on top of the building. Using a crowbar she removed the computer's chip boards and danced on them. On the walls she spray-painted "Nuremberg," "International Law," and statements for disarmament. After being undetected for two hours, she left the base and hitchhiked to San Francisco. The next morning she held a press conference at the Federal Building in San Francisco to explain her action whereupon she was taken into custody by the FBI."Â A Plowshares activist once invited me to cross over from defending them to joining them. I declined. First, I am not a total pacifist even though I leanÂ in that direction. Second, Plowshares actions have religious motivations that I do not share (hammering swords into plowshares (that part I agree with generally) and pouring one's blood on armaments (symbolizing the blood of Jesus)). Third, such actions violate the criminal law, which raises questions about when one will risk violating the criminal law when lawful protest and activism does not work (e.g., working in the Underground railroad to free slaves was a very legitimate action, even if it was considered criminal under various state laws). Fourth, I do not believe that such actions are effective enough to merit the criminal exposure, even though the actions and sometimes the subsequent trials bring more media attention than a peace march (on the other hand, the huge numbers of anti-Vietnam protestors and opponentsÂ helped end the war, in large part through the very large numbers and wide cross section of protestors; Plowshares actions get a very small number of participants, seeing that a limited number of people are ready to put their liberty on the line like that).Â Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00