

Peace protesters cleared of charge

Rob Cullivan/Catholic Courier

In two separate non-jury trials, seven anti-war protesters were found not guilty Oct. 17 of simple trespass. The seven had been arrested in the enclosed entranceway of Rochester's Federal Building March 5 during a sit-in opposing the then-looming war in Iraq.

In both trials, Rochester City Court Judge Ann E. Pfeiffer ruled that the prosecution failed to provide sufficient evidence that a security guard lawfully barred the protesters — most of whom were Catholic peace activists — from entering the lobby of the building.

Trial for five of the protesters began Oct. 16, and featured several hours of testimony over two days. After the first trial ended Oct. 17 with acquittals for the defendants, the second trial of the two remaining defendants began. It took less than 20 minutes, as attorneys for both sides agreed on the facts of the case brought out in the first trial.

The trials brought to a close the legal travails of the "Ash Wednesday 13," so named because of the day of their protest. On Sept. 3, Judge Pfeiffer dismissed charges against four of the protesters arrested during the sit-in after government witnesses failed to appear in court. Two other protesters settled their cases earlier this year and were ordered to pay fines and court costs.

The 13 demonstrators had been arrested after refusing to leave the Federal Building entrance as part of their protest. The protesters were affiliated with such Catholic organizations as the House of Mercy, an outreach center in Rochester; St.

Joseph's House of Hospitality, a Catholic Worker shelter in Rochester; and the Catholic peace group Pax Christi Rochester. Among them was Judith Kiehl, pastoral associate at Holy Trinity Parish in Webster, who was acquitted Oct. 17.

Other than to say the judge did not agree with his argument, Monroe County Assistant District Attorney Perry Duckles declined to comment following the conclusion of the trials. Meanwhile, the protesters expressed relief at being found not guilty, but also disappointment that Judge Pfeiffer did not join them in condemning the war. One of the protesters, Harry Murray, a Catholic Worker and Nazareth College professor, had asked the judge to do so during his closing statement.

"To have an American judge speak in court of the illegality of this (Iraq) invasion would be a ray of hope for all who seek peace," he said.

The facts of the case were generally not disputed by either side, save the testimony by a federal marshal that a woman in a wheelchair was unable to enter the Federal Building because of the protesters' actions. No other evidence of the woman's existence was presented, and the protesters and their attorneys argued that if anyone was unable to enter the building March 5, it was because the federal marshals had chosen to close it, not because the protesters were blocking anyone's entrance.

Attorneys for the defense also argued that the federal marshals had essentially violated the protesters' First Amendment rights to religious



Leila Navidi/Catholic Courier

Honoring Our Lady

The Portuguese Committee of the Roman Catholic Community of the 19th Ward organized a candlelight procession Oct. 18 in honor of Our Lady of Fatima. The procession began at St. Monica's Church on Genesee Street and ended at St. Augustine's Church on Chili Ave. "We are not marching against violence. We are marching for peace," said Father Bob Werth, pastor.

expression and speech by barring them from the building.

Although Duckles continually insisted that religion and politics should have no bearing on a case involving alleged trespass, religion and politics were front and center throughout the first trial.

Even Duckles occasionally brought religion into the trial. At one point during his cross-examination of Murray, he asked if Murray thought his religious beliefs were more important than state laws. Murray responded by citing Scriptural passages upholding the supremacy of the laws of God over the laws of men.

All of the defendants decried the war against Iraq, and several pointed out that they felt compelled by their Christian faith to oppose it by

demonstrating at the Federal Building.

"As a Catholic Worker, I am a pacifist," defendant Thomas Malthaner said in his closing statement. Malthaner, a staff member of St. Joseph's House of Hospitality, argued that the protesters had only wanted to peacefully pray inside the Federal Building.

Murray and other defendants said they felt compelled to participate in the protest by their belief that the war in Iraq violated the United Nation's charter as well as by the fact that the Nuremberg Principles call on citizens to resist unjust actions by their homelands.

"I felt I had a responsibility as a citizen to act to prevent an aggressive war by my government," Murray told the court.

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