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Defendants charged with trespassing at the Raytheon Co. plant in Andover last year stood as a six-member jury delivered a guilty verdict in Lawrence District Court yesterday.

Raytheon protesters get year of probation

By Sacha Pfeiffer
GLOBE CORRESPONDENT

LAWRENCE - History may not hold the 11 defendants in the same high esteem as revered pacifists like Mahatma Gandhi and Martin Luther King Jr., whose nonviolent acts of civil disobedience they invoked passionately yesterday in Lawrence District Court.

The 11 delivered eloquent pleas of innocence in the name of peace and social change. They were praised during testimony by former US attorney general Ramsey Clark, who called the actions that landed them in court "the highest form of citizenship."

But in the end, a six-member jury found that the "Raytheon peacemakers" had committed a crime last fall when they entered private property at a Raytheon Co. missile plant in Andover, intending to conduct a "citizen weapon inspection" against the wishes of company officials.

It took the jury only three hours to return a verdict of guilty of trespassing.

Representing themselves in court, the defendants - who ranged in age from 31 to 79 and in appearance from long hair and flannel to freshly shorn and suit and tie - did not dispute that they had ignored Raytheon's order to keep off company property on Oct. 26, 1998, resulting in their arrest on trespassing charges.

But the defendants argued that their actions were justified, using a legal defense known as "necessity," also called "the rule of competing harms" or "the lesser of two evils."

According to this defense, a criminal act is permitted if three conditions are met: the defendant faced imminent harm, the act provided a reasonable means to abate that harm, and there were no effective legal alternatives.

In the case of the Raytheon incident, the defendants argued that they had trespassed in an effort to gain access to the missile plant, to identify weapons of mass destruction, and to work to eliminate them.

Ultimately, they said, the elimination of Raytheon-produced weapons, such as the Patriot missile that became a household name during the 1991 Gulf War, would save the lives of countless civilians in war-torn countries.

"We believe that there were circumstances that justified these actions," said Scott Schaeffer-Duffy, who, like several other defendants, said he had traveled overseas and seen the devastation wrought by American-manufactured munitions.

"We see our work as part of a process to bring about a better society for all of us," Schaeffer-Duffy said. "There is no experience like seeing a child die and knowing your country had a hand in that. It motivates you to do everything your conscience and imagination and intellect can let you do to try to stop it."

Judge Ellen Flatley imposed a sentence of one year of unsupervised probation, as well as a \$35 "victim-witness fee" or seven hours of community service, on each defendant. Flatley also ordered them not to trespass on Raytheon property while on probation.

Assistant District Attorney Murat Erkan said he was pleased by the verdict and called the sentence appropriate.

"These people are not villains," Erkan said. "They believe they are doing something right ... but this case is not about intentions."

"Is a radar system itself dangerous? Is a guidance system going to hurt anybody? Common sense would say no," he added. "Necessity is something real, something looking you in the eye, something that is a danger to you, your children, and your community, not people thousands of miles away. This is leagues away from that type of real necessity."

Schaeffer-Duffy, who noted that the group had come to court prepared to go to jail, said they would not appeal the verdict.

"I'm disappointed," he conceded. But, comparing their peace protest to a carpenter who must swing his hammer several times before driving a nail into a piece of wood, he said, "These things combine, and it will take a few more blows to make an impact."