

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Case No. 02-cr-00509-REB

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

- 1. CAROL GILBERT,**
- 2. JACKIE MARIE HUDSON,**
- 3. ARDETH PLATTE,**

**Defendants.**

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**GOVERNMENT'S RESPONSE TO PROPOSED PETITIONS ON  
SUPERVISED RELEASE [#s 251, 252 and 253]**

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The United States of America, by Troy A. Eid, United States Attorney for the District of Colorado, and Robert Brown, Assistant United States Attorney, responds to the Proposed Petitions on Supervised Release filed by the Probation Department.

On January 3, 2007, Senior Probation Officer Gary Phillips submitted a Proposed Petition on Supervised Release asking the Court to order the unsuccessful termination of the defendants' supervised release for reasons outlined in an attachment to the petitions. The Probation Department has described the defendants' provocative, blatant violations of supervised release utilized as a forum to espouse their political beliefs and asks the termination of the defendants' supervised release in order to better allocate the probation department's resources.

The government agrees the Probation Department has better, more productive things to do and does not object to the Probation Department being released from its

obligation to supervise the defendants. However, the government objects to rewarding the defendants' violations of supervised release by excusing them from their continued obligation to this Court to abide by those conditions of supervised release not requiring probation department supervision. The government objects to termination of this Court's power to punish the defendants for violations of conditions of supervised release which have nothing to do with the ministerial requirements of supervised release such as reporting.

"The primary goal of supervised release is to ease the defendant's transition into the community after the service of a long term for a particularly serious offense, or to provide rehabilitation to a defendant who has spent a fairly short period in prison for punishment or other purposes but still needs supervision and training programs after release." *United States v. Johnson*, 529 U.S. 53, 59 (2000) (noting the Sixth Circuit's conclusion that supervised release was also punitive in nature, *id.* at 56). The defendants, here, have no intention of being rehabilitated as they never have, and never will, acknowledge the criminality of their conduct. Thus, supervised release cannot aid in their rehabilitation. However, continuing the defendants on supervised release, even without probation department supervision, can address the factor of deterrence as one of the purposes of supervised release. 18 U.S.C. § 3583(c)<sup>1</sup> and

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<sup>1</sup> "The court, in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set for in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

§3553 (a)(2)(B) and (C)<sup>2</sup>. Remaining under the jurisdiction of this Court for the full period of court-imposed supervised release will provide the defendants with incentive they otherwise would not have to not violate the laws of the United States or any state where they might be viewed less seriously than by this Court or by the United States Attorneys Office in the District of Colorado.

As noted, the probation department has essentially asked the Court to end its responsibility of supervising the defendants as it is a waste of time. For most of their adult lives, the defendants have been wasting the time of the government at a cost to taxpayers and to hundreds of federal and state employees who have better things to do than facilitate the defendants' repeated, tiring construction of their soapbox.<sup>3</sup>

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<sup>2</sup> "The court shall impose a sentence sufficient, but not greater than necessary, to comply with the purposes set forth in paragraph (2) of this subsection. The court, in determining the particular sentence to be imposed, shall consider —

\* \* \*

(2) the need for the sentence imposed —

\* \* \*

(B) to afford adequate deterrence to criminal conduct;

(C) to protect the public from further crimes of the defendant . . ."

<sup>3</sup> As detailed in prior filings with this Court, the defendants have voluntarily sought out the attention of federal and state authorities, including members of the armed forces of the United States, federal law enforcement personnel, state and local law enforcement personnel, state and federal court personnel, state and federal penal institutions and U.S. probation officers. They have intentionally and deliberately sought out and chose to enter the criminal justice system as defendants to provide themselves with forums to espouse their opposition to nuclear proliferation and to have themselves made a *cause celebre* of columnists, free-lance journalists and film makers.

On or about December 15, 2000, Defendant Hudson was arrested by the Federal Protective Service, Seattle, Washington for Failure to Disperse. Hudson and others entered the Jackson Federal Building and proceeded to lay down on the floor in the elevator hallway on the fourth floor. They were wearing signs protesting United States' sanctions in Iraq.

On or about September 9, 2000, Defendants Gilbert, Hudson and Platte damaged government property at Peterson Air Force Base, Colorado Springs, Colorado. They, and others, damaged a bomb rack unit on a titanium sway bar on a United States Marine Corps F-18 fighter jet aircraft. This damage was inflicted by utilizing hammers. They also splashed a substance which appeared to be blood on the aircraft and a satellite transport trailer. The substance was poured from baby bottles. When apprehended by Air Force personnel, Defendant Gilbert grabbed a bag that was near her and pulled out a hammer and struck the satellite trailer. Defendant Gilbert stated that the substance that

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was poured onto the aircraft and satellite trailer was her blood and was not AIDS infected. The defendants declined to make any other statements but indicated their statement was contained in a letter given to Air Force personnel. This identified them as members of a group named "Sacred Earth and Space Plowshares." They were arrested, but state authorities declined to prosecute due to questions about the amount of damage caused, an element of a state Criminal Mischief offense.

On or about August 6, 1999, Defendant Platte was charged by the United States Park Police for demonstrating on public property without a permit and for failing to leave after being ordered so to do. This occurred at the Pentagon.

On or about May 17, 1998, Defendants Gilbert and Platte were a part of a group of individuals who damaged a B-52 aircraft at Andrews Air Force Base, Virginia, during a Department of Defense Open House at that location. Five individuals approached the aircraft during the Open House and struck the aircraft with hammers, resulting in various holes in the fuselage of the aircraft. They then threw a substance which appeared to be blood on the aircraft. The individuals identified themselves as members of a group known as "Plowshares." They were prosecuted for damaging government property and sentenced to six months imprisonment.

Two of the individuals were dressed as "priests." Initially, two individuals, later identified as a part of the protest group, identified themselves as journalists. They approached the commander of the B-52 at the air show and began what appeared to be a routine interview. The interview turned confrontational. At which time two other individuals dressed in priest's clothing and three women approached the aircraft. The priests began pounding on the aircraft with hammers, inflicting numerous holes into the fuselage of the aircraft near the bomb bay area. The three women began splashing a substance which was later determined to be human blood on the aircraft. Defendant Platte was found laying under the B-52 with blood upon her, as if to be a "victim" of the B-52. The individuals unfurled a banner referring to "Gods of Metal Plowshares" and were chanting anti-military and anti-nuclear slogans.

On or about May 5, 1998, Defendants Gilbert and Platte were charged by the United States Park Police for demonstrating on public property without a permit. They demonstrated in front of the White House without having obtained the required permit and refused to leave when ordered.

On or about February 12, 1998, Defendants Gilbert and Platte were arrested by the United States Park Police for demonstrating on public property without a permit in front of the White House. They received violation notices and were found not guilty.

On or about April 28, 1997, Defendants Gilbert and Platte were arrested by the Department of Defense Protective Service for Damage to Government Property. Approximately 200 demonstrators descended upon the south parking entrance to the Pentagon in Virginia. The demonstrators held a number of banners demanding the United States government cease a number of actions. The demonstrators proceeded to the River Entrance Parade Field and played out mock executions. A number of individuals, including Defendants Gilbert and Platte, utilized small shovels to dig up the grass at the River Plaza Parade Field.

On or about August 9, 1995, Defendants Gilbert and Platte were arrested by the Department of Defense Protective Service for Depradation of Government Property for throwing blood on the Pentagon. On that date, eighty-three demonstrators massed at the south parking entrance to the Pentagon, in Virginia. The demonstrators were ordered to disperse by police officials. Many did. Some did not. After this order had been given, Platte and Gilbert threw a substance which appeared to be blood on the Pentagon building and were arrested.

On or about April 13, 1995, Defendants Gilbert and Platte were arrested by the

The wasted resources include the efforts of hundreds of servicemen, federal protective service officers, park police and other law enforcement personnel who have repeatedly responded immediately to the defendants' actions and who have cleaned "blood" off of airplanes, banks, government buildings and portions of a Minuteman III missile site, or repaired a fence. County sheriffs have had to house them in custody even though they were offered the opportunity to bond out of jail awaiting trials. Federal marshals have had to transport them to court. This court, and others, have had to listen to their protest based upon no legal authority. Court personnel have had to devote numerous hours documenting their misuse of the judicial system. Prosecutors have spent hundreds of hours dealing with them. Taxpayers paid for all of this, including paying lawyers who defended them; some lawyers have wasted their time acting *pro bono*. Recently, some citizens, collectively, spent more money on postage that it would have cost to repair the damaged fence in this case "in support" of their attempt to

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Washington D.C. Police Department, for Unlawful Entry and Destruction of Property, and they were later convicted. In particular, on April 13, 1995, Defendants Platte and Hudson approached the New World Bank at 600 19th Street, N.W., in Washington, D.C., and threw a substance which appeared to be blood on the window of the bank. They entered the Bank with more of the substance, poured it and dirt onto the marble floor and refused to leave when asked by the bank manager.

On or about April 20, 1992, Defendants Platte and Hudson were charged with and convicted of Damage to Government Property at Wurtsmith Air Force base in Michigan. They and two others entered the base illegally and vandalized a non-nuclear storage area. They gained entrance by cutting a padlock and cutting through another fence. They spray painted the message "Christ Lives – Disarm" on the site. Defendant Platte stated she would continue to commit acts like this in the future as a means to further her objective of nuclear disarmament. She indicated she would do "anything" to get her message across. Both were convicted of Re-entry of a Military Installation and ordered to pay \$5,521.66 in restitution.

satisfy their restitution obligation with a canned food drive.

The government does not object to no longer wasting the Probation Department's time on these defendants. The government suggests, however, that their term of supervised release not be "terminated unsatisfactorily." Rather, the government suggests removing only the Probation Department's supervision requirement and keeping the defendants on supervised release under the non-ministerial conditions previously imposed for the maximum period. If this office is made aware of any violation of those remaining conditions, sufficiently significant to bring to the court's attention, it will do so.

Wherefore, the United States requests that the Court maintain jurisdiction over the defendants by keeping them under the terms of their supervised release for the entire period of supervised release, except that the Probation Department need not continue to have any responsibility for such supervision.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of January, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-mail address(es):

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