

Closing

We do not believe the government has met their burden of proof and ask you to return a verdict of not guilty.

In this case, the entry alone is the violation. There is no allegation that the defendants were illegally fishing or hunting or engaged in acts of terrorism or depredation of property. The entry alone is the violation.

In our trial brief we cited to the Cottier decision which states in part:

“Where entry alone is the basis of the violation, knowledge that the entry is unauthorized is an essential element of a section 1382 offense.”

The Cottier decision goes on to discuss about this being important in that only innocent trespassers are excluded from purview of section 1382. The defendants in this case have offered testimony that they were innocent in their belief that their presence at the gate and on the base was not for a prohibited purpose and innocent of any law violation.

These defendants have knowledge that some courts and legal scholars believe they have a right and even an obligation to bring their message of peace and nonviolence to the base commander and the government, and that the importance of this message makes it necessary and legally justifiable for them to stand on base while attempting to deliver this message.

You've already held that necessity and international law are not defenses to this charge. Your ruling makes it clear that the defendants are mistaken in their belief that they have this right and obligation to stand on base. I'm sure that the government

would agree that my clients are mistaken in their belief that these defenses are relevant here.

And that is why this court must find my clients not guilty.

As we laid out in our trial brief, an act is not done knowingly if the defendant acts through ignorance or mistake.

I don't believe these defendants are ignorant. I believe they are knowing of certain truths.

One truth for them is that it's important to spend a life in service of others, particularly in service of others who cannot act for themselves. Each of these defendants have lead lives of service.

Larry Kerschner served our country honorably and with distinction during an unpopular war. He went on to a career as a nurse in part to atone for the violence he had been a part of.

Gilberto Perez serves humanity, travelling internationally to serve the poor.

Bernard Meyer has dedicated his life to teaching, and has been welcomed internationally to discuss the teachings of Ghandi.

None of these three have spent their lives dedicated to the accumulation of wealth or property; the value of such a pursuit is not a truth for them.

Another truth that they share is a knowledge that seems to come with a dedication to service, and that is an understanding that our lives are short – too short to do the valuable and important work they've dedicated themselves to.

And with this knowledge of the limited time we have comes a sense of urgency, and a sense of the necessity to act with courage and dedication in service of those who cannot act.

These are just some of the truths my clients know. I know that you know people like this. Serious people, dedicated people, honest people of principle.

I don't believe these defendants are ignorant. And while they are not wealthy or famous, they are honest. They have earned their credibility. They have told you what they believe, and what they think is true.

Their belief that their actions were legal was mistaken, as established by the order this court entered regarding necessity and international law. Perhaps they were even ignorant. Their mistake or ignorance was innocent.

They were not knowing that their act of entering and remaining on the base was prohibited by all laws. Even in the face of direction to leave the base, they believed in the truth of their action. They adhered to their belief and mistaken knowledge that they had a right and a duty to be there.

Their belief and mistake were as genuine as their dedication to the service of others.

Their dedication to service and to others is incontrovertible.

I believe the evidence is irrefutable that their mistake was innocent, and that they did not have knowledge that their action was illegal.

But we are not here to prove what they knew. We are here to ask if you have any doubts about whether the government has established their case.

As you know, my clients are innocent until proven guilty, and not proven guilty unless they are proven guilty beyond a reasonable doubt. Even as we discuss this case in closing arguments, this court is required to maintain a presumption of the innocence of the defendants, until the court begins deliberating.

If you think that the defendants knew or should have known that their presence at the base was illegal and not allowed by necessity or international law, but you have a doubt as to whether they knew they were not entitled to a legal defense to this charge, you have a duty to find them not guilty.

On mother's day in 2016, my clients stepped on to Kitsap Naval Base. They did so in an act they believed to be in service to every person in this courtroom. They did so in a manner they considered to be ethical and legal. Please find them not guilty.