



## Trespasses Unforgiven Local peace activist gets jail sentence for nuke protesting

by [Terje Langeland](#) and [Chessie Thacher](#)



• DONNA JOHNSON  
• I won't be a prisoner in my own home. Esther Kismore

Looking down from his high municipal court bench, Municipal Court Judge Gary A. Seckman nodded toward 63-year old Esther Kismore on Monday and told her, "Well, you got your wish. You're going to jail."

Kismore, a longtime peace activist, was sentenced to seven days in jail last Thursday for trespassing onto Peterson Air Force Base in southeast Colorado Springs while trying to deliver a "prayer card" to the base last Aug. 9. The card was designed to prepare the base for peace, not war, she said.

"I didn't get very far, maybe about 10 feet, before the military police arrested me and the three others I crossed the line with," said Kismore. "What bothers me is that we did not have a chance to defend ourselves that day, which was the 57th anniversary of the U.S. atomic bombing on Nagasaki, or [last] Dec. 6, when we appeared before the jury. At every turn, we have been silenced and I guess that's why I am here in the court again."

On Dec. 6, Kismore and three fellow activists, Barbara Huber, Dennis Apuan, and Dorothy Schlaeger, appeared in court and claimed their act of trespass was actually "a legitimate call to justice and conscience."

The four belong to a group of local peace activists that regularly subject themselves to arrest for trespassing at Peterson and other local military installations, arguing that their actions are compelled by the Nuremberg Principles, established in the wake of Nazi atrocities committed during World War II.

According to the activists, the principles demand that they intervene against the threat of a nuclear holocaust posed by the stockpiling of combat-ready nuclear weapons like the ones controlled from Peterson. Such weapons, they argue, violate international laws and treaties to which the United States is a party, and which supersede all local and U.S. laws.

That defense argument, however, has rarely been recognized as valid in U.S. courts, and Judge Seckman barred Kismore, Apuan, Huber and Schlaeger from using it in their trial.

On Jan. 8, Seckman sentenced each of the four to 48 hours of community service. But Kismore, who already volunteers full-time at the Bijou House soup kitchen told Seckman that she would not serve such a sentence because "it violated [her] faith and the reasons why [she] volunteered at all."

On Thursday, Seckman met with Kismore, and offered her "all the options and alternatives to jail" by proposing the community service sentence yet again. The judge also offered to sentence Kismore to home detention. Kismore, however, remained adamant. "I already did a community service by attempting to prepare Peterson AFB for peace instead of for war, and I won't be a prisoner in my own home."

"You leave me with no alternative then," replied Seckman. "You will serve at \$50 per day and you will be incarcerated for seven days."

Kismore began serving her sentence immediately and was scheduled for release from jail Wednesday morning.

*Chessie Thacher and Terje Langeland*

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