

Judge delays sentencing of Yahweh defendants

■ The federal judge suggests a criminal fine instead of forcing the sect members to pay back taxes. The defendants say they are opposed to paying taxes because the money supports war.

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CAMDEN — A federal judge delayed sentencing for three members of the Restored Israel of Yahweh on tax evasion Friday, struck by an idea he came up with to settle their restitution.

U.S. District Court Judge Jerome B. Simandle made the suggestion that an imposed hefty criminal fine might be more effective for all involved, rather than a mandate to pay back taxes.

Kevin McKee, Joseph Donato, and his wife, Inge Donato, all in their mid- to late 40s, got into trouble in the first place because they refuse to pay taxes. The trio, members of a Hamilton Township Biblical sect, say they do not pay taxes because they do not support war.

"I think he's striving to reconcile the law with their sincere religious beliefs," defense attorney Rocco Cipparone said about the judge's suggestion Friday.

"We're going to see if we can resolve that," federal Prosecutor Andrew Kameron said of Simandle's idea. "I'm not confident."

Kameron is a trial attorney with the Tax Division at the Justice Department. He said he needs to consult with the Internal Revenue Service to see if the judge's suggestion is allowable.

A federal jury found in

December that the members of the religious sect were guilty of 19 counts of conspiracy to defraud the government, tax evasion and failure to file taxes.

Joseph Donato and McKee did not withhold taxes from most of their employees at their former company, McKee Donato Construction Co.

According to Friday's court proceeding, Donato is responsible for more than \$200,000 in back taxes, while McKee owes the government a shade under \$200,000. Inge Donato, who worked as a part-time secretary for the company, owes just a fraction of those amounts.

The defendants, in addition to fines that can be imposed, each face the possibility of approximately two-year prison terms.

Unlike the trial this winter, the courtroom heard from Joseph and Inge Donato themselves Friday.

Both spoke in heartfelt tones about their religion. Their words had the judge's attention and had some women members of the religious group in the courtroom in tears.

Dressed in a light-blue top with dark glasses, Inge Donato spoke first.

She explained to the judge that she would have liked to have paid into Social Security and Medicare over the years, but it never dawned on her that paying for just those things was a choice.

Donato stopped short of apologizing for the actions she had taken.

"Something in this world is wrong," said Donato, speaking generally about her pacifism. "Something has to change."

Donato said she still holds her group's beliefs.

Members of the sect believe God will destroy the Earth and set up a holy kingdom of resurrected souls.

Joseph Donato also spoke to the judge. Dressed in a blue pinstriped suit and wearing a neat beard, Donato explained how he grew up to be a religious man, after a childhood in which he, like other boys, played Army or cowboys and Indians.

Donato said he had an epiphany as an adult, and it has held true to this day: "I can never accept that people can or should be killed."

"I'm not a coward," he said. "I'm just not that way."

The Hamilton Township man denied that his failure to pay taxes was rooted in some rebellion against authority. "I'm sorry they perceived it that way," he said about IRS agents and the subsequent jury that convicted him.

"I should not be penalized for doing the right thing," he said.

Simandle offered a counterpoint to the Donatos. He said

that others who actively oppose war still pay taxes. Simandle said that by not paying taxes, any kind of taxes, Yahweh members were benefiting from society while not contributing to it. Taxes also go to trying to alleviate poverty and even provide educational scholarships, the judge said.

Defense attorney Peter Goldberger described his client, Inge Donato, as "unusually fragile emotionally," and discouraged prison time for her.

The judge said he would take into account that consideration.

The matter will be picked up on June 29 during a conference between lawyers and the judge. Simandle selected a new sentencing date of July 1.

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