

the Nuclear Resister

“A Chronicle of Hope”

No. 199

December 15, 2021

DIGGING FOR PEACE – RESISTING NUCLEAR WEAPONS

by Brian Terrell

On Wednesday, October 20, I joined *Vrede Scheppen* (Create Peace), about 25 peace activists from the Netherlands, Germany and Austria at the airbase at Volkel, Netherlands, making a plea for an end to nuclear weapons. This base is home to two Dutch F16 fighter wings and the United States Air Force 703rd Munitions Support Squadron. In violation of international and Dutch law and as part of a “sharing agreement,” the U.S. Air Force maintains 15-20 B61 nuclear bombs there and in violation of the same laws, the Dutch military stands ready for the order to deliver those bombs.

Besides our small multinational protest, on that same day the Dutch and U.S. militaries at Volkel were participating in another international collaboration, this one for a different purpose than ours, the annual NATO exercise “Steadfast Noon,” literally a rehearsal for the extinction of humanity.

As we gathered at a wayside near the base with F16 fighters roaring over us, a few of the local police watched from a distance. We greeted old and new friends, sang, prayed, shared food and distributed pink shovels and conspired to dig our way into the base, onto the runway and disrupt the practice. Hardly a clandestine plot, this “digging for peace” was organized openly and local authorities were informed. Our purpose was to get into the base, “to advocate that the old nuclear bombs be removed and the CO2 emissions of the armed forces be counted in the climate targets and to protest against the arrival of new nuclear bombs,” but our expectation was to be stopped while trying.

As our shovels pierced the sod along the fence that was the first line of defense for some of the most deadly weapons on earth, we looked over our shoulders expecting any moment to have our good work interrupted by a warning, at least, if not by arrest. To our surprise, the police only passively looked on as we dug. Our apprehension turned to elation as it became clear that no one was going to stop us. We began to dig in earnest.

On the inside of the fence more police gathered along with a squad of soldiers, but except for a carefully restrained dog snarling and pulling on a leash, none of them seemed upset by the scene they were witnessing. Our hole soon became a tunnel and it was not until eight of us, one at a time, crawled through under the fence and climbed up the other side that we were addressed by the authorities. A soldier spoke to me in Dutch and then in English, asking “do you understand that you are under arrest?”

Days before, home on our farm in Iowa, I had dug up our crop of sweet potatoes, enough to feed us through the winter and it was with similar satisfaction that I pulled myself out of the hole I had helped dig and approached



photo by Susan van der Hijden

Diggers and their pink shovels stand by while Brian Terrell crawls under the fence of the Volkel air base in the Netherlands.

the runway, so close to the bombs and the planes that could bring death to millions. At this time and place, nuclear destruction was not an abstraction, nor was our resistance to it. Coming up from that hole felt like coming up out of the grave.

“The Royal Netherlands Military Constabulary arrested eight people Wednesday afternoon when they entered unauthorized military grounds,” it was reported in the local news. “We already suspected that a number of people would try to get on the premises. They made a hole under the fence, and once at the airport we stopped them. They didn’t resist. It all went off peacefully,” said a police spokesperson.

The prosecutors interrogating us later seemed incredulous, as we were, that not one of the police or military ever warned that we might be trespassing or tried to stop us in the commission of what they interpreted as our crime. I was the only foreigner arrested along with seven others, ranging in age from their 20s to their 80s. Saved for last, I tried to redirect the questions asked by my interrogators about my previous involvement in such protest in other countries to the real crime: the B61 nuclear warheads that my government is hiding in plain sight in Volkel. I refused to answer questions about the several visas to Afghanistan in my passport, not fearful for myself, but recognizing at that moment the enormity of my privilege as a white man carrying a U.S. passport. After being shuttled for five hours or so between the base and the local police station, we were all released with a warning that criminal charges are pending.

After many such protests in many places, I never experienced so relaxed a response from the authorities as we were met with at Volkel. No one in uniform expressed anger or even mild impatience with us and our antics. At

continued on page 5

Resisting the International Arms Trade Across England

Waves of protest disrupted weapons expos across England this fall, reflecting a growing, multi-front campaign against an international arms trade that magnifies conflict around the world.

In London, the biennial Defense and Security Equipment International (DSEI) exposition took over the ExCel center September 14-17, but 12 days of protests began the week before. A loose confederation of groups independently organized a spectrum of nonviolent actions with the common intent to disrupt preparations ahead of time and at the event itself.

Every day for the week before, exhibitors and their wares arrived to massive protests. Activists blocked roads with cars, clambered onto tanks, locked themselves to digging machines, and draped banners from the top of police vans. Some activists camped in the road overnight to prevent after-hours shipments and make clear that the merchants of death are not welcome in London.

Police at times greatly outnumbered demonstrators,

lining the entrance roads shoulder to shoulder to protect the equipment rolling in. Other times they were forcefully moving blockaders out of the way but making many fewer arrests than in previous years. Instead, rough treatment appeared to be their response to the British Supreme Court ruling last summer in the Zeigler case. That case, from a blockade at DSEI in 2017, decriminalized many such disruptive protests.

Nevertheless, at least 20 arrests were reported over the week before the exposition opened, with arrestees taken to different stations all across the city for processing and release.

For several years, London “live event” crews have informally boycotted DSEI and ostracized its event contractors. This year, when desperate text messages from fly-by-night contractors sought help with DSEI, four professional crew workers who are also Young Communist League members decided to take the jobs and act from the inside.

continued on page 5

Surprise Arrests in Two States for Drone War Foe

A principal organizer for more than a decade of periodic protests at two U.S. drone warfare bases was arrested with little warning as she held signs near the entrance of each base this fall.

The first of Toby Blomé’s two unintended arrests came during the Shut Down Creech actions held September 26 – October 2 outside Creech Air Force Base in Indian Springs, Nevada. Creech is the heart of training and operations for all U.S. remotely-piloted armed warplanes. This year, more than two dozen people – including members of Veterans for Peace, CodePink and Ban Killer Drones – greeted the “chair force” commuters twice a day, morning and evening. With banners and dramatic tableaux depicting innocent victims, they demanded an end to U.S. drone attacks and a ban on “killer drones.” Other messages urged the military personnel to follow their conscience, and visit askvets.org for support to leave warmaking behind.

During the group’s Tuesday morning vigil, Toby Blomé and another activist held a banner reading “U.S. Drone Kills Kabul Family. Dead: 7 Children, 3 Adults.” They stood on the shoulder of the entry road in front of an area marked for the lone counter-protester. After Blomé had a brief interaction with him, he called police nearby which apparently triggered her abrupt arrest without a second warning.

Blomé was charged with making false statements and obstructing an officer, then taken to the Clark County detention center in downtown Las Vegas. To resist the unfair practice of forced scanning and radiation exposure of people not yet proven guilty of any crime, Blomé refused the body scanner at the jail. Her shoes and socks were confiscated, and her jail slippers taken away before she was locked alone in a cell for over 24 hours. After refusing her first meal, no other food or drink was offered, and multiple requests for a phone call were refused. She was finally released from jail on Wednesday evening.

Two months later on November 22, Blomé joined several stalwarts for the monthly vigil and leafletting at Beale Air Force Base in Marysville, California. Beale is the command center for Global Hawk surveillance drones, an integral component of the global drone warfare enterprise.

Blomé stepped into the same median area painted on the intersection where she’s stood for eleven years to leaflet the departing service members as they stop to enter the highway.

Military police have often disputed leafletters’ rights to this “gore” space but never followed through with threats of arrest. The month before, some of the Beale vigilers had even walked up the entry road a short distance to the gatehouse, and blocked traffic for long enough to pass leaflets to the line of backed-up vehicles. The vigilers then returned back to the highway, avoiding arrest.

But this time, military police quickly confronted Blomé. She asserted her free speech rights and the cops withdrew to consult with their superiors. When they returned, they issued a formal order to disperse and then immediately handcuffed the surprised activist. Blomé was detained inside the base for over two hours, but has yet to be formally charged. While in custody, she used the opportunity to talk about U.S. drone war crimes with everyone she met.

Back in Las Vegas on November 23, Blomé was represented by a pro bono attorney at a pre-trial hearing where the district attorney dropped the Nevada charges.

After these two incidents, Blomé wonders, “Are our anti-drone protests at military bases having a great enough impact that the police are increasing their abuse of power, and cracking down?”

For more information, visit shutdowncreech.blogspot.com and facebook.com/OccupyBealeAirForceBase.

Resistance Reflections

Prison as an Unavoidable and Useful Part of Resistance

by Stellan Vinthagen

It is simple: If you resist, you take a risk. As a logical consequence, prison must be part of our movement strategies and preparation as individuals.

No one wants to be locked up in a prison. It is a punishment, an absurd medieval form of punishment that's really quite primitive. In some prisons, violence, abuse and threats — among guards, prison gangs and individuals — are notorious and systematic. All prisons are not equally violent, but all prisons lock up inmates in a "total institution" that controls every little aspect of their life, 24/7. Therefore, all inmates are — without exception — disciplined, humiliated, deprived, socially isolated and exposed to a meaningless life of "killing time." In this way, prisons dehumanize everyone involved, those carrying keys and those who don't.

Ironically, prisons are believed to deter and diminish crimes, but they are utterly ineffective. Overwhelming research shows that instead they create criminal identities, cultures and a virtual "schooling" of crime as a way of life. When it comes to political prisoners, we fit that same trend, for other reasons, and are of course not "reformed" either. Quite the opposite: politically motivated criminals' determination typically increases alongside their stronger identity as dissidents, while often gaining fame and street cred within activist communities.

Despite prisons being inherently violent and total institutions of discipline that clearly do not "work," they are basically unavoidable if you do resistance. To any resistance movement trying to fundamentally change society and transform existing power relations, prison is part of the reality.

It is simply unfeasible to imagine revolutionary change or a serious challenge to dominant elites without some being incarcerated. It has been part of radical movements throughout history, and it will continue as long as prisons exist.

For radicals like Rosa Parks, Emma Goldman, Emmeline Pankhurst, Gandhi, Malcolm X and Martin Luther King Jr., prison was part of the struggle; they all spent time inside and it was a constant risk. They were radicals precisely in the sense of not letting that threat stop them.

Thus, all movements striving for fundamental social change will challenge very powerful vested interests; without risking prison time for some people and, at some stage, they will be unable to achieve their goal without risking prison time. If sometimes change is possible without prison, that is unique and great. When the risk is there, a movement cannot give in.

Even if activists are creative and innovative, finding forms of tolerated actions, using highly sophisticated means against surveillance and arrests or choosing to operate underground, the reality of prison is unavoidable.

It is simple in a way. If you resist you take the risk. As a logical consequence, prison must be part of our movement strategies and preparation as individuals. We need to figure out how to survive it, how to utilize it within our struggle, even if we hope and struggle to one day abolish it.

Of course there is a bigger risk, that movements will face much worse threats of repressive violence, like disappearances, torture, terrorist attacks and assassinations. Alternatively, there are far more sophisticated forms of repression, such as cooptation, fabricated accusations, planted evidence, infiltrations, smear campaigns, character assassinations, large economic punishments and

black-listings. We know these risks also exist.

For example, during the U.S. civil rights movement it is clearly documented that Martin Luther King was a victim of an FBI campaign, implying that he was a womanizer. Simultaneously, other civil rights activists were executed in cold blood — sometimes while sleeping in their beds — during police raids under the pretext of a "shoot-out."

A very different and recent example is Spain's anti-militarists who have met a state sanctioned "social death"; their loss of all civil rights, the right to employment, study and welfare.

When we embark on a revolutionary struggle, the repression we will face is uncertain. The type and degree of repression varies considerably, depending on factors like the state, the elite interests being threatened and the political conditions. What differs with imprisonment and puts prison in a special category is its universal adoption by states as their main institutionalized means of punishing behavior that is deemed criminal — and incarceration is seen almost universally within all broader societies as a stigma. Therefore, it normally deters mass involvement in illegal political activism. This seems to be the key reason why prisons endure and are widely seen as "working."

As someone who has spent time in prison for taking political action, I've written a lot about the everyday life I encountered and the things that happened inside, mainly to describe how it can be for those people that have never experienced it. My stories are like all other stories; my personal experience of a particular place, written from my perspective, and from a person positioned as a white, middle-aged, physically healthy and strong, educated, and politically well-connected person. I knew why I was there, why I was not an obvious target of racism or exploitation, and that if I was violated, I had lots of contacts within the media, legal system and political circles that I could mobilize.

Still, I experienced threats, dangerous situations, discrimination, humiliations and lots of boredom. Yet, as I've tried to show in my writings, life inside also took on a normality of routines, friendships, joy, pleasures and learning; a life similar to other lives inside a (very) particular community, with its unique blend of injustices and solidarity.

A politics of resistance against prison by the privileged going to prison

Based on this idea that prison is a companion of resistance and all revolutionary struggle, unsurprisingly, some of us take one step further and view prison as part of a resistance strategy, not just a necessary risk. Particularly if you belong to a privileged group in society, you might afford, find the opportunity, or perhaps experience the ethical-political obligation to treat your resistance as also a resistance to the prison system. This is seemingly an odd resistance that uses prison as a means to that end.

This approach is based on the assumption that the main reason for prisons' universal popularity is that, despite their limited deterrence or curative effect, they are actually highly effective against ordinary law-abiding citizens, particularly those born into the privilege of economic or cultural capital, or other groups with something to lose. While their official function is seriously defunct, even counter-productive, their unofficial function is nonetheless very effective.

continued on page 8

where we're at

In this issue we bring you compelling action reports, reflections and court testimony from prisoners and former prisoners, including:

- Brian Terrell's action report and John LaForge's court statement highlight the resistance to U.S. nuclear stockpiles in Europe.
- Daniel Hale addresses the court at his sentencing.
- Leonard Peltier shares sobering words about being in prison during COVID, and the graves of indigenous children being found on the grounds of residential schools.
- Stellan Vinthagen reflects on "Prison as an Unavoidable and Useful Part of Resistance".

Over the last 18 months, with variants of COVID 19 spreading around the world, the number of new anti-war and anti-nuclear arrests that we report on has dramatically declined. The situation in many prisons and jails has become even more difficult and restrictive during the pandemic, and many activists are hesitant to risk time behind bars. Considering the uncertainty of the coming months, we have put a great deal of thought into how to adapt the work of the Nuclear Resister at this time. (Please read more in the enclosed letter.)

While working on this issue, we've thought of the three friends pictured on this page, and the example of their dedication to building a just, peaceful and nuclear-free world. Our paths have crossed many times over the years - in courtrooms, at protests, around our kitchen table, at Catholic Worker houses and gatherings of the Pacific and Atlantic Life Communities. The last time we saw Megan and Marge was in October 2019 at the Kings Bay Plowshares trial in Georgia. May their memory be a blessing.

As we write this, there are just a couple of weeks left in 2021. Hanukkah is behind us and the winter solstice and Christmas are drawing near. The last several months have been a bit challenging for us, including dealing with some health issues. (We're okay, but suffice it to say that having to go to a hospital emergency room during COVID code red, when your spouse is not allowed to accompany you, is not fun!)

Very best wishes for a healthy and happy new year, filled with an abundance of hope, peace, solidarity and love,

Felice and Jack

Thanks

Thanks to Ruth for proofreading assistance. And many thanks to those who have subscribed, renewed their subscription and/or made a donation in 2021!

the Nuclear Resister

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YOU CAN HELP!

Please send news, updates and donations! Mail us (or e-mail or phone) new action reports, updates, jail information, statements, graphics, photos & clippings about local actions. Thanks!

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THE NUCLEAR RESISTER ON MICROFILM

The Nuclear Resister is available on microfilm as part of the Alternative Press Collection (1986 – present) and the Alternative Press Center Supplement of the Underground Press Collection (1980 – 1985) offered by the ProQuest Company, 789 E. Eisenhower Pkwy., Ann Arbor, MI 48106 or online at proquest.com.

ABOUT THE NUCLEAR RESISTER

Since 1980, the Nuclear Resister has provided comprehensive reporting on arrests for anti-nuclear civil resistance in the United States, with an emphasis on providing support for the women and men jailed for these actions. In 1990, the Nuclear Resister also began reporting on anti-war arrests in North America, plus overseas anti-nuclear and anti-war resistance with the same emphasis on prisoner support.

The Nuclear Resister is published about every three months and serves to network this nonviolent resistance movement while acting as a clearinghouse for information about contemporary nonviolent resistance to war and the nuclear threat. We believe that in any significant movement for social change, many committed individuals are imprisoned. Behind bars, they are physically isolated from their supporters and their own resistance activity is limited. Broader awareness of their actions and support for the imprisoned activist are essential to the movement for a peaceful, nuclear-free future.

Each issue provides the names and jail addresses of currently imprisoned anti-nuclear and anti-war activists. Readers are encouraged to provide active support by writing letters to those behind bars and in other ways requested by the prisoners.

Jack and Felice Cohen-Joppa, Editors

¡Presente!

We give thanks for the lives of these nuclear resisters and advocates for peace and justice.



Sr. Megan Rice

January 31, 1930 –
October 10, 2021



Marge Van Cleef

May 3, 1935 –
October 26, 2021



Jesse Lewis

October 23, 1949 –
October 27, 2021

Preventing the Crime of Nuclear Sharing American Testimony in a German Court

John LaForge gave this testimony to a German court last spring in defense of actions taken to halt the commission of heinous crimes: in this case, the deployment of U.S. nuclear weapons in Germany in preparation for nuclear war. His testimony concludes with an inspiring litany of successful campaigns of nuclear resistance, edited here for space. The full testimony with footnotes can be found at bit.ly/LaForgeTestimony.

May 31, 2021

To the Court:

My name is John LaForge. I am 65 years old, am a U.S. citizen, and I've worked in the peace and anti-nuclear movement since 1979. I have been employed by the peace organization The Progressive Foundation in the U.S. since 1992 as a researcher, editor of its *Nukewatch Quarterly*, and co-director. In my first job for Nukewatch, I traveled about 30,000 miles over a 3-month period to visit all 1,000 land-based intercontinental ballistic missile sites then in the United States. The research was for the Nukewatch book *Nuclear Heartland* which featured the first public atlas detailing the exact locations of the giant ICBMs.

... On July 15, 2018, I was among one of five small groups of people that entered the [Büchel Air] base. I carried an "Appeal to the Personnel of Büchel Air Base" which I wrote, and which concerns German domestic and international laws that work at the nuclear weapons base violates. Eighteen of us entered the base in daylight, on Sunday, in five places and then walked around inside the base unhindered by military security. After being detained by some soldiers our statement was read aloud to them, and they took a copy and said they would deliver it to higher authorities.

On August 6, after getting into the base, walking through some woods, and crossing a base road, I took photos, and two of us climbed atop a nuclear weapons bunker (protected aircraft shelter). We rested and observed from there for over an hour. When we climbed down, we wrote on the steel door of the nuclear weapons bunker near where we were detained. We wrote "B61 = Suicide," and "Disarm all nuclear weapons: immoral, illegal." This writing went unmentioned in the Penalty Order.

Errors in Penalty Order

The "penalty order" in this case ... has several errors of fact that I wish to correct.

... I did not cut open and damage the fence "at five different places." Further, contrary to the Penalty Order, I did not mark "one place of the severed fences with color spray in order to indicate to other protesters that this was an entrance." I did no spray coloring at all.

... I did not intrude "up to the runway" but was detained hundreds of meters away from the runway near one of the protected aircraft shelters. I was never on or near the runway, and never intended to go there.

Affirmative defense of crime prevention

The officers of the court here have many years of experience interpreting and enforcing the law, and, before that, years of academic study. My experience is not so different. Between 1980 and 2006, I served altogether four and one-half years in jail and prison for peaceful protests against illegal U.S. planning of attacks with nuclear weapons, and for protesting its unlawful teaching of torture methods to soldiers. Those long months of incarceration gave me time to study human rights, international humanitarian law, and to read the great practitioners of nonviolent resistance.

In a 1984 case, when my partner and I were charged with doing \$36,000 damage to prototype missile guidance computers for making nuclear attacks from U.S. Trident ballistic missile submarines, we presented a similar defense as here today. We were found guilty by the jury, but at the sentencing hearing, Senior U.S. Federal District Judge Miles Lord declared: "They have made a plausible argument that international law forbids what our country is doing by way of manufacturing weapons of mass destruction." He sentenced us to six months of unsupervised probation... This statement from a Federal Court judge was an authoritative validation of our defense. I have been making the same argument for the past 37 years and in many cases in the U.S., the UK and elsewhere it has succeeded in winning Not Guilty verdicts.

In a 2004 case, three friends and I were found Not Guilty of trespass, a charge like the ones here. We argued that international law gave us the legal right to demand to see the manufacturer of radiological weapons called "depleted uranium" munitions. We argued that international law prohibits the manufacture of poison weapons of mass destruction and is superior to the trespass law. The jury agreed that while in ordinary conditions our action was a trespass, our intervention to stop the alleged international law violations being committed by the company was permitted. In 2017, the adoption of the Treaty on the Prohibition of Nuclear Weapons authoritatively verified, and positively

emboldened, my position regarding the illegality of nuclear weapons.

My experience of trials like these makes me familiar with the judges' and prosecutors' warnings about the need to protect property rights. I am accustomed to hearing that my defense testimony is not relevant and a waste of valuable time. These shrewd lectures are designed to distract observers, and to pull the wool over the public's eyes. These lectures often do trick some people into thinking that public protests against nuclear weapons are chaotic stunts or mere vandalism. On the contrary, my actions on July 15 and August 6 were demonstrations of respect for, and obedience to the highest laws of the land, and my hope is to expose and help bring to an end the government's unlawful plans to commit premeditated, genocidal, atomic violence with its nuclear weapons — weapons that have committed the worst property damage and international trespassing in all history and that kill without being detonated by forcing people to starve.

Often times, my evidence has been called "irrelevant," but I've learned that what is truly irrelevant in these political court cases is the evidence of trespass and damage to fences. It is irrelevant because most of the facts are not in dispute. On July 15 I entered the base to deliver a written appeal to personnel there; and on Hiroshima Day 2018 I went in to inspect the premises for evidence of and bring attention to criminal violations of international treaty law being committed by the United States and Germany.

The evidence that is relevant in this case is whether or not I "illegally" intruded into military premises. It is the prosecutor's burden to prove that I intruded "illegally." And my task is to show that my intrusions were not illegal, but reasonable interventions taken for a lawful purpose of stopping NATO, U.S. and German crimes.

... The allegations against me for minor damage to property and civil trespass are insignificant and trivial when set against the routine ongoing criminal conspiracy to commit massacres using nuclear weapons which is practiced regularly at air base Büchel. A fire fighter rushing into a burning building to save someone inside is not charged with "damage to property" if a door or window is broken. The firefighter's "damage to property" is excused because of the greater good of seeking to prevent or to avoid harm. In such a case, when reasonable persons consider the "competing harms" of damage to property on one hand, and injury to a person or the loss of life on the other, the damage to the door is obviously the lesser harm.

But what of a fire not yet burning, but a fire being planned, rehearsed, is intended and set to ignite? And what if the premeditated arson is the burning of a city of 10 million people — or the burning of 20 cities, one each for the 20 U.S. B61 thermonuclear bombs armed and loaded at Büchel air base?

Of course I could not expect my simple actions with my colleagues to immediately halt the air base's unlawful threats of, and practice for nuclear attacks. What an unlikely idea. I hoped our actions would educate the public and the personnel at the Büchel air base about the unlawful nature of nuclear attack practice and someday lead to its cessation. The State of Pennsylvania's Superior Court Justice J. Spaeth made this point in the 1985 case opinion in *Commonwealth v. Berrigan*:

"... [Defendants] belief was that their action, in

OUT OF PRISON!

Jeju

On October 28, Song Kang-Ho was paroled from prison early after 578 days of a two year sentence for praying inside the navy base at Gangjeong, Jeju Island, South Korea. Dr. Song was fit with an ankle monitor, but was able to spend time on the mainland with his family soon after his release. More information can be found at savejejunow.org.

Kings Bay Plowshares

All seven of the Kings Bay Plowshares activists have now completed their terms of imprisonment. Each now faces a number of conditions for three years of supervised release, except for Elizabeth McAlister, who was granted early termination in October.

For reasons of conscience, Fr. Steve Kelly, S.J. continues his noncooperation that began when he didn't report to the probation office in Georgia following release from prison in April. A warrant was issued for his arrest.

When his probation officer visited Mark Colville's home at Amistad House Catholic Worker in New Haven, Connecticut after his September 11 release from prison, Colville was clear about the limits of his cooperation, including not complying with mandated drug testing nor paying restitution and court costs. He asked that the drug testing requirement be removed, because his crime did not involve drugs and he doesn't use illicit drugs. His refusal had to be documented along with his request, and it was answered with a summons to court for violating probation. That hearing is currently set for January 7.

Patrick O'Neill was released from prison to a half-way house on August 24, and then to a period of home confinement. His ankle monitor was removed on November 19. Carmen Trotta's six months of home confinement and ankle monitor ended just before Thanksgiving, and he returned home to St. Joseph's House of the New York Catholic Worker community. Clare Grady's home confinement ended and her ankle monitor was removed on September 10. Martha Hennessy shed her ankle monitor and ended home confinement on August 25.

More information can be found at kingsbayplowshares7.org.

combination with the actions of others, might accelerate a political process ultimately leading to the abandonment of nuclear missiles. And that belief, I submit, should not be dismissed as 'unreasonable as a matter of law.' But that is for a jury to say, not a court."

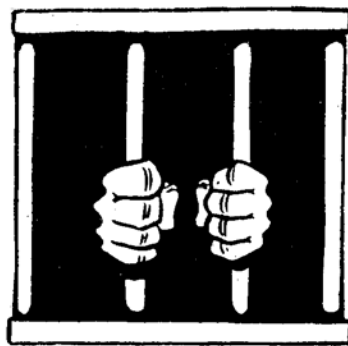
Treaty laws forbid planning indiscriminate destruction

The United States, which deploys its nuclear weapons at the NATO air base Büchel, was instrumental in establishing and is a party to, the 1945 Charter of the International Military Tribunal at Nuremberg. The Nuremberg Tribunal determined there was individual responsibility among private individuals under the principles of international law. This principle has been incorporated into the pantheon of international law.

... Since the establishment of the Nuremberg Charter and Principles, international law has prohibited the "planning" or "preparation" of "a war in violation of international treaties, agreements, or assurances" including the massacres caused by nuclear weapons

continued on page 6

Inside & Out



Please refer to nukeresister.org/inside-out for current addresses before writing.

Name ID# (if needed)
prison or support address
(sentence – in/out date if known)
(*action & date*)

NUCLEAR RESISTERS

Leonard Peltier 89637-132
USP Coleman I, POB 1033, Coleman, FL 33521.
(*Framed for murder while defending traditional indigenous from threats including uranium mining on sacred lands, 6/75*)

ANTI-WAR RELATED ACTIONS

Daniel Hale 26069-075
USP Marion, U.S. Penitentiary, P.O. Box 1000, Marion, IL 62959.
(45 months – out 7/5/24)
(*Drone warfare whistleblower pled guilty 3/31/21 to violation of Espionage Act*)

Please note: Most prisons will not accept cards, only white paper letters with blue or black ink and envelopes using no crayon, markers, drawings or stickers. Increasingly, correspondence is photocopied for the prisoner and the original is destroyed. Include name and return address on all correspondence as it may be separated from its envelope.

PREVIOUSLY LISTED, NOW ON HOME CONFINEMENT: Rafil Dhafir (out 1/4/2022)

PREVIOUSLY LISTED, RECENTLY RELEASED: Clare Grady, Mark Colville, Martha Hennessy, Carmen Trotta, Patrick O'Neill, Willemien Hoogendoorn, Song Kang-ho

DANIEL HALE MOVED TO CMU AT MARION PENITENTIARY

Soon after being sentenced last July 27, drone warfare whistleblower Daniel Hale was moved first to another jail and then in October to the U.S. Penitentiary at Marion, Illinois. He is now being held in the notorious Communications Management Unit there, where communication and visits are monitored and restricted. Below is his sentencing statement.



Hale's support website standwithdanielhale.org includes instructions for contributing to his prison expenses and detailed information about restrictions on correspondence. Letters of support should be sent to Daniel Hale, 26069-075, USP Marion, U.S. Penitentiary, P.O. Box 1000, Marion, IL 62959.

Daniel Hale's Sentencing Statement

Your Honor, my surname, "Everette Hale", was passed down to me by my father, to him by his father's father, and so on going back to the theologian writer "Edward Everet Hale." Edward was a Massachusetts-born columnist for *The Atlantic Monthly* newspaper writing about issues of abolition and slavery during the pre-Civil War era.

He was the grand nephew of Revolutionary War hero Captain Nathan Hale. Nathaniel, of course, is well-known for having been executed for his efforts to spy on the British troop movements in support of General Washington's rebel army as they fought to free the States of colonial rule. Denied clergy, he was given only the chance to speak his peace before left to hang three days in a public square as a warning to other would-be saboteurs. It bears mentioning that, under certain circumstances, an act of espionage is still punishable by death in this country today.

The day after I pled guilty to a violation of the Espionage Act, I took a lonely bicycle ride towards the Capitol to clear my head, in search of the statue honoring Captain Hale's sacrifice. I wish I could say that I wasn't surprised to find it located next to the John F. Kennedy Department of Justice building. But there it was, exactly where it belonged. I asked a reluctant security guard to take my photo with the statue of Nathan behind me, told him thank you, to which he responded with a shrug and went about his day. A short way from there I came to be at the Lincoln War Memorial Park.

The park was alive and bustling with people speaking different languages, coming to and fro, from across the country and around the world. Of the many awe-inspiring commemorative monuments surrounding the reflective pool, I believe the Vietnam War Memorial to be the most striking because of its straightforward simplicity. The more than 58,000 names of every American killed in action etched into a 400-foot granite wall stands as a testament to the completion of the war and our nation's commitment to never forget the fallen. By contrast, were it also to include the names of every Viet person killed would require it to be another four miles long.

Curiously, there is still no monument to commemorate the formal end of the Iraq War. I often wonder how we'll remember it. And with the withdrawal of troops in Afghanistan looming I wonder how we'll remember it as well; or if we intend to at all. What I remember best about Afghanistan is the enduring spirit of its people. I think of the farmers in their poppy fields whose daily harvest will gain them safe passage from the warlords. Who will, in turn, trade it for weapons before it is synthesized, repackaged, and re-sold dozens of times before it finds its way into this country and into the broken veins of our nation's next opioid victim. I think of the women who, despite living their entire lives never once allowed to make so much as a choice for themselves, are treated as pawns in a ruthless game politicians play when they need a justification to further the killing of their sons and husbands. And I think of the children, whose bright-eyed, dirty faces look to the sky and hope to see clouds of gray, afraid of the clear blue days that beckon drones to come carrying eager death notes for their fathers.

Your Honor, I oppose drone warfare for the same reasons I oppose the death penalty. I believe capital punishment to be an abomination and an all-out assault on common human decency. I believe that it is wrong to kill no matter the circumstances, yet I believe it is especially wrong to kill the defenseless. And, in spite of what the Supreme Court has ruled, I believe there is simply no way in which a person can be killed that is not cruel and unusual. If anyone here is still not convinced of this then they must ask themselves if they believe that the 4% of death row inmates exonerated after the fact is an acceptable price to pay. I don't. No person should have to die for a crime that they did not commit. Just as no person should have to live with the burden of having taken a poor, defenseless innocent life. Not a soldier carrying out his duties nor a judge theirs.

When it comes to the drone assassination program the disparity between the guilty and the innocent killed is incalculably higher. In some cases as many as nine out of ten individuals killed are not identifiable. In one particular instance the American-born son of a radical American Imam was assigned a Terrorist Identities Datamark Environment or TIDE pin number, tracked and killed in a drone strike along with eight members of his family while they ate lunch together a full two weeks after his father was killed. Asked about why the 16-year-old Abdul Rahman, "TPN26350617" needed to die, one White House

official said, "He should have had a better father."

While deployed to Afghanistan I was exposed to similar ways of thinking to distract myself from the true nature of my actions. As one drone operator put it, "Do you ever step on ants and never give it another thought? That's what you're made to think of the targets. They deserved it, they chose their side. You had to kill a part of your conscience to keep doing your job - ignoring the voice inside telling you this wasn't right." I too ignored the voice inside as I continued walking blindly towards the edge of an abyss. And when I found myself at the brink, ready to give in, the voice said to me, "You who had been a hunter of men, are no longer. By the grace of God you've been saved. Now go forth and be a fisher of men so that others might know the truth."

So I ran to the press with documents in hand, not one more nor one less than necessary, to dispel the demonstrable lie that said drone warfare kept us safe, that our lives are worth more than theirs, and that only more killing would bring about certain victory. Simply put: It is wrong to kill, it is especially wrong to kill the defenseless, and it is an abdication of the Bill of Rights to kill without due process of law.

Your Honor, much has been said about the potential that "serious" or "exceptionally grave" harm was brought about due to my actions. But since no evidence of this fact has materialized in all the years since my criminal investigation began, it might appear to an outsider looking in that such claims are yet another example of a "boy crying wolf." But in wishing to settle the matter myself I might have uncovered one instance where my actions did contribute towards one of the most grave attacks in our Nation's history.

At 2 a.m. July 22, 2016, a lone gunman entered an Orlando nightclub and proceeded to kill 49 people in what became the most deadly mass shooting in American history at the time. In a 911 call the gunman stated, "They need to stop the U.S. airstrikes, okay? This went down because a lot of women and children are getting killed in Syria, Iraq, and Afghanistan." The gunman, Omar Mateen, was killed by police three hours after his bloody, homicidal rampage began. It goes without saying, Omar Mateen was a deranged homicidal lunatic who could in no way justify the killing of 49 innocent people that night.

Tragically, this is a story all too common in American life today: a maniac believes himself aggrieved and unheard, with easy access to a gun. What is unique to this case is the gunman's stated motives. Though it in no way excuses his heinous crimes, it is impossible to deny that airstrikes in the Middle East have often dismissed innocent people as "collateral damage." When I consider my own participation in the drone program I worry that my past actions have given provocation to would-be terrorist Omar Mateen to carry out his vengeful fantasies.

In that sense, my actions have contributed greatly towards the potential harm, or to use the CIA's term - "blowback." I'm left to wonder if only I'd had the courage to come forward sooner with my disclosures could I have prevented such a tragic loss of life? Of course there's no way to be absolutely certain of anything but I sometimes wonder if Omar Mateen had seen someone accept responsibility and show remorse for their part in the war, would it have reached the part of his heart that still held onto a shred of humanity? If so, maybe he and his 49 defenseless, innocent victims would be alive today. Best rule: to prevent terror on us we must stop the terror on them.

Nevertheless, I am here to answer for my own crimes and not that of another person. And it would appear that I am here today to answer for the crime of stealing papers. For which I expect to spend some portion of my life in prison. But what I am really here for is having stolen something that was never mine to take: precious human life. For which I was well-compensated and given a medal. I couldn't keep living in a world in which people pretended things weren't happening that were. My consequential decision to share classified information about the drone program with the public was a gesture not taken lightly, nor one I would have taken at all if I believed such a decision had the possibility of harming anyone but myself. I acted not for the sake of self-aggrandizement but that I might some day humbly ask forgiveness:

Please, I beg you, forgive me, your honor, for taking papers as opposed to the lives of others. I could not, God so help me, have done otherwise.



France

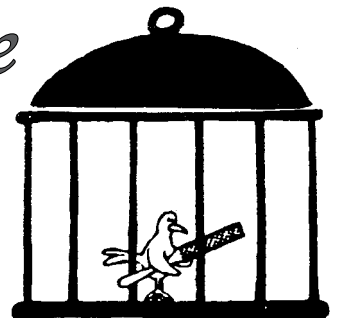
Seven opponents of France's plan for a nuclear waste dump near the village of Bure were acquitted on September 19 of criminal association and organized crime, the most serious charges they faced. These allegations were behind nearly three years of a special judicial investigation of unprecedented scope and police action. The seven defendants (and three others) had been under strict court control of their movement and communications, forbidden to travel to the region or to meet or talk with each other. These restrictions have now finally been lifted, pending the government's appeal of the verdict to be heard in February.

On the remaining charges, one person received a nine month prison sentence for organizing an undeclared demonstration and participating in certain group activity after being summoned to court. Another was sentenced to 12 months for possession of explosives. Both are free on appeal. Three people received a nine month suspended prison sentence, and another a six month suspended sentence. One person was acquitted of all other charges. Their convictions are being appealed by the defendants, as well.

The court has also confiscated all items seized in various home raids and searches during the investigation, such as personal papers, telephones, computers and printers.

More than 500 opponents of the dump participated under COVID protocols in a 10-day summer festival of community, public education and nonviolent action - Les Rayonnantes - in August. One person was arrested "during a festive and determined gathering on the fringes of the camp" and held in jail for 48 hours, accused of degradation and refusing to present identification or submit to DNA sampling.

Update Files



SARDINIA: The first session of their trial began on December 6 for 45 Italian anti-militarists. Their indictment on various charges had been affirmed by the court in September, following a years-long investigation into the popular A Foras movement. A Foras has mobilized support across broad sectors of Sardinian society for an end to the island's domination by military training and ordnance testing. The next session is scheduled for March 31 in Cagliari...

BANGOR: A county judge in Washington state who has presided over previous protest cases again refused entreaties to uphold international law over a traffic statute. Five men who crossed a line in the road last August 9 at the Trident nuclear submarine base appeared September 28 - some from the courtroom, others via video conference - before Judge Marilyn Paja, who presided via video over a hearing to mitigate their penalties for being unlawfully in the roadway. After hearing their statements, Paja complimented each on their dedication to peace, and wished aloud that more could hear their testimony. She agreed to reduce each man's fine to \$25, but refused to dismiss the charges, concluding that she recognized both the right to protest and the validity of the statute. Three codefendants had their citations mitigated by mail...

FASLANE: One day short of six weeks in jail for refusing protest-limiting bail conditions, Willemien Hoogendoorn was in court with another peace camper on September 26 for their Hiroshima Day "breach of the peace" arrest at the gate of the British nuclear submarine base, only to learn the charges against them were dismissed, "no case to answer"...

INTERNATIONAL NOTES

England, cont.

continued from page 1

By opening day, they had scouted out the scene. In the entrance lobby of the massive hall, directly in front of Lockheed Martin's exhibit, one man filmed while three others ignited pink smoke grenades. They shouted opposition to the event before melting into the crowd. Police caught up with the cameraman, however, eventually charging him with theft because he'd been holding the others' wallets. During eight hours in custody, military police told him that the other 28 crew members from the events company he'd hired on with had been shut out of the job for security reasons. The theft charges were dropped once police understood what had happened.

Also on opening day, two members of Palestine Action were arrested after they scaled a fence and covered the delegate's entrance in red paint, symbolizing blood.

Over the last two years, Palestine Action has engaged in a series of nonviolent direct actions across Great Britain targeting Elbit factories and subsidiaries there. At least a dozen prosecutions of its activists are ongoing. Elbit is Israel's largest private arms firm, producing 80% of its drone fleet.

In Liverpool, an Electronic Warfare expo took over the city's exhibition center for two days, October 11 and 12. Two weeks before the event, 3,000 people had marched in opposition, but the mayor said she was powerless to stop it. Demonstrations began the night before when two



Extinction Rebellion activists used a tripod and lockdown devices on November 4 to block entrance into the Three Counties showground in Malvern, England, where an arms expo was underway.

Palestine Action protesters climbed up on the roof of the building, where they set off flares and displayed the Palestinian flag.

One rooftop protester told the Liverpool Echo, "We've written to MPs, we've written to councilors. We've tried every method we can to get this canceled. We've spoken to the people who own the building and so on. And we haven't been able to get it canceled, so we're doing this action to hopefully have it called off."

Citing reports of plans to commit criminal damage

program, the B61 free-fall bombs currently at Volkel and the other nuclear sharing bases in Europe are scheduled over the next months to be replaced with a new model, the B61-12, with steerable tail fins intended to make them much more precise and deployable. The new bombs also have a facility with which the explosive force can be set from 1 to 50 kilotons, more than three times the power of the bomb that destroyed Hiroshima in 1945.

"More precise and deployable" is another way of saying more likely to be used, and with these new, more flexible weapons on hand, U.S. war planners are thinking up more ways to use them. In a June, 2019 report by the U.S. Joint Chiefs of Staff, "Nuclear Operations," it is suggested that "using nuclear weapons could create conditions for decisive results and the restoration of strategic stability... Specifically, the use of a nuclear weapon will fundamentally change the scope of a battle and create conditions that affect how commanders will prevail in conflict." If the doctrine of mutually assured destruction – the knowledge that the devastation wrought by a nuclear exchange would leave no winner, would be total and horrible beyond imagination – is what helped prevent a nuclear war over the last decades, then the growing delusion among U.S. war planners that a nuclear war can be won puts the world at unprecedented peril.

NATO boasts of "Steadfast Noon," betraying the arrogant conviction of the Allied Heads of State and Government that despite a "deteriorating security environment," through annual displays of brute force and profligate waste of fossil fuel, the darkness can be held at bay forever and the exploiters of the earth and its people will bask in the everlasting light of noon. The scholars at *The Bulletin of the Atomic Scientists* who have kept a "Doomsday Clock" since 1947, propose instead that the planet is actually closer to midnight, the hypothetical global catastrophe. The *Bulletin's* Clock is now at 100 seconds before midnight and humanity is closer to its destruction than ever before, because "the dangerous rivalry and hostility among the superpowers increases the likelihood of nuclear blunder... Climate change just compounds the crisis."

It was a pleasure and honor to dig with my European friends at Volkel in October, as it was to be at Büchel, the German nuclear sharing base in July. My first trip overseas was in 1983, joining with millions of Europeans in the streets protesting the deployment of Pershing II nuclear missiles, starting an insufficient but dramatic reduction of nuclear weapons that is tragically being reversed today. The new B61-12 bombs slated for Volkel and Büchel, like the B61s and Pershings before them, are made and paid for in the United States and as U.S. citizens, we are responsible to be in solidarity with those in Europe who are resisting them.

I returned home to Iowa to find a letter waiting for me from the Kansas City Municipal Court, ordering me to appear on February 18 to answer to a charge of trespass last May at the National Security Campus there, where the nonnuclear parts of the new improved B61-12 bombs and the rest of the U.S. nuclear arsenal are produced. My conviction for cutting a fence at Büchel in 2019 is under appeal in a German court. I wait expectantly for a royal invitation to offer my defense to similar charges in the courts of the Netherlands.

at the expo, a police "dispersal zone" was ordered for the entire Kings Dock area, where a protest march and multiple demonstrations were planned on Monday. That day police arrested two people at a nearby hotel on suspicion of conspiracy to commit criminal damage related to the protests. Two more people were arrested that evening for criminal damage, suspected of spray painting graffiti. On Tuesday, two more arrests for public order offenses and obstructing a police office were reported on the front lines of the demonstrations.

Farther south, on November 4 dozens of peace activists, arms trade opponents, Extinction Rebels and local Quakers joined to demonstrate and block multiple gates to the Three Counties Defence and Security Expo hosted at the Three Counties Showground in Malvern. Police escorted some traffic around the lock-on blockades and a tripod, but no arrests were made. Activists believe that specially equipped police cutting teams were all in Scotland to deal with the massive protests and lock-ons outside the COP 26 climate confab.

Turkey

Last March, on the 10th anniversary of the Fukushima nuclear reactor multiple meltdown catastrophe, members of the Anti-Nuclear Platform (NKP) gathered for a press statement and balloon release in front of the Akkuyu nuclear power project, under construction on Turkey's southern coast. Police prevented the demonstration and charged seventeen activists with violating the law governing demonstrations. At their trial on November 16, one defendant testified, "If we are to be penalized for laying claim to the soil, water, nature and environment of this country, so be it. We will keep on defending nature under any circumstances." While admonishing their failure to give proper notice of the demonstration, even the prosecutor demanded the defendants be acquitted, as they were.

Germany

A third U.S. citizen has been convicted in a German district court over ongoing protests at Büchel air base, where an estimated 20 U.S. nuclear weapons are stockpiled under NATO's "nuclear sharing" policy. Meanwhile, two German women have taken their Büchel convictions to the European Court of Human Rights, where the legal case against this deployment of U.S. nuclear weapons in Germany could be heard for the first time.

Their cases are among a few dozen working through the courts as a result of "go-in" actions at the base in the summers of 2017, 2018 and 2019. Fences were cut and activists from several countries arrested inside the base on multiple occasions.

Susan Crane, a member of the Redwood City, California Catholic Worker community, returned to Cochem, Germany for her September 29 trial. She was charged with trespass and property damage for actions on July 15 and August 6, 2018, when she and others entered the base and climbed atop protected aircraft shelters, some of which house the U.S. nuclear weapons. While the judge generally agreed that these weapons at Büchel are in fact illegal and immoral, he rejected Crane's defense of crime prevention under international and humanitarian law, claiming she did not actually stop any crimes. She was fined the equivalent of €250 or 50 days in jail.

Crane will present her appeal to the regional court in Koblenz in January, which has reduced some penalties but rejected other appeals.

John LaForge, co-director of Nukewatch in Wisconsin, was the second American convicted last May on the same charges for the same actions. His appeal was heard by the Koblenz court on December 9 and rejected. A selection from LaForge's original testimony is reprinted in this issue, beginning on page 3.

Two German defendants from the same 2018 actions, Stephanie Augustin and Marion Küpker, have already appealed their convictions through to the German Federal Constitutional Court in Karlsruhe. That court curtsied out of the matter with the reminder that under federal law "reasons need not be given for a decision refusing to accept a constitutional complaint."

In the past 25 years, all 14 constitutional complaints from the peace movement have been rejected by the Karlsruhe court. Thus blocked by German courts, the women have asked the European Court of Human Rights to consider their appeal to international law as their refuge from prosecution for actions taken against U.S. nuclear weapons in their country. They await the court's decision whether to hear the case.

For more information, visit gaa.org and www.atomwaffenfrei.de/home.html.

Netherlands, cont.

continued from page 1

bases that house nuclear weapons in the United States, signs on the fences carry warnings of lethal force. Even touching such a fence can trigger an armed response. Break-ins like ours on October 20 when they happen in the U.S. almost always merit prosecution and sometimes years in prison. On several occasions, I have spent up to six months in U.S. prisons for even attempting to enter a military base through its public main gate with a petition.

Whether the level of security at a facility with nuclear weapons is as casual as it is at Volkel or the very highest, as at the fortress-like Y-12 facility at Oak Ridge, Tennessee, where in 2012, three Christian pacifists gained access to the world's largest depot of highly enriched, weapons-grade uranium, such actions prove that the concept of nuclear security is a myth. Far from keeping a nation secure, the weapons themselves need more protection than any nation can give them. There is no safety in nuclear weapons.

The context of our protest, "Steadfast Noon," was explained in classical double-speak in a brief NATO press release on October 18: "The exercise is a routine, recurring training activity and it is not linked to any current world events," but at the same time it cites the Allied Heads of State and Government, who at the NATO Summit in June, declared that "given the deteriorating security environment in Europe, a credible and united nuclear Alliance is essential."

Along with the Netherlands, Belgium, Italy, Turkey, and Germany also have bases housing U.S. nuclear weapons under similar sharing agreements. These nuclear sharings are not agreements between the various civilian governments, but between the U.S. military and the militaries of those countries. Officially, these agreements are secrets kept even from the parliaments of the sharing states. These secrets are poorly kept, but the effect is that these five nations have nuclear bombs without the oversight or consent of their elected governments or their people. By foisting weapons of mass destruction on nations that don't want them, the United States undermines the democracies of its own purported allies, just as its nuclear posture undermines democracy at home. Far from protecting the host countries from aggression, "given the deteriorating security environment in Europe," the presence of U.S. nuclear weapons makes those bases potential targets for preemptive first strikes.

Along with the U.S., the five countries "sharing" U.S. nuclear bombs are signatories to the Nuclear Non-Proliferation Treaty. In addition to provisions that call for keeping nuclear weapons technology from spreading to other nations that all six governments violate, the United States also ignores Article VI of the treaty, which requires "all Parties undertake to pursue good-faith negotiations on effective measures relating to cessation of the nuclear arms race, to nuclear disarmament, and to general and complete disarmament."

Far from making good faith measures for general and complete disarmament, the United States is pursuing a trillion dollar program of modernizing and "life extension" of its ageing nuclear arsenal. As a part of this

New President, New Peltier Clemency Petition

A new petition for executive clemency for Leonard Peltier has been launched, calling on President Biden to act where at least four previous presidents have not. Peltier's Day of Mourning letter on this page mentions former U.S. Attorney James Reynolds, his latest prominent public ally. Mr. Reynolds was the U.S. Attorney whose office prosecuted Peltier, and in July he wrote to the President "to beseech you to commute the sentence of a man who I helped put behind bars... To continue to imprison Mr. Peltier any longer, knowing all that we know now, would serve only to continue the broken relationship between Native Americans and the government."

Leonard Peltier's support committee recently tweeted, "Emergency open heart surgery, loss of sight in one eye due to a long ago stroke in prison, diabetes, heart trouble, untreated abdominal aortic aneurysm, prostate concerns... 77 years of age with 45 years served. What's the point?"



Please sign the clemency petition at freeleonardpeltier.com. Letters of support should be sent to Leonard Peltier 89637-132, USP Coleman I, POB 1033, Coleman, FL 33521.

Preventing, cont.

continued from page 3

attacks. From then (1945) on, not only was the commission of indiscriminate destruction unlawful: since then, the planning of mass destruction is a criminal conspiracy before the fact.

The United States position at Nuremberg was that individuals who participated in the planning of a war "in violation of international treaties," committed war crimes before the fact. This argument was made by Justice Jackson, Chief Prosecutor for the United States at Nuremberg: "The case presented by the U.S. will be concerned with the brains and authority back of all crimes... We want to reach the planners and designers, the inciters and leaders..."

... Germany and the United States are both parties to all the major international laws of war. Taken together, these treaties provide citizens a lawful privilege to peacefully and reasonably inspect, investigate, interrupt or interfere with government conduct suspected of violating these fundamental rules. I submit that I have a positive defense in this case of privilege under international law, the treaties binding on the government of Germany under the Basic Law and binding on the U.S. government under the Constitution of the United States.

Positive defense of privilege under international law

The Büchel air base with its U.S. hydrogen bombs creates a threat of mass destruction that violates international law. The illegality of threatening nuclear mass destruction was declared in the 1985 Jarka case of nuclear weapons protesters in the U.S. State of Illinois, by Judge Alphonse F. Witt. Judge Witt instructed the jury saying: "The use or threat of use of nuclear weapons is a war crime or an attempted war crime because such use would violate international law by causing unnecessary suffering, failing to distinguish between combatants and noncombatants, and poisoning its targets by radiation." The defendants were found Not Guilty.

German courts have ruled that more "suitable, appropriate means of averting a danger" — alternative to violating the trespassing law — are available to me. Yet the alternative means often suggested, such as speech on public streets, in parks, in auditoriums, the release of information to the news media, lobbying government representatives through letters, petitions and the like, which have been practiced by me and millions of others for decades, can be shown to be naive regarding nuclear weapons.

... no progress has been made. In fact, costly plans are now underway to tear up the 2010 mandate and instead of ousting the bombs, replace the existing U.S. B61 nuclear weapons in Germany with brand new H-bombs known as B61-12s beginning as soon as 2024. It appears that the "suitable, appropriate" means have been nullified if they were not a ruse.

Additionally, nuclear lawlessness was evidenced by the U.S. government's violation of the Non-Circumvention Clause of Article 12 of the SALT II Treaty by its deployment of Pershing II and Cruise missiles in the Federal Republic of Germany in the 1980s. Examples of recent international U.S. crimes include the 2003 bombardment and invasion of Iraq, done without UN Security Council authorization; its use of torture against kidnapped suspects around the world, and the shocking recent death squad-like assassination of Iranian major general Qasem Soleimani, five Iraqi nationals and four other Iranian nationals with a drone strike — all of these actions done in blatant disregard of the United National Charter and the Geneva Conventions.

Having so much evidence of acts of international lawlessness by the United States, I believe it was reasonable, suitable and appropriate to nonviolently attempt to inspect, interrupt, and raise an alarm over the joint German/U.S. operations at the NATO air base Büchel before its illegal nuclear attack preparations take a similar turn.

German courts have held that the routine planning and training for nuclear attacks using the U.S. nuclear weapons at NATO air base Büchel, is not a "sufficiently concrete danger" and a "solely abstract possibility," and therefore not an urgent enough crime or event to require civil intervention on my part. I believe this position is a willful denial of the present-day "launch on warning" nuclear weapons attack policies and plans, including "first-strike" or "counterforce" attack plans, which have caused hundreds of near nuclear attacks by accident, miscalculation, and mistake...

The question of a "concrete danger" was part

continued on page 7

WRITINGS FROM PRISON

~ from USP Coleman

by Leonard Peltier

Day of Mourning Statement

Greetings Relatives,

Each year as November nears I try to think back on all that has happened in my world in the past 12 months. And I know that in my world I can only see a very small part of what is happening on the outside. For me, this year somehow seems to carry more weight than usual.

I have passed ever so slowly into the world of the elderly. I am now closer to 80 than to 70. The truth is I never believed I would live this long. I was just past 31 years old when I came to prison. It was almost half a century ago. My body is now the body of an old man. And it is harder to try to keep myself from being overtaken by sickness or depression or loneliness. They are constant companions here. I keep them at arms length and I know I cannot ever let them overtake me. If I allow that to happen it will be the end. There is no mercy here. No compassion.

I cannot even imagine what it is like on the outside. I only hear stories and cannot believe half of what I hear.

For me, the best days here at USP Coleman 1 in Florida were the days when we could be outside in the yard and feel the sun. Even though they purposely built the walls so high that we cannot even see the treetops, the occasional bird or butterfly gives a welcome glimpse of our relatives in the natural world, but even that is very rare now.

I know COVID has cost all of us, you and me, in many ways. And I offer my condolences for all of you who have lost loved ones and friends to it.

Here inside the steel and concrete walls it is no different. Constant lock downs caused by both COVID and Violence have made life here even harder than usual. I have not been allowed to paint in eighteen months and we are almost always in some form of lockdown.

We are stuck in our cells for days at a time. It is an extremely rare day when we get to go outside to the yard.

I feel moved to try to explain something that has been on my mind for many years. I think maybe it will be helpful if I say the words out loud.

When we started to emerge from the darkness of Residential schools it became clear that we had to go back to try and reclaim what they robbed from us.

And what they robbed us of was the very heart of who we were. Our language, our ways and our connections back home. They wanted us leaving those "schools" thinking like little non-Indians who would just go along with the program and not rock the boat. Even with all the terrible damage they did to so many of us, many of us did survive them. And then we began the process of reclaiming our culture and way of life. I know that process continues to this day.

I am so deeply saddened in hearing the stories of all the children's graves they are finding at Residential schools. I guess I was one of the lucky ones who made it home. But the death of those children is so sad and outrageous and I am glad the world is finding out at last.

Back then even our home at Turtle Mountain was under threat of Government termination. I remember how hard my Dad who was a World War II veteran fought to save us.

Over the years we fought so many fights to keep our way of life alive and protect the natural world.

After our family was relocated to Portland, Oregon I took part in the fishing struggles with Billy Frank and his Nisqually people at Frank's Landing. The rednecks were cutting up their nets and attacking both woman and men who just wanted to continue to fish as their ancestors did.

And when they shot Hank Adams it was a very dark time and outraged all of us but we stood strong to protect the Nisqually people. I will always be proud of that.

There were so many outrages back then.

When the land at Fort Lawton in Washington state fell into disuse we went there and occupied it under old treaty law. That was also a hard time. At one point soldiers were pointing flame throwers at us. But we held our ground and

THE INSIDE LINE



eventually they gave in. We put our good friend Bernie White Bear in charge and he helped to build the Daybreak Star Center that is still a great asset to Indian people today. Bernie is gone now as are so many of the others from those days.

Same thing when we took the abandoned Coast Guard Station in Milwaukee with Herb Powless. Our actions might have been unpopular at the time but they led to a school, alcohol treatment center and employment office. The school is still thriving and is an asset to the Native community and the Milwaukee area. Herb is gone, too.

So even though the price we paid was very, very high, we did make things better for our people and we did help to turn things around.

I wonder if many people understand the events in our history and how connected they are. I was born in 1944. The massacre at Wounded Knee was in 1890. That was just 54 years earlier and both Geronimo and Chief Joseph died only 35 years earlier in 1909. Think about that. Thirty-five years ago now it was 1986. Not very long ago at all.

I want to leave you with some positive thoughts.

Retired United States Attorney James Reynolds did an interview with the *Huffington Post* last week and actually apologized to me for all the wrong they did to me. I hope that is spread all over the world and I am grateful to him.

I can say that I am heartened and encouraged by the courageous water protectors from Standing Rock to the beautiful manoomin (wild rice) lands of northern Minnesota.

I am proud of Winona LaDuke and her peoples' work to protect those beautiful lands and lakes and her work to offer alternatives to fossil fuels.

Using hemp could fix so many things. It is not something we can fix in a year or ten years but it is something that all reasonable people should understand.

We cannot poison the water that sustains us. All of us. Not just Native and First Nations people, but all people. We have that in common. People should understand, we are trying to protect our homes and our natural lands. Water IS life.

And I am deeply grateful for the courage and Vision of Deb Haaland, the new Secretary of the Interior Department. I know she went to Alcatraz this week. That is an acknowledgment that what we did was right and honorable. I was not at Alcatraz but those of us, women and men who stood up in those days, were right. And in other parts of the country we formed our own branches of United Indians of all Tribes. So their efforts led to others joining in.

I heard that Deb Haaland said that the day has come when Indians no longer have to protest to be heard by the U.S. government. That is music to my old ears.

Our people were, and many still are, suffering. Anyone of any race would do the same things to stop the sufferings of their people.

I wish all of you good health and happiness in all you do. You are in my prayers and I am grateful to all of you who have supported me or will support me going forward.

I still hold out hope that I can make it home to Turtle Mountain while I can still walk out under my own power.

I remain grateful for the gift of life.

In the Spirit of Crazy Horse,
Doksha,

Leonard Peltier

[Leonard Peltier is serving two life sentences, wrongly convicted for the 1975 deaths of two FBI agents while defending traditional indigenous from threats including uranium mining on the Pine Ridge Indian Reservation.]

Preventing the Crime of Nuclear Sharing, cont.

continued from page 6

of the 1984 trial noted earlier where I was charged with damage to computers for directing nuclear-armed missiles fired from Trident submarines. When the prosecutor said I could not prove that the danger of nuclear war was "imminent", the presiding judge interrupted him in mid-sentence. Senior U.S. Federal District Court Judge Miles Lord nearly shouted from the bench: "He doesn't have to prove 'imminence.' We could all go at any minute."

Further, the journal *Bulletin of the Atomic Scientists* has publicly set its famous "Doomsday Clock" to "100 seconds to midnight," calling the danger greater than it has been since 1947. The clock is the international scientific group's best assessment of the current risk of an outbreak of nuclear attacks.

The court's position that the risk of nuclear attacks is "solely abstract" and not "sufficiently concrete" is, I believe, a shocking and dangerous misstatement of fact. It indicates a flippant and disinterested mode of thinking regarding nuclear weapons reality. It is the reason Albert Einstein warned everyone: "The unleashed power of the atom has changed everything save our modes of thinking, and thus we drift toward unparalleled catastrophe."

Civil resistance or nonviolent interference with NATO air base Büchel is not an unlawful offense, but an act of crime prevention and raising a public alarm. International law, and laws of the United States and Germany require that citizens refuse to condone, participate in, or ignore criminal governmental conspiracies to commit war crimes, and these binding laws establish a duty to interfere with government conspiracies to commit war crimes. My freely taken acts of warning and inspection at NATO air base Büchel were a civic duty, a lawful obligation, and acts of attempted crime prevention.

Rehearsals and schooling for European mass destruction at Büchel

Routine preparations and rehearsals for attacks with U.S. nuclear weapons are regularly conducted by the U.S. Air Force 702nd Munitions Support Squadron and the German Air Force's 33rd Fighter-Bomber Wing. It is often reported. Headlines from October 2020 included, "German Air Force training for nuclear war as part of NATO;" and "NATO Holds Secret Nuclear War Exercises in Germany." From 2017, "NATO nuclear weapons exercise unusually open." In 2015, "NATO nuclear weapons exercise Steadfast Noon in Büchel."

The U.S. military also plans and prepares nuclear attacks at its Defense Nuclear Weapons School [DNWS] of the Air Force Nuclear College...

Air Force fighter jet exercises for nuclear weapons attacks, and Air Force schools teaching the targeting of nuclear weapons, are precisely the planning and preparations that Nuremberg law was designed to prohibit. They also violate the Treaty on the Nonproliferation of Nuclear Weapons (NPT) Articles 1 and 2, the United Nations Charter and other binding international laws ratified by the United States and Germany.

Weapons effects well known in advance

The reason nuclear attack threats are unlawful is that the effects of hydrogen bomb detonations are well-known, inevitable and intentional massacres, caused by uncontrollable, indiscriminate, and city-size blast destruction, ferocious mass fires, and vastly widespread radiation burns and radiation-related diseases and genetic damage. Deliberately planning to cause these effects is prohibited because of treaties binding on Germany and the U.S... And official government nuclear attack planners have publicly documented that their work was to plan and threaten mass destruction.

U.S. nuclear war planners have planned and prepared to use their nuclear weapons in attacks on Eastern Europe that they knew would kill 600 million people, according to Daniel Ellsberg, who helped design these plans...

These estimates of suicidal mass destruction were known in high places in Germany. The future Chancellor Helmut Schmidt shouted alarm at these plans, exclaiming in 1962 that the use of U.S. nuclear weapons "will not defend Europe, but destroy it."

Dr. Paul Nitze was Secretary of the Navy at that time, and was later a personal military advisor to President Ronald Reagan. In retirement Nitze wrote, "I can think of no circumstances under which it would be wise for the United States to use nuclear weapons, even in retaliation for their prior use against us." Even Admiral Noel A. Gayler, former Commander-in-Chief of U.S. forces in the Pacific, said, "There is no sensible military use of any of our nuclear forces."

Closing

Over the past four decades, I've been a part of successful civil resistance actions and campaigns in pursuit of eliminating and abolishing nuclear weapons. These successes convince me of the wisdom of Pennsylvania Superior Court Justice Spaeth's opinion in *Commonwealth v. Berrigan*, noted earlier that, "...their action, in combination with the actions of others, might accelerate a political process ultimately leading to the abandonment of nuclear missiles." And these successes illustrate the strength of my argument that my actions on July 15 and August 6, 2018 were a reasonable and appropriate means by which to expose and bring to an end the ongoing criminal conspiracy to commit mass murder taking place at Büchel air base.

In the 1984 case I mentioned earlier, Senior U.S. Federal District Judge Miles Lord set me and my partner free rather than imprisoning or even fining us. Like Germany's Helmut Schmidt before him, Judge Lord was shocked by nuclear attack plans that cause hundreds of millions of deaths. In open court Judge Lord asked, "Why can we even entertain the thought that all people on one side of an imaginary line must die and, if we

be so ungodly cynical as to countenance that thought, have we given thought to the fact that in executing that decree we will also die? ... How many of the people in this democracy have seriously contemplated the futility of committing national suicide in order to punish our adversaries?" Judge Lord's extraordinary statement was heard and published around the world; its educational value, and the Judge's decision not to punish our disarmament conviction, can be seen

as a successful result of civil resistance to self-destructive nuclear madness.

In 1988, our Nukewatch book *Nuclear Heartland* was published showing the public exactly where the U.S. inter-continental ballistic weapons were placed. The book inspired hundreds of protests, rallies, marches and civil resistance actions for which dozens were imprisoned, some for many years. By 2015, when I co-edited a second edition of *Nuclear Heartland*, the total number of ICBMs had been cut from 1,000 to 450.

In 1990, a U.S. communications system called Ground Wave Emergency Network, was designed and being built for use during and after general nuclear war. The system was canceled after a group of us was sent to jail for 45 days for interrupting part of its construction in Wisconsin.

In 1996, I was a paralegal assistant for activists charged with sabotage for collapsing antenna poles for a U.S. Navy's one-way, first-strike nuclear war transmitter in Wisconsin. The disarmers were found Not Guilty of sabotage after expert witnesses explained the purpose of nuclear submarines, the effects of nuclear attacks, and the laws that forbid the planning of mass destruction. These acquittals convince me that the law is on my side.

In 2000, the U.S. Marine Corps canceled its "mock invasions" of public parks — a recruitment stunt the Navy said was aimed at 9-year-old kids — when five of us were jailed for one week for interfering with the "invasion."

In 2004, a Minnesota Circuit Court jury found me and three others Not Guilty of trespassing after we provided evidence that international law forbidding the use of poison excused our refusal to leave the premises of a manufacturer of uranium munitions used against civilians in Iraq.

In 2004, after a 15-year-long Nukewatch-coordinated campaign of nonviolent civil resistance that saw over 100 people jailed for a total of 11 years, the U.S. Navy submarine's nuclear first-strike signaling antenna called "Project ELF" (for extremely low frequency) was terminated.

In 2017, 2018 and 2019, I helped organize delegations of U.S. peace activists to Germany to participate in protests against the U.S. nuclear weapons at Büchel, and our efforts produced dozens of reports in the commercial and social media that the U.S. H-bombs are still here, and prompting citizens and parliamentarians alike to work harder for their removal.

On August 22, 2017, Martin Schulz, then the head of the Social Democrat Party and candidate for Chancellor, said, "As chancellor, I'd push for the ejection of nuclear weapons stored in Germany." On August 29, 2017, German Foreign Minister Sigmar Gabriel said during a trip to the United States that he supported Martin Schulz's demand that the U.S. nuclear weapons be removed. Meeting with then U.S. Secretary of State Rex Tillerson, Gabriel said, "I agreed with Mr. Schulz's point that we need to get rid of the nuclear weapons that are in our country."

On May 2, 2020, Rolf Mützenich, current head of the Social Democratic Party, said that the presence of



John LaForge and Ann Suellentrop cut their way into Büchel air base, July 15, 2018.

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U.S. nuclear weapons on German soil is a danger to Germany's security and should be terminated. Mützenich told the paper *Tagesspiegel am Sonntag* that "Nuclear weapons on German territory do not heighten our security, just the opposite." ... "The time has come for Germany to rule out a future stationing." Mützenich defended his remarks on May 7, 2020, writing, "I spoke out in favor of not prolonging technical nuclear participation and not replacing the tactical U.S. nuclear weapons stored in Büchel with new nuclear warheads. Incidentally, the CDU [Christian Democratic Union] and CSU [Christian Social Union] also called for the withdrawal of nuclear weapons in the [2010] coalition agreement..."

I submit that using reasonable, nonviolent means to personally inspect, investigate, raise an alarm over, and even interfere with or stop obvious, ongoing violations of binding international laws enacted to prevent massacres — even at the cost of committing infractions of petty domestic statutes — is both obedient to and respectful of domestic law and the fundamental rules of international humanitarian law (i.e., the Hague Conventions and the Geneva Conventions). It was not "unlawful" for me to gain entry to the air base without injuring anyone, because I did so for the perfectly lawful purpose of interfering with and eventually stopping ongoing U.S., German, and NATO crimes. I submit that citizens who become aware of the government's conspiracy to commit the mass murder of hundreds of millions of people using nuclear weapons and firestorms are duty-bound to take whatever nonviolent action they can to help bring these crimes to an end.

Everyone who is aware of these crimes must send a bold message to the power elite in the U.S., Germany, and NATO that ordinary people will no longer tolerate the government's criminal planning and preparation of massacres using nuclear weapons.

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Resistance Reflections, cont.

continued from page 2

The brutal and real violence of prisons is combined with their colorful mythology, which is nurtured not only by repressive states but arguably primarily by the mass media and cultural fiction professionals — through crime stories and moral panics by news media, the “infotainment” of “reality” shows, novels and the movie industry, as well as former inmates’ dramatic stories.

In a deep-seated way, this all adds up to make most people fear prison and stigmatize prisoners. Therefore, prison prevents crime and cures criminals in a very particular sense, by making the vast majority of society afraid of committing a crime.

On the other hand, prison is ineffective against those perceiving crime as a necessity for survival in a harsh reality, an attractive lifestyle full of treasures and opportunities, or a political means toward revolution. Ultimately, the walls of prisons are not physical, and it has nothing to do with the actual prison buildings. Instead, they are cultural, psychological and political walls permeating our societies. This imaginary network of walls makes people afraid to resist as victims of abuse, injustices and crimes upheld by powerful elites.

This perspective — as held by radical intellectuals such as Foucault, Deleuze, Hardt and Negri — suggests our societies are prisons or societies of discipline; “prison” is merely a symbol that maintains the disciplinary function.

The real prison inside of us and our culture operates when we decide not to rebel against systemic injustice and exploitation. It operates when we — who think and vote progressive, left or radical, who are privileged and middle class, as well as those living in poverty, unemployment, and with dire health care — allow the police to brutalize a Black person on the street without any reason.

It also operates when we tolerate the 1 percent, their mega corporations and big banks, to enjoy extreme affluence while exploiting ordinary people and our nature to the point of normalizing endemic poverty, creating climate collapse, and transforming our environment into

toxic wastelands. The prison system is effective when we obey the law of a system that is robbing our children of their future.

Every time we accept injustices, humiliations, discriminations and immoral behavior — just because it emanates from people in power — without fighting back and standing up in solidarity, we are indeed already locked up in the prison society.

People like the brothers Dan and Phil Berrigan — who, together with other anarchist Catholics in the 1980s, initiated the U.S. plowshares movement — have argued that to openly face the risk of prison is an essential part of resistance, since it is necessary to break the obedience that comes from our fear of prison. In this way, resistance is primarily a matter of breaking such fear and obedience, thus primarily a resistance against prisons.

Although it is important in itself to engage in the illegal direct actions of destroying the state’s mass-murder weapons, the plowshares movement’s actions are seen as a means towards a greater end; destroying the prison society that paralyzes our creativity, captivates our communities and diminishes our lives.

If even we who belong to a privileged class in society can go to prison and survive, potentially even creating a tolerable life with some little joy, we can break the real walls of prisons, and ultimately break their political function of repressing rebellions against systemic injustice.

When you resist prisons and their repressive function you also enter the prison community, the life inside jails. Those that tend to forcibly end up in prison belong to groups deemed outcast or criminal cultures, mainly Black, Indigenous, and people of color, or BIPOC. By definition, disproportionately few from privileged groups end up there.

Therefore, for people from privileged backgrounds, it can be a radicalizing experience, a very different political education presenting the reality of injustice, a chance to

socialize in the everyday with people from marginalized communities. It is then a unique chance to learn from the experiences of marginalization.

The risk with this kind of system-critical approach to resistance that puts prison in focus, is of course that it emanates from a very privileged place — it might even appear to romanticize prison. That is seriously delusional, since it then becomes the opposite of a radical prison critique; an idealization of prisons’ inherently violent and brutal dehumanization, primarily against non-privileged people. Such a distorted perspective clearly comes not only from a privileged place, but also a politically naïve one, from those confident that they do not risk prison simply because they are not BIPOC within a white racist society.

Therefore, the point I make is the opposite of romanticizing prison. Prisons are inherently violent systems of humiliation that contribute to certain societal groups’ marginalization and stigmatization, in branding non-privileged cultures or people “criminal.” My point is that the reason we still keep these seriously insane institutions is because they keep the vast majority of law-abiding citizens in line: productive and obedient.

This highly effective function of the prison system only works if those who are critical of the society, but come from a privileged position, continue fearing prison. It is in itself an expression of privilege to believe that you can really challenge elites and vested interests in society and still avoid incarceration. If the masses of a revolutionary movement enter prison and continue to mobilize inside and create solidarity links with those inside and outside, prisons will be exposed for what they are: means of repression of all citizens by exploitative elites.

Thus, although it might sound absurd, doing resistance is both about resisting injustices in society, and about tearing down prison walls, by accepting to go to prison for something you believe in. Privileged people doing time is key to destroying the cultural fear of prison. Ultimately, this is necessary, since in order to be truly human and create the Beloved Community sometime in the future, we must liberate ourselves from our morally corrupting obedience to injustice, especially those of us who benefit from the existing system through our privileges.

the Nuclear

Resister

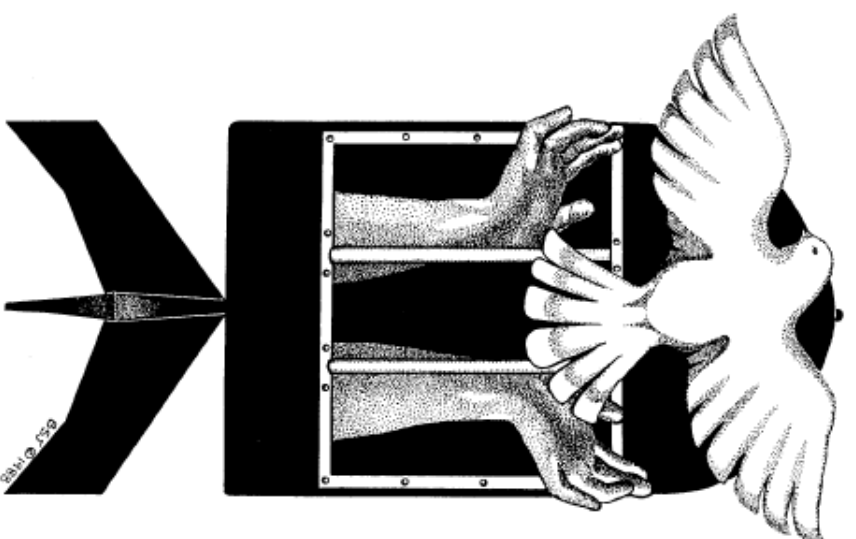
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