NUKEWATCH PATHFINDER

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News & Information on Nuclear Weapons, Power, Waste & Nonviolent Resistance

Photos by CircleVision.org

Citizen Inspectors Found Not Guilty of Trespass

"Claim of Right" Against Illegal Weapons Production Trumps State Statute

By John LaForge

MINNEAPOLIS, Minnesota — In a stunning victory for the campaign against uranium weapons, a six-person jury in Minneapolis, Minnesota found 19 peace activists not guilty of trespassing at Alliant TechSystems in Edina, Minnesota. Alliant is the nation's number one assembler of "depleted" uranium projectiles, the toxic, radioactive munitions made of uranium-238.

The October 17 verdict was a vindication of 28 anti-war activists who crossed onto Alliant property April 2, 2003. The group attempted to conduct a "citizens weapons inspection" of the site, Alliant's world headquarters, and to deliver a letter to the company heads demanding that Alliant provide testing for DU-exposed employees to determine their level of contamination.

About 300 demonstrators converged on the world headquarters of Alliant TechSystems in Edina, Minnesota last April 2 (top), and 28 were arrested for trespassing at the site (above). Alliant is the nation's largest manufacturer of radioactive waste munitions — referred to by the military and industry as "depleted uranium." More DU stories are on pages 1, 3, 4 and 5.

As defendant Steve Clemens wrote in the Minneapolis weekly *The Pulse*, "Using provisions from the U.S. Constitution and international humanitarian law, the defendants successfully argued that the manufacture, sale, stockpiling, as well as the use of weapons containing this radioactive waste is illegal." Alliant has manufactured more than 15 million DU shells. The *Wall Street Journal* reported in 2001 that a single 30-millimeter projectile costs the Pentagon $21.50. That amounts to at least $322.5 million in old fashioned, patriotic, profiteering by Alliant.

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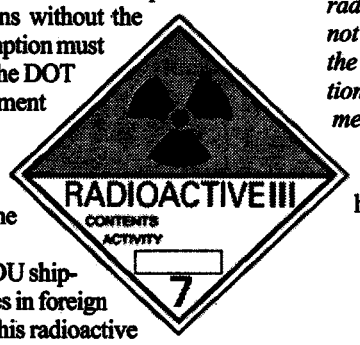
DU Weapons Shipments: Explosive, Radioactive, Secret

By Glen Milner

The U.S. military does not want the public to know how and when "depleted" uranium (DU) munitions are shipped through their communities, for fear of "unnecessary public concern about radiation risks associated with DU munitions." Normally this type of shipment must be labeled with both Department of Transportation (DOT) "Radioactive" and "Explosive" placards. However, branches of the military have a DOT exemption which allows them to ship DU munitions without the "Radioactive" placard. The exemption must be renewed every few years by the DOT and the Military Traffic Management Command (MTMC).



The exemption expires June 30, 2004. Public pressure could force the DOT to deny the next exemption application.

Why should we care about DU shipments while devastation continues in foreign countries from the actual use of this radioactive weapon? By understanding the danger of shipping DU through our neighborhoods, we will better understand the damage done by firing DU in neighborhoods or testing grounds here and in other countries.

Identifying shipments of DU munitions en route to military bases inside the U.S. will expose them to the scrutiny that could eventually stop them.

What to do ... DU shipping information

DU munitions in our time of endless war are shipped on a daily basis on our nation's highways, railways, waterways, and through other countries.

DU is uniquely hazardous, consisting of a radioactive penetrator which breaks down into small particles when burned, and an explosive charge or combustible propellant in the shell of the cartridge. In an accident, DU munitions can burn and spread radioactive material. DU shipments are, in essence, the "dirty bomb" that our government warns us about.

In an accident involving a DU fire, it is very likely the driver would be hurt. Without proper placards, an incapacitated driver would not be able to communicate that radioactive material is involved in the fire, making it impossible for first responders to protect the public.

The government's own documents describe the dangers behind DU shipments and their exemption from placarding.

Military PR reasons for a "special exemption"

The original application to the DOT in 1986 from the MTMC stated three reasons for the exemption and also proves that the U.S. military knew in 1986 that DU munitions shipments were a potentially controversial issue.

An August 11, 1986 letter from the U.S. Army MTMC states, *There are three reasons for transporting Department of Defense DU munitions without drawing public attention by placarding trucks or marking munitions containers as radioactive. First, marking the outside of the DU munitions containers as radioactive may create friction with foreign governments when foreign nations handle DU munitions. ... Secondly, we do not want to generate unnecessary public concern about the radiation risks associated with DU munitions. Thirdly, we do not want to raise public concerns by placarding trucks with the words "Radioactive" and "Explosive" since the combination of these two hazard class placards may be construed to mean that nuclear weapons are being shipped. ...*

The danger: fire, contamination, inhalation

A May 14, 1984, Material Safety Data Sheet states the hazards of a fire involving DU:

8. *Should DU be handled in powdered form or should a DU penetrator oxidize resulting from a penetrator's involvement in an accident such as a fire, then the intake of DU aerosol or ash via inhalation, ingestion or absorption presents an internal hazard. ...*
11. *Anyone who may have inadvertently come in contact with material that is potentially contaminated with DU should be surveyed for contamination by authorized personnel as soon as possible, remove any clothing which may be contaminated, wash hands, arms, face and any other exposed parts of the body with soap and water. Do not eat, drink, smoke or apply cosmetics before being satisfactorily decontaminated.*

The Navy Radioactive Materials Permit also contains a supplement showing the hazardous potential of DU fires. The Navy permit application, dated August 21, 2002, contained a lengthy, informative section, applicable to any situation involving the combustion of DU:

Transportation Accident/Incident w/Fire

When involved in a fire, DU may oxidize, generating a downwind hazard in the form of a DU oxide dust plume. The significant health hazards associated with the dust plume are; 1) heavy metal poisoning from inhalation of the dust, and 2) the radiological hazards associated with inhalation of the dust. First responder[s] should adhere to the following information when approaching the scene of a DU fire.

a. *First responders should approach the scene from upwind and assure all non-emergency personnel are evacuated from all downwind areas. First responder[s]... should wear self-contained breathing apparatus respirators to protect against inhalation of any DU oxide dust or remain upwind of the fire. Evacuate the immediate vicinity of the accident. ...*
d. *Contact the nearest Explosives Ordnance Disposal (EOD) unit to inspect the load and determine the extent of damage. ...*
e. *... [A] radiation contamination control line (RCCL) should be established near the cordon entry control point and outside of the contaminated area. The number of emergency personnel who are to pass over the RCCL should be kept to a minimum. ...*
f. *...Injured personnel evacuated from the accident scene should be wrapped in a white sheet and tagged to identify possible exposure to DU contamination. Medical treatment for serious injuries takes priority over contamination surveys and decontamination efforts.*
g. *All materials including soil, clothing, packaging, pallets, vehicles and dismembered parts, etc. shall be surveyed. ... Contaminated materials should be disposed of per ... Low Level Radioactive Waste Disposal Program. ...*
h. *Once the fire has been extinguished, a smaller controlled area around the accident site must be maintained, until it has been surveyed by EOD and radiological personnel and ... the area decontaminated per local, state and federal laws and regulations.*
i. *All emergency response personnel may be contaminated with DU. Some of the personnel may sustain injuries while working at the scene, they should be decontaminated prior to receiving medical treatment, provided medical personnel concur. All equipment used at the fire scene shall be surveyed for radioactive contamination and decontaminated at the RCCL.*
j. *After EOD has declared the area safe from an explosive standpoint, radiation surveys will be performed to determine the extent of radioactive contamination. Areas noted to be contaminated shall be marked and decontaminated as soon as possible.*
k. *The chain-of-command/local military community will assure that waste receptacles are available ... for disposal of contaminated clothing and equipment. ...*

Not mentioned in the Navy's documents is how first responders would come to have any idea that a burning truck with an "Explosives" placard might contain DU. This is because the U.S. government does not want anyone to know.

— Glen Milner is a senior reseurcher for the Ground Zero Center for Nonviolent Action in Poulsbo, WA.

ACTION:

Contact the DOT Exemptions division and ask that it **immediately terminate and not renew the special exemption for DU, DOT-E 9649**. Depleted uranium munitions should have a "Radioactive" placard and an "Explosives" placard on all shipments.

Write to:
Mr. Delmer Billings DHM-31
Director, Office of Hazardous Materials
Exemptions and Approvals,
Department of Transportation
400 7th St. SW
Washington, D.C. 20590
Fax: (202) 366-3308
E-mail: delmer.billings@rspa.dot.gov

Please send a copy to <info@gzcenter.org> and share this information with local officials and others.

New Nuclear Weapons Still Being Concocted

By Molly Mechtenberg-Berrigan

On November 5, 2003, U.S. House and Senate negotiators reconciled their differences in the controversial spending bill for new nuclear weapons initiatives. They agreed to give President Bush and the Department of Energy (DOE) most of the money requested to study new types of nuclear weapons. The full House and Senate are expected to clear the spending bill soon and send it to Bush to sign into law.

The funding, part of the Energy and Water Appropriations Bill, gives the DOE $7.5 million to develop a "robust nuclear earth penetrator" for use against deeply buried bunkers. It grants $6 million to study smaller, so-called "low-yield" nuclear weapons commonly referred to as "mini-nukes." In order to pass this legislation, Congress had to repeal the 10-year-old Spratt-Furse Amendment, which banned research and development of nuclear weapons of less than 5 kilotons. The bill also authorizes $25 million to shorten the amount of time needed to prepare for a return to full-scale nuclear bomb testing from 24 to 18 months.

While both the nuclear earth penetrator and the mini-nuke may be designed to burrow into the ground to destroy a bunker, these weapons are not the same. The robust nuclear earth penetrator design has a yield of up to a megaton — one million tons of TNT equivalent — 80 times the force used on Hiroshima. Mini-nukes are nuclear weapons with a yield of less than five kilotons.

The Pentagon maintains that mini-nukes would be a better deterrent in a world of terrorism and small "rogue" states. The program would involve the development of nuclear warheads whose explosive impact is said by the military to be easier to control and to minimize collateral damage.

The term "mini-nuke" is deliberately misleading, connoting proportional force and little collateral damage. Yet, according to "*Nuclear Testing and Nonproliferation*," prepared by Gregory Van der Vink with the Lawrence Livermore Lab, a one-kiloton nuclear explosion will produce 41 billion curies of radiation one minute after detonation. (The Chernobyl catastrophe dispersed three-to-nine billion curies.) The effects of the blast and resulting fallout would be devastating and produce cancer-causing radioactivity that would remain in the environment and air, affecting the lives of thousands, if not millions, of people.

A "smaller yield" nuclear weapon blurs the line between conventional and nuclear weapons. The mini-nuke is heralded as a more "usable" weapon. The decision by the current administration to pursue such a weapon is an indication of future war-fighting in which nuclear weapons are more likely to be used.

The robust nuclear earth penetrator, commonly referred to as the "bunker buster," would be designed to destroy "hardened deeply buried targets" such as bunkers holding stores of chemical or biological weapons. Some of these underground bunkers are protected by 200 to 300 feet of hardened concrete. The Pentagon has advanced the idea that robust nuclear earth penetrators would tunnel deep enough to contain the explosion and therefore spare the surrounding population.

Dr. Robert Nelson, Princeton physicist and senior fellow at the Council on Foreign Relations, identified two primary problems with robust nuclear earth penetrators in a report published in the *Journal of Science and Global Security*. Nelson argues that the weapons cannot penetrate far enough into the earth's surface to prevent nuclear fallout, and the nuclear explosion would not produce enough heat to neutralize the chemical or biological agents.

The U.S. currently possesses about 50 B61-11 bombs, which were modified from existing high-yield nuclear weapons to act as earth penetrating bombs in 1996. However, the B61-11, weighing 1,150 pounds, can penetrate only about 20 feet into frozen soil. Research has shown that a weapon as small as 1 kiloton must be buried at least 200-300 feet to contain its radioactive fallout. A 100-kiloton explosive must be at least 1,300 feet deep. Otherwise the explosion simply blows out a massive crater of earth, which rains down on the region with especially intense and deadly radioactive fallout.

To act as a bunker buster, the weapon design must protect the warhead and associated electronics while it tunnels into the ground. Dr. Nelson maintains that if the hardest steel and alloy available is used, it could only penetrate 30 to 50 feet into rock or hard concrete, "Even for the strongest of materials, impact velocities greater than a few kilometers per second will substantially deform and even melt the penetrator." In some cases the fallout could include the active chemical or biological agents that the bomb is meant to neutralize. The argument that bunker busters are clean, surgical weapons is a dangerous and provocative myth.

Once the bill is signed into law, the weapons labs at Los Alamos in New Mexico and Lawrence Livermore in California can dream up new designs, verify their operation in supercomputer simulations and perform detailed feasibility and cost studies, including limited production of nuclear components for experiment. The DOE would still have to return to Congress for approval of "engineering development," the phase involving production of yet another experimental bomb.

Uranium Weapons Poisoning Iraq

How many of the toxic, radioactive uranium munitions known as "depleted uranium" were shot into Iraq during the recent takeover? While the question has not been definitively answered, Nukewatch has compiled some noteworthy estimates:

* Scott Peterson reported in *The Christian Science Monitor* in May 15 that a U.S. Central Command spokesman told him the A-10 Thunderbolt aircraft — the same planes that shot at the Iraqi Planning Ministry buildings — fired 300,000 bullets. The normal combat mix for these 30-mm rounds is five DU bullets to one, a mix that would have left about 75 tons of DU in Iraq. This estimate does not include DU fired from helicopters, Abrams tanks and Bradley fighting vehicles.

* Larry Johnson, in the Aug. 4 *Seattle Post Intelligencer*, says that Pentagon and UN estimates show that U.S. and British forces used between 1,100 and 2,200 tons of uranium shells during attacks on Iraq in March and April, far more than the official government estimate of 375 tons used in the 1991 Gulf War.

* Gulf War vet and DU researcher Dan Fahey says in an Oct. 2 *Rolling Stone* article by Hillary Johnson that 167 tons of DU were used in the U.S. takeover of Iraq. Johnson also reported that the DU was exploded, "not only in uninhabited deserts but in urban centers such as Baghdad — a city the size of Detroit. The weapons contained traces of plutonium and americium, which are far more radioactive than depleted uranium."

* Jay Shaft of the Coalition For Free Thought In Media reported in May that 500 tons were shot into Iraq. Shaft published an interview with a U.S. Special Operations Command Colonel who spoke on condition of anonymity. The Colonel said, "I am aware of at least 500 tons of DU munitions that were used by combined coalition forces. I also know that many cities were heavily bombarded with DU munitions." *— JL*

ELF Resisters, In Their Own Words

Compiled by John LaForge

MADISON, Wisconsin — The October 24, 2003, group trial of nine ELF resisters was the largest in many years of anti-Trident campaigning in Wisconsin. The trespassing charges stemmed from the "Cultivating Peace" action last Mothers' Day weekend. All nine defendants represented themselves before Federal Magistrate Stephen Crocker, who presided in his usual low-key fashion. The Magistrate also maintained his habit of inconsistency in sentencing after finding all nine guilty of trespass.

For identical trespass convictions, Magistrate Crocker has variously imposed $50, $100, $300, and $500 fines. In this case, Crocker chose a $150 fine for all but one defendant, and ordered it paid by Dec. 31, 2003. A pre-sentence report was ordered in the case of Michele Naar-Obed, of Duluth's Loaves and Fishes Community, and Crocker set January 23, 2004 for her sentencing.

After nearly all the defendants promised not to pay, Crocker said that the possibility of federal incarceration would be taken up after the deadline. For refusing to pay the federal fines, Crocker gave 30-days in jail to John Heid and Bonnie Urfer, and 60-days to Jane Hosking and John LaForge.

The activists all spoke eloquently. Their action was taken, they said, on behalf of the victims of nuclear blackmail and U.S. aggression overseas, and in support of a foreign policy that insists on justice and equal treatment for all the world's poor and dispossessed.

What follows are excerpts from the resisters' statements:

Jerry Mechtenberg-Berrigan:

... If we care to stop the cycle of violence, it's going to cost something dear, and it's going to hurt ...

... Leonard Cohen wrote a song called "The Future," in which he longs for all atrocities of the past, all at once, in one package, in lieu of the future, because "I've seen the future, brother; it is murder." Raw, gloves off, unapologetic killing on a mass scale, and I submit, Judge Crocker: we have arrived.

... In this courtroom we say No! to pre-emptive war and occupation, the slaughter of innocent people and the use of depleted uranium in Iraq. We say No! to the Trident system and Project ELF, and by extension to the 12,000 nuclear bombs in the U.S. arsenal. May they never be unleashed ...

... We who have accepted risk to improve these corrupt, urgent times, call you to do the same. We ask not for a light sentence. ... We invite you to join us in risk, to make a terrible career move. Find us not guilty of this petty offense ... Judge Crocker, join us.

Michele Naar-Obed:

... I would like to spend my time talking about the role that the ELF system plays in terrorism — and I don't mean the eradication of it. ...

... Five Fast Attack submarines with ELF receivers were positioned in the Gulf during the build up of the "shock and awe" campaign. On the first day of the bombing of Baghdad, the USS Montpelier *... fired its missiles. It most likely received orders from the ELF facility.*

I was in Iraq as part of a peace team just two months before the U.S. unleashed weapons of mass destruction on Iraq ... I felt the threat of U.S. terrorism ... as 22-year-old Abdullah told me that his two children were petrified to go to sleep at night. They didn't know if during the night they would be killed by U.S. bombs. Abdullah comforted them by telling his children of all the peace people in the world who were trying to stop the war, myself included. Well, we didn't stop the war. If I'm guilty of anything it's that I didn't do enough to stop this bloody war ...

Dana Churness:

... My comments will be brief ... I have an opportunity that a lot of people in this world don't have, to challenge policies of this country that I believe are genocidal ...

... I think we're going to differ ... but I want to say this with respect. I'm not guilty of criminal trespass because I refuse to recognize a system, legal or otherwise, that defends murderers. I'm not guilty because I'm speaking on behalf of those whose voices have been stolen in Iraq and Palestine and Afghanistan and Columbia, and all over the world. I refuse to be a United States citizen and remain silent, and I believe that to remain silent makes me as guilty as a cold-blooded murderer ...

Jerry Zawada:

... Like others here ... I have spent time this year in Iraq ... witnessed first hand the terrible fear and ravages of warfare ... I was privileged to visit and help out at the orphanage cared for by the Missionaries of Charity. ... During the initial days of U.S. bombing, the sisters informed me that they spent their nights sleeping in the dormitories with the children and consoling them in their fright at the horrible sound of falling bombs ...

The question I ask over and over again, on Mothers' Day and throughout the year: don't we love our children? What is the kind of world we want them to live in, 10, 20 years from now? ... I hope never to rest, always to stand in opposition to threats such as ELF, until we rid the world of all that would deprive the next generations of a safe, non-violent and peaceful existence.

Gail Vaughn:

... I pled not guilty and came to trial because I am clearly not guilty of criminal trespass. That's not what I did. ... For most of my life I have been working for peace and trying to provide a planet for my children to grow up in. And in listening in this trial, the quote I thought of was how you, "strain at a gnat and swallow a camel."

... Anytime [we] want to talk about what is going on behind the fence at ELF, that's ruled "irrelevant." We can't really talk about that ... So [the system is] a well oiled and polite machine ...

John Adams said in 1771, "It is not the juror's right but his duty to find the verdict according to his own ... judgment and conscience, though in direct opposition to the instruction of the court." You are both judge and jury here ... therefore you are not necessarily required to be aligned with what they [the government prosecutors] *say ...*

I think you have had abundant opportunity to hear what really goes on up there near Clam Lake. And we invite you ... to do what's necessary for the planet ...

Joanne Robson:

... I was a student of English in my younger days so my argument will be from a literary perspective ... To quote from Jonathan Schell:

"No tolerable policy can be founded upon the permanent institutionalization of a capacity and intention to kill millions of innocent people. No humane international order can depend upon a threat to extinguish humanity. ... A democracy based on terror is, in the long run, a contradiction in terms. ..."

... In a world gone mad in every sense — its lust for violence, its denial of any truth, or its lack of interest in it at all ... and the actions of an irresponsible government addicted to its arsenal — I ask for some sanity. ...

Dana Churness, staff member with the Wisconsin Network for Peace & Justice, cultivating peace at the ELF site May 10.

I ask you to look into your heart, as I have mine and these other people have theirs, and join us in cultivating seeds of peace and political freedom.

Molly Mechtenberg-Berrigan:

... The power holders of this country, the president and congress, the judicial system, the corporations, the defense industry, and the military establishment are becoming increasingly lawless and murderous. Therefore, it is my obligation to refuse to cooperate with what is an evil system. As Gandhi said, "Non-cooperation with evil is as much a duty as cooperation with good. ... "

... Please don't tell me that what I did was a waste of time and taxpayer money. Rather, view it as an extension of how I am trying to live my life that sometimes brings me into creative, healthy conflict with the power holders of this country. The true crime lies in the fact that the leaders of this country and the court system disregard legitimate and important international treaties and laws that are vital to creating a just and humane world. ...

Marion Stuenkel:

... In 1958, RCA built what has evolved into ELF ... In 1958, I was 12 years old, daughter of a Lutheran German American whose good friend Sydney Titelbaum, a Jewish German American (lawyer and Ph.D. biologist), sat with those in Judgment at Nuremberg. Conversations around the dinner table as I grew up consistently turned on issues of moral decision. What were the responsibilities of citizens for their actions and those of their government? Over and over in my childhood was the mantra of the duty to protect your neighbor — next door and across the world ... For example, if you knew a [death camp] was being built, was built, and was being used, it was the duty of a human being to stop it ...

Sydney asked my Dad the following question: What one thing should the German children be taught so that it never happens again? His answer was: "disobedience" ...

Kathy Kelly:

...During the buildup to the "Shock and Awe" campaign against Baghdad, throughout the bombing, and for the first 10 days of the U.S. occupation, I lived in Iraq ... saw and heard weapons of mass destruction — sickening thuds, gut-wrenching blasts, and horrific explosions. I resolved while there to revisit the ELF site and assist with offering testimony about the U.S. arsenal of nuclear weapons and its capacity to launch cruise missiles.

The United States trespassed on the territory of a whole country ... on the theory and on the argument that Iraq's government might have some weapons of mass destruction...

I crossed the line here in my own country to call to the attention of people I live with here, that we have weapons of mass destruction ... The government acknowledges that we have them, and the ELF site is the place that can direct the launching of these weapons anywhere in the world ... With these weapons, the U.S. can destroy any country anywhere. They also can destroy us in the process ...

If it's wrong for me to sound this alarm, in my own country, without killing anyone, just by walking across the line, then convict me and send me to jail. Go ahead. That's the logic of our legal and judicial system ...

Continued from Cover Page

Citizen Inspectors Found Not Guilty of Trespass

Nine of the original 28 defendants missed the historic acquittal because they had earlier pled guilty to the charge.

The trial judge, Patricia Kerr Karasov of the 4th Judicial District Court in Minnesota, presided over the exceptional trial. Judge Karasov allowed the jury to consider testimony and evidence of both the nature of uranium weapons made by Alliant and the federal and humanitarian laws that prohibit the use of poisoned or indiscriminate weapons, or arms that cause long-term environmental damage.

In Minnesota law, trespass can be excused if a "claim of right" is proved, based on a statute, rule, regulation or other law.

Judge Karasov instructed the jury that a defendant acted with a "good faith claim of right" if, 1) she believed that she had a right, and 2) there were reasonable grounds, based in law, for this belief.

"If a defendant acted in good faith under claim of right, even if reasonably mistaken as to this right, you must find the defendant not guilty, unless the defendant committed the act by force or violence or breach of the peace," Judge Karasov told the jury.

In a formal recognition of the validity of humanitarian law unseen in 110 previous Alliant/Honeywell protest trials, Karasov informed the jury that the defendants could rely on "any law enacted by the federal or a state government, any treaty to which the United States is a party, or a binding rule of international law."

The jury was especially influenced by the testimony of two defendants with personal experience of DU contamination. Wendi Nauheimer testified that her brother, Marine Staff Sgt. Patrick Nauheimer, returned from the 1991 Gulf War with a "skin rash" and sores on his body. He developed monocytic leukemia, an aggressive form of the disease, and died in 1995, leaving a widow and two young children. The 11-year veteran had worked in Iraq and Kuwait "clean-up" areas where DU weapons were used.

Defendant, Katy Gray Brown, testified that her brother-in-law is fighting cancer that she believes was caused by the radioactive nature of the shrapnel which lodged near his spine during the 1991 Gulf War.

Just before the April action, Wendi told Marv Davidov, the longtime peace and human rights activist, "They [Alliant] killed my brother, Patrick."

Clemens introduced into evidence a section of the Geneva Conventions and the Nuremberg Principles, and the U.S. Constitution's Article VI which declares international treaty law "the supreme law of the land." Among the defendants were six Roman Catholic nuns all of whom testified that military spending has deprived the poor of basic necessities.

Davidov says the best thing to come from the acquittal is that, "our efforts encourage everybody in the on-going international grass roots campaign, and ... we reach five constituencies: veterans, Iraqi citizens, workers exposed to DU, residents near production sites, and people living near testing sites."

—Defendants Rick Gravrok, Phil Steger, Steve Clemens and Jane Evershed contributed trial reports for this story.

Trident/ELF "Inspectors" Set for Trial

CLAM LAKE, WI — During the Nagasaki Day demonstration at the ELF site August 9, twelve "citizen weapons inspectors," armed with clipboards and cameras, were cited for trespass while attempting an independent inspection of the facility. If convicted of the federal misdemeanor, they face a possible maximum of six months in prison and a $5,000 fine.

At their arraignment October 31, Pat Basler, Webster, WI, Muriel Fitzgerald, Ironwood, MI, and Sheila Provencher, South Bend, IN, were scheduled for a bench trial December 12, at 1:30 p.m. before Magistrate Stephen Crocker. The other nine defendants were given a February 20 trial date, also at 1:30. The defendants are: Matt Chandler, Springfield, OR; Kryss Chupp, Chicago, IL; Mortimer Cushman, LaPoint, WI; Esther Garcia, Brownsville, TX; Catherine McLean, Strathroy, Ontario; Ozone O'Leary, Duluth, MN; Catherine Ufford-Chase, Tucson, AZ and Rose and Haven Whiteside, Tampa, FL.

ACTION:

Please support these nuclear resisters by marking your calendar and attending the trials Dec. 12 and Feb. 20 — in courtroom 460 of the federal courthouse, 120 N Henry St., Madison, WI. For more information, contact Nukewatch.

NUCLEAR SHORTS

Radioactive Waste 1, Poisoned Scrap Yard 0

COLUMBUS, Ohio — A federal judge ruled against a Mansfield, Ohio junkyard owner seeking damages from the federal government for its radioactive contamination of his land.

Allen Hogan has contested U.S. District Judge James Graham's decision that the Department of Defense owes him no compensation for selling him 2,200 pounds of radioactive scrap metal from a Minuteman nuclear missile in 1994. Hogan didn't discover that the material was radioactive until years later.

Federal officials spent more than $80,000 searching for and removing the radioactive magnesium from Hogan's 27-acre plot, but small pieces remain. Department of Justice Senior Attorney Steven Talson argued that those remaining scraps emit very low levels of radiation, representing no real health threat, and the one-time contamination has not damaged the property's value.

Hogan and his lawyers dispute the government's reassurances and argue that the contamination ruined any chance of selling the property. Hogan's suit asked for $10 million, but under federal law the most he could collect is the land's fair market value. His attorneys estimated that at about $750,000, including more than $435,000 in mineral rights for sandstone deposits.

Experts for the government argued Hogan's property is worth no more than $110,000, and because of its use as a scrap yard may be worth as little as $26,000. Hogan intends to appeal the ruling. — The Mansfield *News Journal* Sept. 27, 2003

Florida Fights Radioactive Phosphate Legacy

CHARLOTTE, Florida — Over one billion gallons of acidic radioactive water stands in ponds on top of a crumbling mountain of phosphogypsum waste in Manatee County, Florida — left behind by the defunct Mulberry Phosphates chemical factory. Area residents may be getting sick from the contamination.

One estimate for cleanup of the water came in at $160 million. Some legislators are pressing for a bill that hikes the severance tax to $1.63 from $1.30 per ton of mined phosphate. That would raise about $40 million per year, a $10 million increase.

The state has been scrambling since January to treat and dump the water into Bishop Harbor and the Gulf of Mexico.

Last spring, residents near the Coronet phosphate animal feed factory in Plant City, built on a former phosphate mine, told government officials of rampant illnesses. Similar concerns have surfaced at a former Agrico phosphate mine in Pensacola.
— Charlotte *Sunline News,* Sept. 28, 2003

Uranium & Thorium for Sale

PRAGUE — Two men from Slovakia face up to 15 years in prison for attempting to sell what appears to have been low-grade uranium for $700,000 to undercover Czech Republic police. Radioactive sources can be stolen from nuclear waste dumps, hospitals and factories.

This case involved the largest seizure of radioactive material anywhere in the world in the last nine months. It is not the first time smuggled uranium has been seized in the Czech Republic. In 1998 seven members of a uranium smuggling gang were arrested and sent to prison. They included a former Czechoslovak army officer and a nuclear physicist.

The first tests of the four parcels in the recent case found traces of thorium in the uranium mix.
— *Voice of America*, Vienna, *Buffalonews.com* and AP, Nov. 16, 2003

HHS: Shabby Investigation Finds No Danger

KNOXVILLE, Tenn. — The Department of Health and Human Services (HHS) proudly announced at a public meeting in early June that it had studied uranium emissions at the Y-12 nuclear weapons facility in Oak Ridge, Tennessee and found they posed no threat to the health of those living in surrounding communities. What HHS did not share with the local community was the Environmental Protection Agency's (EPA) assessment of its study. In an April 24 letter evaluating the study, Lowell Ralston, a radiobiologist for the EPA's Agency for Toxic Substances and Disease Registry, pointed out that HHS had "miscalculated the total radiation dose for all pathways by nearly a factor of 10," used overly conservative assumptions and values, did not sample undisturbed soil in nearby areas, and chose not to examine any areas that were actually downwind from the site. Ralston concluded his remarks by pointing out that HHS also used health evaluation criteria that "exceed the limits of national and international radiation protection advisory organizations, the U.S. Nuclear Regulatory Commission, and the EPA."
— *The Bulletin of the Atomic Scientists*, Sept./Oct. 2003

Halifax Waters Used for DU Firing Range

HALIFAX, Nova Scotia — The Canadian Navy fired thousands of toxic, radioactive uranium-238 shells into a target range near Halifax. Fishermen in the area say they had no idea depleted uranium (DU) was scattered over the fishing grounds. The Navy says the ammunition is safe, but nuclear experts disagree. Some say it could pose a serious hazard.

Until about a year ago the shells were fired from a Phalanx gun, which used shells made of DU, a by-product of the nuclear industry. The hardened shells are used to penetrate armor plating. The guns were installed on Canadian ships just prior to the Gulf War.

Over the years the Navy fired six tons of DU shells, mostly into a fishing area near Eastern Passage, off Halifax Harbor. The Navy says the depleted uranium is safe. "From our viewpoint we have not dumped nuclear waste, that's stretching it," Lt. Cmdr. Bill McKillip, a Navy spokesman, told CBC TV. DU was widely used in the Gulf War. It is being blamed for cancers in Iraq and even for Gulf War Syndrome. Now thousands of shell casings are lying a few kilometers offshore from Halifax. Lt. McKillip said there are no plans to either clean up the slugs or test to see if radioactive material has entered the food chain.
— *CBC News Online*, Sept. 22, 2003

Boiling Acids May Wreck Yucca Mt. Dump Plans

LAS VEGAS — Independent scientists have identified a new problem with the proposed Yucca Mountain nuclear waste dump, stating that the government's design will cause metal containers of irradiated fuel to corrode and leak. The finding from the Nuclear Waste Technical Review Board could complicate the DOE's effort to submit a license application for the dump. A letter signed by the board's 10 scientists said the DOE's design "will result in perforation of the waste packages, with possible release of radionuclides."

The DOE's current plan calls for canisters of nuclear waste to be spaced tightly within repository drift tunnels, so that the extreme heat from irradiated waste fuel rods will prevent corrosion by driving away water trickling through mountain cracks. But the new report says moisture in the drifts will interact with dust and salts to form an acidic brine on the canisters, causing pitting, crevice corrosion and stress cracks.

The review board's findings were seized-on by Nevada's elected officials as further evidence that the repository plan should be abandoned. The state of Nevada and environmental organizations have contested the license application, charging the DOE plan is flawed and will jeopardize public health.

To win a license, the DOE must demonstrate that the mountain's natural features and the waste canisters' design can keep radioactive materials from escaping into the environment for 10,000 years. However, studies emerging from the DOE and a research arm of the NRC suggest that corrosion is likely to begin within 1000 years. An expert consultant for the state of Nevada has even said mineral-rich water trickling onto the containers could cause pitting or small holes in two years' time.
— *Las Vegas Review Journal*, Oct. 22, 2003

U.S. Nuclear Sub Hits Mediterranean Sea Floor

GAETA, Italy — Shortly after midnight October 25, the *USS Hartford,* a nuclear-powered Fast Attack submarine, ran violently aground in the Mediterranean Sea north of Sardinia, Italy. The U.S. Navy was only able to cover-up the incident until mid-November, when relatives of the Los Angeles Class submarine's crew discovered, just a month after it began, that its six-month tour of duty was being cut short.

The 7,000-ton sub hit the rocky seabed, causing extensive damage to the rudder, sonar and other electronic equipment. Temporary repairs will be made in Italy before it begins its journey across the Atlantic to its home port in Norfolk, Virginia, for full repairs. The Navy said the *Hartford's* reactor suffered no damage and there were no injuries to crew. Both the *Hartford's* captain, Christopher Van Metre, and his squadron commander, Greg Parker, were immediately fired. A spokeswoman for the Navy told the British *Independent* that U.S. Admiral Stephen Stanley "no longer had confidence in their ability to command."

The submarine is part of the Navy's Sixth Fleet, a battalion of ships based in Gaeta, Italy, near Naples. The Sixth Fleet provided extensive sea support for the recent war on Iraq.

Italian officials reacted angrily to the incident and the resulting cover-up. The *Independent* reported that Italian Green Party MP Mauro Bulgarelli said in Parliament, "Our country was denuclearized nearly 20 years ago, due to the wish of the overwhelming majority of the Italian population. It is unacceptable that, thanks to American troops based in our territory, the nuclear risk should be reintroduced. In another age, that would be called colonization." — *Bellona Foundation,* Oslo, Norway, Nov. 13, 2003

Tooth Fairy Project Releases Grim Results

POTTSTOWN, Penn. — A study released by the Radiation and Public Health Project reports high levels of strontium-90 in children's teeth in and around Pottstown, Pennsylvania. Pottstown is located near Exelon's Limerick Generating Station, two nuclear reactors that began operations in 1984 and 1989. There are 11 other operating nuclear reactors within 80 miles of Pottstown.

The study, also known as the Tooth Fairy Project, tested the teeth from 95 children born after 1979 from three surrounding counties — Berks, Chester and Montgomery. Levels of strontium-90, a radioactive isotope produced by atom bombs and nuclear reactors, were 34 percent higher in teeth from these counties than the rest of Pennsylvania. The average level in teeth from Pottstown was 62 percent higher.

Because strontium-90 is a known cancer-causing carcinogen, the study also examined cancer rates in the area. The tri-county area is shown to have a 94% higher cancer rate among children than national, state, and regional rates. The Pennsylvania Health Department released its own comparison of the same statistics and confirmed many of the study's findings, such as higher rates of breast cancer, brain cancer and leukemia.

The project has collected more than 4,000 baby teeth nation-wide, mostly from children living close to nuclear reactors and born after the mid-1980's. The results have shown a correlation between childhood cancer and strontium-90 levels and reduced infant mortality when reactors close. These findings contradict the NRC claim that low levels of radiation emitted by properly operating power reactors do not cause health effects.
— *The* [Pottstown] *Mercury,* Nov. 19, 2003

"Hot" Trash Imports: How Much Gets In?

PORT HURON, Mich. — Although U.S. customs agents don't keep a running total, they estimate that two or three trucks per week carrying radioactive garbage attempt to enter the U.S. from Canada via the Blue Water Bridge at Port Huron, Michigan. Michigan imports trash from Canada and dumps it in about seven different landfills. In June, radiation portals that trucks must drive through were installed at the Blue Water Bridge. When an alarm goes off, customs agents sift through the cargo of trash to determine the radioactive source. To date it has been medical waste illegally or mistakenly thrown in among other garbage. Toronto — in response to trucks being turned back and fined — has installed its own monitoring devices and is removing the radioactive trash before trucks reach the border.
— *Detroit News*, Sept. 8, 2003

Exelon Seeks Approval for New Nuclear Reactor

CLINTON, Illinois — In line with the Bush administration's plan to construct new nuclear power reactors, Exelon Generation Company on September 25 filed a site permit for the land adjacent to the Clinton Nuclear Power Station in Illinois. The request means that Exelon has decided to ignore economic, environmental and emergency planning problems with new reactors. NRC permitting for the site could take up to 33 months.

Early site approval does not authorize construction of a new reactor. Permission to build would require public approval and an operating license for construction and operation. Exelon considers the site a good location because it was originally designed for two reactors where only one was built, and it is already located close to major transmission facilities.

The Student Environmental Action Coalition in Normal, Illinois is organizing a nuclear resistance conference Feb. 20-22. The conference was motivated by the possibility of a new reactor being built at Clinton and will focus on the dangers of nuclear power. — *www.Pantagraph.com*, Sept. 26, 2003

Sickened Nuclear Workers Stifled by Red Tape

WASHINGTON, DC — According to a report disclosed by the General Accounting Office, the investigative branch of Congress, hundreds of Cold War-era nuclear weapons workers are dying of cancer and other health complications as they wait for medical compensation from a seriously flawed DOE program. As of October, the DOE program had approved only 45 out of 19,000 claims that had been filed. Federal officials said it would take program administrators at least seven years to clear the backlog. The compensation program provides medical care and a payment of $150,000 to sick workers or their survivors if the workers were exposed to cancer-causing radiation, silica or beryllium during weapons production years.

The DOE program has some fundamental flaws. Workers' claims are paid through workers' compensation insurers, and these insurers cannot be forced to pay. In contrast, the Labor Dept. has a compensation program for nuclear workers that pay claims from a federal fund. Many have advocated a transfer of authority from the DOE program to the Labor Department.

In related news, *USA Today* reported in September that thousands of people were exposed to radiation and other toxic chemicals during the post-weapons production years in nuclear facilities. The DOE will only provide compensation to workers who had jobs while the weapons work was going on. The article says that a yet-to-be released federal study names approximately 100 sites where there was a "high potential" that leftover radiation was significant enough to raise workers' risks of cancer and other illnesses.
— AP, Oct. 2, *Oak Ridger,* Nov. 14, and *USA Today,* Sept. 15, 2003

RESOURCES

* **Coalition for Free Thought in Media**, Web: www.groups.yahoo.com/group/coalitionforfreethoughtinmedia/
* **Ground Zero Center for Nonviolent Action**, 16159 Clear Creek Rd NW, Poulsbo, WA 98370, Phone: (360) 779-4672; Email: info@gzcenter.org; Web: www.gzcenter.org
* **Natural Resources Defense Council**, 40 West 20th Street New York, NY 10011, Phone: (212) 727-2700; Web: www.nrdc.org
* **Nuclear Free Future Award**, Schellingstr. 24, Munich D-80799 Germany, Web: www.nuclear-free.com/
* **Nuclear Information and Resource Service**, 1424 16th St. NW, #404 Washington, DC 20036, Phone: (202) 328-0002, ex.14; Web: www.nirs.org
* **Pacific Life Research Center**, Web: www.plrc.org/; Email: bob@plrc.org
* ***Radioactive Waste News***, National Conference of State Legislatures, 7700 E First Place, Denver, CO 80230, Phone: (303) 364-7700; Web: www.ncsl.org/programs/esnr
* **Snake River Alliance**, 310 East Center, Pocatello, ID 83201, Phone: (208) 234-4782; Email: sra@snakeriveralliance.org; Web: www.snakeriveralliance.org
* **Student Environmental Action Coalition**, Normal, Ill., Web: seac.pabn.org/conference; Email: seac@pabn.org
* **U.S. Campaign to Free Mordechai Vanunu**, P.O. Box 43384, Tucson, AZ 85733, Phone/fax: (520) 323-8697; Email: freevanunu@mindspring.com; Web: www.nonviolence.org/vanunu/

Trident: the Many Warheaded Monster

Note: This update on the Navy's plans for the Trident ballistic missile submarine system is a reminder of the necessity of protest and resistance to the Pentagon's conventional and nuclear war policy. A longer version of this article appeared in the Sept. 2003 Ground Zero, *newsletter of the Ground Zero Center for Nonviolent Action.*

By Bob Aldridge

The U.S. has 18 giant Trident ballistic missile submarines. The British Navy has four more. The subs carry 24 ballistic missiles each — Trident-C-4s on the eight oldest operating in the Pacific out of Bangor, Washington, and Trident-D-5s on ten newer ones based at Kings Bay, Georgia in the Atlantic. Each missile carries eight 100-kiloton warheads and can attack as many targets. The newer D-5s can also deliver 475-kiloton devices and reach farther with more accuracy.

Trident ballistic missile submarines—the boomer boats

When the START-1 Treaty halved the number of submarine-launched strategic warheads allowed, it seemed logical to get rid of half the Tridents. But after the Pentagon's 1994 nuclear posture review, the Clinton administration raised the "required" number to 14. The four oldest in the Pacific would have to go. More on that later.

The other four in the Pacific still carried the older C-4 missiles. Navy planners soon conjured up reasons to change, or "backfit," those four to carry new D-5 missiles. At the same time, the service life of the submarines was extended from 30 to 42 years — two 20-year operational stints split by a 2-year refueling overhaul. Both of these decisions resulted in extending Lockheed Martin's very profitable missile production line for another 10 years.

Originally to take place in 2005, the Navy jumped the gun and started two of the backfit conversions in 2000 and 2001 respectively — probably to get a foot in the door before congressional support waned and public opposition grew. Backfit of the remaining two Trident submarines will be accomplished in 2005.

Recently the Navy transferred two Atlantic-based Tridents to the Pacific, leaving eight Tridents in the Atlantic and six now in the Pacific. The D-5 missiles and their launching and targeting equipment on the submarine are being continually improved.

Trident guided missile submarines: stealthy battleships

Now back to the four oldest submarines being retired from "strategic" service — the *USS Ohio, USS Florida, USS Michigan* and *USS Georgia*. The most economical and internationally-stabilizing thing to do would be to decommission them and send them to the bone yard. That is not the way the Pentagon works. With Tomahawk cruise missiles becoming the "weapons of choice," the Navy plans to convert the four old Tridents to stealthy cruise missile-launching platforms.

The plan is to put seven Tomahawks each in 22 of the Trident's 24 missile tubes. That means each of the converted Tridents will be able to fire 154 Cruise missiles — and to ripple-fire all 154 of them in six minutes. Initially, the weapons will be Tomahawk cruise missiles, but others would also work, such as the Navy's standard missile, which is being modified for Star Wars scenarios. Also, these missiles could be nuclear-armed Tomahawks, an idea the Pentagon still keeps as an option on submarines.

These subs would also have accommodations for 66 Special Operations troops such as Navy Seals. Unused space below the smaller Tomahawk missiles could be used to store equipment. The two remaining missile tubes on each sub would be used as air locks for the Special Operations troops to exit the Tridents using rubber rafts, or to enter miniature submarines. One of each or two of either would be carried piggyback outside the Trident hull above the air-lock tubes.

Variants of the Trident guided-missile submarine loading scheme include launching an unmanned aerial vehicle called the Scan Eagle. It can fly 500 miles for reconnaissance and surveillance. Another scheme is to deploy a Seahorse unmanned underwater vehicle to map routes through mine fields, plant sensors on enemy soil, or send supplies to commandos. This vehicle, which is 38 inches wide and almost 30 feet long, can be recovered and then redeployed after the batteries are recharged. The Navy is conjuring up many more tricks for "converted" Tridents.

The *USS Ohio* and the *USS Michigan* will be refueled and converted ... in Washington state, and stay in the Pacific. The refueling/conversion of the *USS Florida* and the *USS Georgia* will take place ... in Virginia, and then be based in the Atlantic. All four of these subs will be operating as Tomahawk launch platforms by 2008.

Trident D-5 missiles are the backbone of the government's nuclear arsenal and have become the "enforcer of foreign policy." Trident missiles, the ultimate first strike weapons, back U.S. diplomatic efforts. They are the threat of retaliation if Western interests are too seriously threatened, and they are insurance against unacceptable resistance when Western troops step in to protect those interests.

The Pentagon has said about Tomahawk missiles: "Because of its long range, lethality, and extreme accuracy, Tomahawk has become the weapon of choice for the U.S. Department of Defense." But Tomahawk missiles destabilize the opportunities for international peace and harmony. This instability reaches from treaty verification and missile proliferation to giving the U.S. an itchy trigger finger and freedom from foreign basing constraints.

Conclusion

Both of these weapons are having a subtle and extremely devastating effect on the country's culture. People tacitly accept the bullying of weaker nations if they believe it sustains our lifestyle. It is considered acceptable to wage a war as long as there are no, or very few, U.S. casualties. In effect, the people of the U.S. now tolerate a permanent state of war. The culture of violence is brewing in our country with a particularly devastating effect on our younger generation. This culture of violence took a savage turn for the worse after the 9/11 terrorist attack. Fanned by the flames of indignant nationalism, many of the people of this country have approved wars that are engulfing the world. The killing fever is high. We have sold our civil liberties in order to prove that we are the world's biggest bully. We have sacrificed our human dignity in order to protect our selfish arrogation of this planet's resources.

The greatest advantage of all from scrapping Trident will be helping to restore compassion and reason to the country's sensibilities, so seemingly numbed by the perceived expediency of a military solution. People have been and will continue to be bombarded with propaganda advocating bigger and better weapons.

Nevertheless, it is in these same people where hope lies. They are the roots of democracy and they are the ones who will bring change for the better. They are already waking up to how they were deceived about Iraq. That is not the end of the deception. Trident in all its nuances is another. It will be through contact with the American people, and motivating them in the right direction, that Trident resisters will have the most success. It will take resourcefulness, ingenuity, perseverance, knowledge, integrity, and many other positive traits to sway public opinion away from false delusions and back to hope for the future.

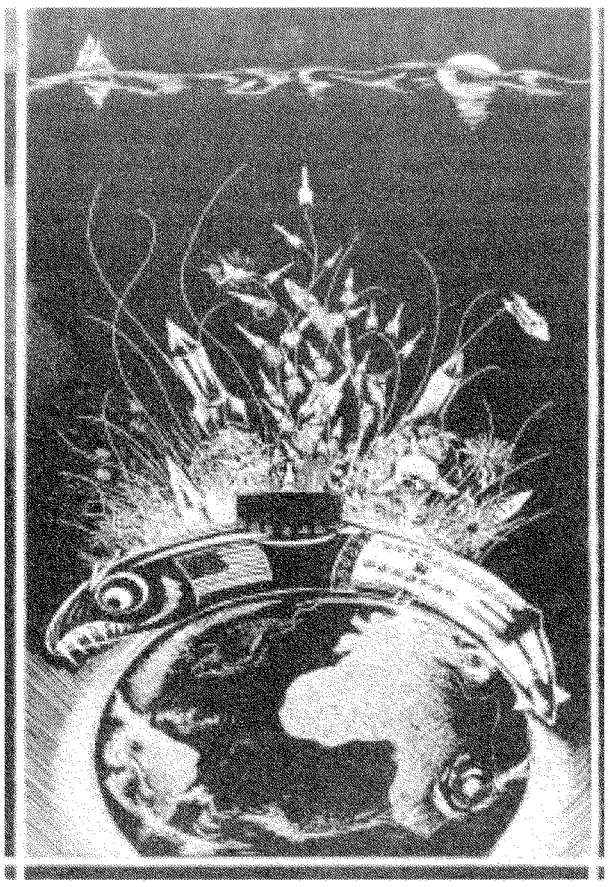


Illustration by Bonnie Urfer

— Bob Aldridge, a former Trident missile designer, established the Pacific Life Research Center to improve public understanding of military activity and U.S. policy. His papers, which cover this subject in much more detail, are posted at <www.plrc.org>.

Israel Arms Subs With Nuclear Warheads

By Molly Mechtenberg-Berrigan

According to an October article in the *Los Angeles Times,* Israeli and U.S. officials have disclosed that Israel has modified U.S.-supplied Harpoon cruise missiles to carry nuclear warheads on their submarines. This gives the Middle East's only nuclear power the ability to launch nuclear weapons from land, sea and air, partially unveiling Israel's clandestine nuclear weapons program.

The nuclear-armed submarines are virtually undetectable and can be positioned in secrecy. The U.S. missiles are a common conventional weapon that Israel has retrofitted to carry nuclear warheads. One submarine will be located in the Persian Gulf, one in the Mediterranean, and a third on standby.

The Israeli admission was timed to discourage an attack against Israel in retaliation for its bombing of an alleged terrorist training camp near the Syrian capital, Damascus. Echoing the U.S. doctrine of preemption, Gideon Meir, the Israeli Foreign Ministry's senior spokesman, said, "Israel views every state that is harboring terrorist organizations, and the leaders of those terrorist organizations who are attacking innocent citizens of the state of Israel, as legitimate targets of our self-defense."

The revelation increased tension in the Middle East as Arab states criticized the double-standard of U.S. and U.N. support of the Israeli nuclear arsenal. "Stability cannot be achieved in a region where massive imbalances in military capabilities are maintained, particularly through the possession of nuclear weapons that allow one party to threaten its neighbors and the region," said Ali Asghar Soltanieh, a senior Iranian official. Egypt joined Saudi Arabia and Syria at the U.N. General Assembly in criticizing the U.S. and U.N. for ignoring Israel's weapons of mass destruction while pressuring Iran, Iraq and North Korea.

Israel will not confirm that it possesses them, but it has long been known that the country has 100 to 200 sophisticated nuclear weapons. In 1986, a former nuclear weapons technician, Mordechai Vanunu, revealed Israel's nuclear weapons program to the London *Sunday Times*. Vanunu was kidnapped and smuggled back to Israel, where he was convicted of treason in a secret trial and sentenced to 18 years in prison. He is scheduled for release April 22, 2004. The International Campaign to Free Vanunu is organizing a "Countdown to Freedom" campaign to pressure Israel into complying with the release date. Supporters plan to gather at Ashkelon Prison to welcome Vanunu out and celebrate his extraordinary stand against nuclear secrecy.

Since a 1969 deal, the U.S. has agreed to turn a blind eye to Israel's nuclear weapons program. U.S. intelligence agencies routinely omit Israel from semiannual reports to Congress identifying countries developing weapons of mass destruction. The Clinton administration even barred the release of the most detailed U.S. satellite photographs of Israel in order to protect its "covert" weapons program. The U.S. has assisted and encouraged Israel's nuclear weapons program, selling the country F-15 and F-16 fighter jets, both of which can be used to deliver nuclear bombs or missiles, as well as supercomputers to conduct simulations for designing weapons.

— For more information about the "Countdown to Freedom" campaign, see <www.vanunu.freeserve.co.uk>

World Uranium Weapons Conference: "Abolish Radiation Weapons"

HAMBURG, Germany — The World Uranium Weapons Conference Oct. 16-19, brought together 200 participants from five continents and 21 countries as far away as Iraq, Afghanistan, Australia, Japan, the U.S. and Cuba. Over 35 speakers presented their most recent work on the risks and effects of "depleted" uranium munitions, made from toxic, radioactive waste uranium-238.

Iraqi scientist Souad Al-Azzawi, a former director of the doctorate program in environmental engineering at Baghdad University who had recently received the internationally recognized "Nuclear Free Future Award," presented her findings on uranium dispersion and soil contamination in central and southern Iraq resulting from the 1991 Gulf War.

Dr. Chris Busby, scientific secretary of the European Committee on Radiation Risk, announced preliminary results of his new study that found inhalation of metal particles increased the body's absorption of background radiation up to 400 percent. If confirmed, the effect may explain the rapid development of lymphoma, leukemia, and other cancers in some DU-exposed populations.

A press conference held October 17 was ignored by the mainstream media. Coordinator Marion Kuepker said of the blackout, "We believe this is part of the continuing cover-up of the health problems resulting from uranium weaponry used by the U.S., U.K. and NATO forces. Today nearly 7,000 German soldiers are serving in contaminated regions in Kosovo and Afghanistan."

Conference participants overwhelmingly agreed:

* Using DU/uranium weapons is already illegal;

* Campaigners against DU should replace the word "ban" with the term "abolish," to keep from weakening the ban already established in binding international law;

* Epidemiological evidence of DU/uranium contamination in Iraq establishes a direct link between DU and observed increases in radiation related diseases;

* The International Commission on Radiation Protection model for internal exposure to small radioactive particles, like DU, should be rejected, and the European Committee on Radiation Risk should extend its 2003 model on low-level radiation to the analysis of the health risks from uranium weapons;

* The UN Environment Program and World Health Organization should be pressured to become independent from the International Atomic Energy Agency — a part of the pro-nuclear lobby — in order to: a) conduct comprehensive screening in contaminated areas, b) isolate radioactive hot spots, and c) decontaminate battlefields, testing grounds, manufacturing sites and military installations.

Complete conference resolutions and findings are available at <www.uraniumweaponsconference.de> and organizers will publish the conference's proceedings in the next few months.

—John LaForge

TOXIC, RADIOACTIVE URANIUM WEAPONS: DID YOU KNOW?

A referenced fact sheet from Nukewatch

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After NATO's use of "depleted" uranium (DU) weapons in Kosovo in 1999, the Council of Europe's parliamentarians called for a worldwide ban on the manufacture, testing, use and sale of weapons using DU, asserting that NATO's use of DU weapons would have "long term effects on health and quality of life in South-East Europe, affecting future generations." The call went unheeded.

—*Larry Johnson,* Seattle Post-Intelligencer, *August 4, 2003, "War's Unintended Effects: Use of Depleted Uranium Weapons Lingers as Health Concern"*

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The widespread use of depleted uranium munitions by U.S. and British forces in Iraq could pose serious health and environmental risks to troops and residents, nuclear and medical experts warned yesterday. This contrasts with [the official estimate of] about 340 tons used in the 1991 Gulf War. One DU round fired from an A-10 costs $21.50.

—AP, *June 15, 2003, "Uranium-based Weapons Warning: Experts Cite Kidney and Environmental Damage";* Wall Street Journal, *Jan. 30, 2001, "Can Tungsten Breach Fortress Uranium?"*

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Hundreds of tons of depleted uranium used by Britain and the U.S. in Iraq should be removed to protect the civilian population, the Royal Society said yesterday, contradicting Pentagon claims it was not necessary. The Society's statement fuels the controversy over the use of depleted uranium, which is an effective tank destroyer and bunker buster but is believed by many scientists to cause cancers and other severe illnesses.

—*Paul Brown,* The Guardian, *London, April 17, 2003, "Scientists Urge Shell Clear-Up to Protect Civilians, Royal Society Spells Out Dangers of Depleted Uranium"*

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The April issue of *New Scientist* magazine reported that Alexandra Miller, a radiobiologist with the Armed Forces Radiobiology Research Institute in Bethesda, Maryland, discovered the first direct evidence that radiation from DU can damage chromosomes. "The chromosomes break, and the fragments reform in a way that results in abnormal joins. Both the breaks and the joins are commonly found in tumor cells," the article says. The implication is that it could cause cancer.

—*Larry Johnson,* Seattle Post-Intelligencer, *August 4, 2003, "War's Unintended Effects: Use of Depleted Uranium Weapons Lingers as Health Concern"*

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In the first Gulf War, U.S. forces used [an officially estimated] 320 tons of DU, 80 percent of it fired by A-10 aircraft. Some estimates suggest 1000 tons or more of DU was used in the current war. But the Pentagon disclosed Wednesday [May 14, 2003], that about 75 tons of A-10 DU bullets were used by the A-10s alone, not including tank munitions, etc. ...

—*Scott Peterson,* Christian Science Monitor, *May 15, 2003, "Less DU in This War?"*

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The Pentagon and the UN estimate that U.S. and British forces used 1,100 to 2,200 tons of armor-piercing shells made of depleted uranium during attacks in Iraq in March and April — far more than the [officially] estimated 375 tons used in the 1991 Gulf War.

—*Larry Johnson,* Seattle Post-Intelligencer, *August 4, 2003, "War's Unintended Effects: Use of Depleted Uranium Weapons Lingers as Health Concern"*

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According to an August 2002 report by the UN subcommission on the Promotion and Protection of Human Rights, laws which are breached by the use of DU shells include: the Universal Declaration of Human Rights; the Charter of the United Nations; the Genocide Convention; the Convention Against Torture; the four Geneva Conventions of 1949; the Conventional Weapons Convention of 1980; and the Hague Conventions of 1899 and 1907, which expressly forbid employing "poison or poisoned weapons" and "arms, projectiles or materials calculated to cause unnecessary suffering." All of these laws are designed to spare civilians from unwarranted suffering in armed conflicts.

—*Neil Mackay,* Sunday Herald *of Scotland, March 30, 2003, "U.S. Forces' Use of Depleted Uranium Weapons is 'Illegal'"*

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In August 2002, the U.N. Subcommission on the Promotion and Protection of Human Rights authorized a study of the dangers of DU, [the use of] which the panel had already labeled a [violation of humanitarian law].

—*Robert Collier,* San Francisco Chronicle, *January 13, 2003, "Iraq Links Cancers to Uranium Weapons: U.S. Likely to Use Arms Again in War"*

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A United Nations subcommission [on the Promotion and Protection of Human Rights] has asked for a ban on DU weapons, claiming they're inhumane.

—*Ray Rivera and Craig Welch,* The Seattle Times, *January 9, 2003, "Navy's Ammo has Environmentalists, Others Up in Arms"*

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Depleted uranium ... is dirt cheap. Tons of it, over 500 million pounds the last time anyone counted, is lying around in various states of nuclear "decay" at government repositories throughout the [U.S.]. In an attempt to reduce this over-abundance of nuclear waste, the Defense Department provides depleted uranium to munitions makers such as Alliant Techsystems [in Minneapolis, Minnesota,] — the largest maker of depleted uranium projectiles in the world — *at no cost* and buys it back as completed weapons. [Emphasis added]

—*Elliot Borin,* Wired *magazine, March 10, 2003, "U.S. Stocking Uranium-Rich Bombs?"*

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Pressure mounted on NATO this week for the use of depleted uranium munitions to be investigated. German Chancellor Gerhard Schröder called for a halt in the [NATO's] use of uranium weapons and a full inquiry into possible effects on soldiers in the Balkans. "I have a healthy skepticism about the use of munitions that could lead to dangers for our own soldiers," he said. He also said he did not believe it was right for the U.S. to continue to use such munitions.

—*Alexander Nicoll, Ralph Atkins and Frances Williams,* Business Day, *January 10, 2001, "NATO Pressed to Open Uranium Arms Probe: Germany Calls for Inquiry and for Use of Weapons to be Halted"; Marlise Simons,* New York Times, *January 11, 2001, "Uranium-Tipped Arms Ban Rejected by NATO Majority"; Ray Moseley,* Chicago Tribune, *January 9, 2001, "Europeans Fear Balkans Ammo Still Lethal"*

Food Irradiation Update

Potentially Toxic Chemicals Detected in Irradiated Ground Beef; Consumer Groups Urge FDA Ban

WASHINGTON, D.C. — On Nov. 25, Public Citizen and the Center for Food Safety petitioned the U.S. Food and Drug Administration (FDA) to ban irradiated ground beef. Included in their petition were the results of recent lab tests conducted at the request of the two groups that detected chemicals linked to cancer promotion and genetic damage in irradiated ground beef sold at a restaurant and three grocery stores. The test findings are contained in the report, *What's in the Beef?*

This marks the first time since the FDA began regulating irradiated foods in 1958 that the agency has been petitioned to ban an irradiated food product. Legalized in 1997, irradiated ground beef is reportedly on sale at more than 5,000 grocery stores and restaurants in the United States. The two groups purchased and tested three types of irradiated ground beef:

* Fresh ground beef irradiated with an electron-beam irradiator by SureBeam Corp. of San Diego. It was purchased at a Safeway store in Washington D.C., and a D'Agostino's store in New York City.
* Frozen ground beef patties irradiated with a gamma-ray irradiator by Food Technology Service of Mulberry, Fla., and sold under the "New Generation" label. It was purchased at a Publix store in Hollywood, Fla.
* Cooked ground beef irradiated with an electron-beam irradiator by SureBeam Corp. of San Diego. It was purchased at a Minneapolis Dairy Queen.

All three types of irradiated ground beef tested positive for 2-alkylcyclogbutanones, or 2-ACBs, which are formed when commonly occurring fats are exposed to radiation. These chemicals have never been detected in any non-irradiated foods. In the tests, cooking the irradiated beef in a skillet until it was brown on both sides generally reduced the amount of 2-ACBs but did not eliminate the chemicals. No 2-ACBs were detected in non-irradiated ground beef samples, whether raw or cooked.

Recent experiments funded by the European Union determined that 2-ACBs promotes the growth of colon tumors in rats and causes genetic damage in human cells. In addition to raw and cooked ground beef, 2-ACBs have been detected in other foods that the FDA has legalized for irradiation, including chicken, eggs and mangoes. The report, *What's in the Beef?*, can be viewed at: <www.citizen.org/documents/beeftesting.pdf>

— *Public Citizen,* Nov. 25, 2003

Irradiated Meat: Schools Not Buying It

NEW YORK CITY — According to an article published Oct. 8 in the *New York Times*, a nationwide survey of schools shows little interest in the Department of Agriculture's proposal to sell irradiated ground beef for school lunch programs. In telephone interviews with school officials in 56 districts, 34 of the officials said they had no plans to buy the beef, four said they definitely would not use it, five did not comment and 13 said they had not decided. None had plans to purchase the beef.

When school officials were asked why they were choosing not to purchase the beef, some said they did not see contamination as a problem, others cited the need for more information about the health effects of irradiated meat, and others were deterred by the increased cost of the beef.

There are other indications that the Department of Agriculture's plan has been a flop. In Los Angeles, the second largest school district in the nation, the school board passed a resolution that banned irradiated beef from all district schools for five years. A Minnesota school participating in the "educational" pilot program, designed by the Department of Agriculture, decided to drop out of the program, saying the material was more promotional than educational. Dr. Robert Ervin, the superintendent of the Bangor, Maine, school district, questioned the philosophy behind meat irradiation: "If the meat gets to the point where it must be irradiated, then I want to be questioning why we're giving the meat to them at all."

— *New York Times,* Oct. 8, 2003

Editorial

War, the Halftime Show

Passing through my sister's living room in November, I saw a bit of football on TV. Just as I looked at the screen, the network camera turned skyward and panned the fly-over of two military jet fighter bombers. There was a roar from the jets and from the, shall I say, fired-up crowd. What was the crowd cheering *for*?

Friends tell me that such displays — warplanes flying low over sports stadiums — are commonplace. "Everybody's doing it. It's like you're not really somebody unless the jet fighters fly over your game," one said.

These hugely expensive demonstrations constitute state propaganda and manipulation, a deliberate attempt to trivialize the function and consequences of war. Such glorification of military machinery, if employed by another country, would be called "militarism," or if done by an official enemy like one of Mr. Bush's "evil" states, would be denounced as "worrisome."

Seeing the jets being used as entertainment, my first thought was of Eleanor Otterness, the long-time Minnesota peace and human rights activist, who spoke to a college history class in 1978. Otterness said, "Empires in decline are characterized by at least two things: 1) sending mercenary armies all over the world; and 2) building sports stadiums at home."

What are the so-called "coalition forces" of today's U.S. takeover of Iraq if not mercenary armies bought and paid for by bribes? And it's no exaggeration to say that much of the U.S. public knows more about sports statistics and schedules than about their own government's war on Iraq, much less the war system that produces and profits from it.

My second thought was of the token pacifist in Rodney Dangerfield's comedy "Back to School," who calls football "a crypto-fascist metaphor for nuclear war." Indeed, while the "circus" jets were screaming over football stadiums around the U.S., similar planes were dropping 500-pound bombs on the Iraqi town of Fallujah west of Baghdad. "This is war," said Maj. Gen. Charles Swannack, Jr., months after Bush said the war was over. "We're going to use a sledgehammer to crush a walnut," he said. Indeed, the *Los Angeles Times* reported in late November that the Pentagon, "has begun using massive and costly 'smart bombs,' ground-strafing AC-130 gunships and heavily armed Apache helicopters for the first time since the march to Baghdad."

Did it occur to a few of our football fans that U.S. jets were then bombing football (soccer, that is) fans in Iraq and Afghanistan — people completely unconnected to and in many cases unaware of the war? When do we ever hear of the number of Iraqis being killed? In October, an Iraqi doctor told me that about 40 civilians were being killed every day, which if true would amount to 9,600 since the invasion began. She wasn't exaggerating. By Nov. 23, Iraq Body Count, the independent database of media-reported deaths, estimated that between 7,898 and 9,729 civilians had been killed by Bush's war. (www. iraqbodycount.net)

But never mind the killing of innocents, the use of indiscriminate bombs, the shoot-to-kill orders. The Pentagon wants sports fans — the term is an abbreviation of *fanatic* — not to think of broken bones, smashed houses and destroyed lives, or the terrifying daily threat of it all. Instead, we are encouraged to cheer the jet bomber's raw power for its own sake. Meanwhile, an Iraqi homemaker living near U.S. targets told the Associated Press, "Me and my children spent the night shaking. We do not want to be their targets."

"The fanatics of terror showed themselves to be callous, brutal murderers of the innocent," Prime Minister Tony Blair said while Mr. Bush was in London. Blair was not speaking of U.S. pilots dropping bombs "on vacant buildings *in Baghdad*," or of the 2,000-lb. bombs hitting targets in populated areas, but of Iraqi insurgents. Blair was talking about the anti-occupation attacks that Mr. Bush himself has egged on with his juvenile taunt, "Bring 'em on!" — not the callous and brutal U.S. practice of destroying the houses of "relatives of suspected guerrillas."

Relatives of suspects? While the generals claim to be acting legally, the Geneva Conventions forbid destruction of civilian objects. Is this what liberation and democracy will mean to ordinary Iraqis — the presumption of guilt, mass arrests and the imposition of the severest penalties based on mere association with unconfirmed suspects with no due process or right to appeal?

Since there is no denying the growth and breadth of the insurgency against the occupation and the steadfast international disapproval of the U.S. war, public perception is deathly important to the U.S. perception managers.

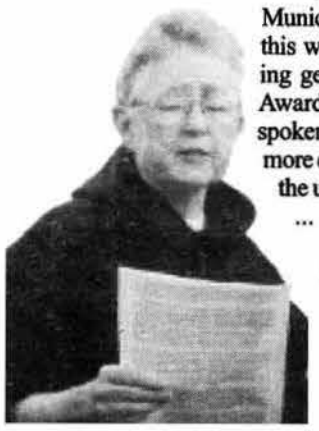
Propaganda and psychological warfare are probably taken more seriously by the administration than the bombing and killing of Iraqis. This is always true when the purpose and intention of military adventures is called into question. Even Robert Dillon of the conservative Heritage Foundation said of November's intensified warfare, "They might be dropping those bombs purely for public perception reasons."

Military fly-overs of sports stadiums and the television networks' broadcast of them can also serve a devilishly political purpose. The portrayal of a complete and even festive disconnection between jet bombers and the mass destruction they cause might assure enough people enough of the time that war isn't terrorism — and doesn't foster it. —*John LaForge*

Sacred Earth and Space Plowshares II Among "Nuclear Free Future Award" Winners

Since 1998, the Nuclear-Free Future Award (NFFA) has annually honored individuals, groups and communities working tirelessly to end the atomic age. This year the award jury chose the following individuals as recipients:

Resistance: Carol Gilbert, Jackie Hudson and Ardeth Platte, *USA
Education: Dr. Souad Naij Al-Azzawi, *Iraq
Solutions: Corbin Harney, *Newe Sogobia
Lifetime Achievement: Inge Schmitz-Feuerhake, *Germany



Jackie Hudson

The award's directors, based in Munich, Germany, explain the NFFA this way: "For the sake of the coming generations, each of this year's Award recipients has courageously spoken out and labored for a world more caring, more sane, one in which the uranium remains in the ground. ...

"Fifty years of nuclear madness has set into motion a terrible engine of perpetual destruction. All over the world, criticality events are gathering at the bottom of sealed cans, drums, tanks and bottles. No contaminated groundwater system can be restored. No cloud sewn with cancer can be called back. No clean-up technology can eliminate radionuclides or heavy metals from the Earth. Winning the Cold War far outweighed worrying about the safe disposal of radioactive wastes. The Cold War's cold revenge: for the next few hundreds of centuries, sites housing highly toxic radioactive wastes will demand careful monitoring and maintenance. We've passed along to the coming generations a mortgage claiming billions."

At present, each of the four awards is outfitted with the sum of $10,000. The presenters at NFFA wrote about their choice of Ardeth, Carol and Jackie:

"... George W. Bush, a born-again Christian, felt that the Almighty was on his side at the beginning of 2002 when he demanded the destruction of all weapons of mass destruction. But then things got complicated. On October 6, 2002, ... three Dominican nuns, Carol Gilbert, Jackie Hudson and Ardeth Platte, wearing white mop-up suits emblazoned with the words *Disarmament Specialists and Citizens Weapons Inspection Team*, broke into the N-8 missile silo in northern Colorado to paint a cross on the structure using their own blood and to hammer at the silo ... [in the spirit of turning swords to plowshares]. When Air Force personnel arrived in Humvees to arrest the nuns at gunpoint, Sr. Gilbert tried to uncomplicate matters by explaining that they were simply following the call of George Bush to destroy all weapons of mass-destruction. ...

Carol Gilbert

"The sisters believe nuclear weapons are the 'taproot' of social and economic injustice because the billions of dollars spent on them could go to programs for the poor and needy. In their action statement they wrote, 'We, women religious, come to Colorado to unmask the false religion and worship of national security so evident at Buckley Air Force Base in Aurora, the missile silos, Schreiver AFB, the Space Warfare Center, the Air Force Space Command Center at Peterson AFB, Cheyenne Mountain, and the Air Force Academy. We reject the mission of these along with StratCom in Omaha, Nebraska. ...'

"During the nuns' trial, which ... ended April 7, U.S. District Judge Robert Blackburn barred the jury from hearing [expert testimony on] international law. ... and prohibited the sisters from speaking about the moral and legal justification for their actions. The nuns were found guilty and ... on July 24, Blackburn sentenced Platte to 41 months in prison, Gilbert to 33 months, and Hudson to 30 months. ... Blackburn labeled the Dominican Sisters, 'dangerously irresponsible.'

Ardeth Platte

"Meanwhile, the Bush Administration has embarked on a quest for a new generation of nuclear bombs that are smaller and less powerful — nuclear bombs that the Pentagon might actually use in battle. ... George W. Bush is quite assuredly tilting the world towards a new nuclear arms race. Who is dangerously irresponsible? ..."

Write the winning resisters:

Sister Ardeth Platte, OP
10857-039
FCI Danbury
Route 37 Danbury, CT 06811

Sister Carol Gilbert, OP
10856-039
R1
FPC Alderson
PO Box A
Alderson, WV 24910

Sister Jacqueline Hudson, OP
08808-039
FPC Victorville
PO Box 5100
Adelanto, CA 92301

For complete information on the winners, see: <www.nuclear-free.com/english/frames7.htm>

Legal Quagmire for Radioactive Waste

By Bonnie Urfer

Across the country, dozens of lawsuits against the Department of Energy (DOE), the Nuclear Regulatory Commission (NRC) and the EPA have slowed the radioactive waste shuffle. Organizations, states and utilities have filed suits against the DOE, hoping to move radioactive waste to someone else's back yard. Anybody's! But there is no place to put it.

This year, DOE officials planned on reclassifying — that is re-defining — high-level radioactive waste so some could be left where it is in leaky tanks. However in July, U.S. District Judge B. Lynn Winmill ruled in Idaho that the proposed DOE regulation violated the federal Nuclear Waste Policy Act of 1982. Judge Winmill's 15-page ruling requires that the DOE remove nearly 88 million gallons of high-level waste from three DOE nuclear weapons sites, including sludge from the bottom of hundreds of million-gallon waste storage tanks.

The DOE plans to keep trying to redefine radioactive waste in order to reduce the volume and expense of its inventory. Three federal "tank farms" responsible for some of this high-level radioactive quagmire are the Idaho National Engineering and "Environmental" Laboratory (INEEL), the Savannah River Site in South Carolina and Hanford Reservation in southeast Washington.

In Idaho, the DOE wanted to leave about 1,000 gallons of sludge per tank, what the agency calls "residual material," (a blend of strontium, cesium, plutonium, etc.), mix it with grout and concrete, and leave it in the tanks, or gain authorization to ship it to the Waste Isolation Pilot Plant (WIPP) in New Mexico. The sludge at the bottom of the tanks must currently be processed for permanent disposal at a federal repository for high-level radioactive waste. Yucca Mountain in Nevada could be the final burial ground, but Yucca is embroiled in six lawsuits of its own and may never open.

Idaho has been battling the DOE over radioactive waste for decades. The Snake River Alliance, the Natural Resources Defense Council and other environmental organizations — supported by the states of Idaho, Washington, South Carolina, Oregon, and the Shoshone-Bannock and Yakima Nations — have successfully forced the government to provide deep burial of high-level waste.

The Idaho decision could mean decades of delay in removing the radioactive stew from waste tanks. "Cleanup" costs for the three tank farms is expected to increase 10-to-100 times the current estimate of $39 billion.

All three facilities played a role in producing plutonium for H-bombs, extracting it from irradiated fuel rods from commercial reactors. High-level liquid wastes and sludge from this "reprocessing" is a particularly dangerous and deadly fraction of the radioactive garbage heap.

Nevada has multiple lawsuits pending against the DOE, the NRC and EPA over the Yucca Mt. plan. The state has also sued the DOE over water rights and refuses to grant water permits needed to operate the future dump. Additionally, Nevada is challenging the DOE's methods, claiming that instead of the congressionally mandated natural geologic protection from radiation, the DOE is relying on cask designs to assure waste containment. Adding to the dilemma is the fact that the Yucca site is not big enough to hold all the waste now waiting for processing and shipment.

The WIPP site now contains "low-level" transuranics, a combination of plutonium-contaminated garbage and toxic waste, and is not licensed to take high-level waste. It's also not large enough to store all of the military's low-level waste.

The Savannah River site has about 34 million gallons of highly radioactive waste in 49 tanks. The DOE has been "vitrifying" the liquid, forming it into glass-like logs. By 2000, about one-sixth of the total volume had been processed, with all vitrification expected to take at least 25 years.

New York State wants the DOE to clean up and remove everything from a site in West Valley, including contaminated buildings and equipment. The DOE wants to ship only its vitrified waste from the West Valley Demonstration Project and nothing else. "This is DOE's attempt to pawn off highly contaminated stuff on the state," said Senator Charles Schumer (D-NY). "We're fighting it."

Utilities sue to force its waste off-site

In an old radioactive waste snag, the federal government has failed to meet an agreement with nuclear utilities to take possession of their waste irradiated fuel rods (called "spent fuel" by public relations officers). The agreement stems from the 1950s, when the Pentagon wanted to extract plutonium from the waste for use in H-bombs. Taxpayers carry the increasing cost of packaging and "burying" the deadly radiation produced by the private utilities. Twelve utilities have filed lawsuits claiming more than $5 billion in damages. The problem of irradiated waste fuel rods is dire enough that Russell Mellor, president of Connecticut Yankee Atomic Power Co., said, "Regardless of where DOE provides for storage, it has the clear authority and ability to begin removing spent fuel from reactor sites." Mellor doesn't care where the rods are taken, just so they are moved. Eighty of the nation's 103 operating reactors are expected to run out of on-site storage space for irradiated fuel rods by 2010. If Yucca Mountain doesn't open, the cost of that breach of contract is estimated to be $61 billion.

Xcel Energy's Prairie Island nuclear power facility in Minnesota will be forced to shut down in 2007 if waste fuel is not removed from the site.

The DOE made an deal with the Pennsylvania Electric Power Company (PECO) that excused its payment to the Nuclear Waste Fund, and even agreed to pay the utility up to $80 million extra for the DOE's inability to meet waste removal contract obligations. In response, 18 other utilities have filed a lawsuit against the DOE, complaining that no utility should be exempt from payments into the Nuclear Waste Fund.

Owners of reactors slated for decommissioning and dismantling face cost increases because irradiated fuel rods are stored on site, preventing further moves.

States rights and dump site authority

State governments are fighting to retain authority over the building and licensing of radioactive waste dumps within their borders. The DOE intends to run roughshod over state opposition to its dumping plans. Utah filed a suit against the feds in an attempt to prohibit Xcel and others from storing waste reactor fuel on the Skull Valley Goshute Reservation. The state lost the case with the judge stating that only the federal government has jurisdiction over nuclear safety. Texas is also fighting to keep control of its licensing process.

Nebraska lost a court battle with U.S. Ecology, Inc. and the Central Compact Commission, comprised of Kansas, Arkansas, Louisiana, Oklahoma and Nebraska. After the Compact Commission chose Nebraska, the state refused to license the low-level radioactive waste dump. The Compact filed suit against Nebraska for the return of $151 million it spent to develop a waste storage facility. The state has spent more than $9,000 a day to keep the radioactive waste out and it pulled out of the Compact in June 2003. Nebraska has appealed the court decision.

U.S. Ecology sued California for not pursuing the opening of the Ward Valley low-level waste dump. U.S. Ecology intends to collect $162 million in costs, interest, lost profits and legal expenses.

Numerous utility companies use dry cask on-site storage while others are compacting their irradiated fuel rods in tighter and tighter grids inside waste fuel cooling ponds — all in an effort to keep the hugely profitable, heavily subsidized reactors running. Over 40,000 tons of irradiated fuel rods are stored at commercial reactors in 31 states. That amount increases by 2,000 tons annually. Long-term storage and monitoring of all types of radioactive waste — no matter the classification — continues to be the Achilles heel of the industry. No state wants the trash that will remain deadly for hundreds of thousands of years.

Unless a state steps forward to volunteer as a permanent sacrifice zone for weapons and utility profiteers, the nuclear industry could be shut down. U.S. taxpayers are shouldering the billions and billions of dollars spent to defend the DOE and NRC against bad policy. With government and corporate interest renewed in reactor construction, nuclear power proponents remain uneducated and ignorant of the problems associated with production and long-term isolation of irradiated fuel rods. For the moment, lawsuits are slowing the deadly commercial nuclear power industry. The query lingers: will the courts rule in favor of safety, sanity and an end to the nuclear age?

Spotlight on Covert Transport of Deadly Reactor Core

By Kevin Kamps

CHARLEVOIX, Michigan — "Midnight dumping" came to mind when Consumers Energy Company launched its shipment of the Big Rock Point reactor vessel — from Charlevoix on Lake Michigan, to the Barnwell, South Carolina "low-level" radioactive waste dump near the Department of Energy's (DOE) sprawling Savannah River Site. The surprise and secret shipment began under cover of darkness at 3:00 a.m. October 7.

Only through the work of reporter Laurie Lounsbury of the *Herald Times* in Gaylord, Michigan, was the shipment revealed. When pressed about its covert methods, a Nuclear Regulatory Commission (NRC) spokesman said that its regulations require neither advance notification to state governments and emergency responders, nor special security precautions. Grassroots groups spread word to the news media and concerned citizens along the route through multiple states.

Photo by Kevin Kamps

Michael Keegan, of Monroe Michigan, pointed a radiation monitor toward the heavily contaminated, disassembled Big Rock Point reactor core as it passed through Michigan. It was moved by train and truck to a dump in South Carolina. The government attempted unsuccessfully to make the move in secret.

The Big Rock reactor, built on traditional Odawa Indian land, operated for 35 years, from 1962 to 1997. Experimental fuel claddings and fuels were used — including experimental "mixed oxide" plutonium-uranium, or MOX. Some rods ruptured, contaminating the reactor vessel, as well as causing large-scale radiation releases to communities downwind, where elevated thyroid disease and statistically-significant increases in low birth weight babies and cancer deaths have been observed.

According to Consumers Energy and the NRC, the interior of the reactor vessel was "scrubbed" to reduce its radioactivity level to 13,100 curies, as compared to hundreds of thousands or millions of curies in a single shipment of irradiated fuel rods. This "scrubbing" allows the NRC to bury the core as "class-C, low-level radioactive waste," the highest category allowed at Barnwell. What became of the "scrubbings," and its radioactivity is unclear. The reactor vessel was inserted into a 25-foot-long, 13.5 per-foot-side steel cylinder with walls 3-to-7-inches-thick. The transport canister is to be used also as a burial container. The vessel's interior was then filled with concrete, and a cap was sealed on the end. The entire cargo weighed 290 tons.

Two heavy trucks were used to transport the core to the nearest railhead 50 miles away, one pushing, the other pulling, with a 144-wheel trailer carrying the "garbage can of death," as coined by the Citizens Awareness Network, at a maximum of five miles per hour. Steel girders were used to span bridges not sturdy enough to take the load.

A near disaster occurred early in the trip, when an axle on the trailer broke while crossing a bridge over the Boyne River near Boyne City. This incident was especially troubling because British Nuclear Fuels, Ltd., the subcontractor in charge of dismantling the Big Rock Point facility, has admitted to the NRC that the transport container could not take a 30-foot drop without breaking up.

In such an accident NRC regulations allow emergency responders, railway workers, or passersby within 3.3 feet to receive radiation doses of one rem (100 chest X-rays) per hour. Dept. of Transportation regulations assume that emergency responders could receive five rems in just 30 minutes during an accident. The NRC allows "nuclear workers" to receive five rems per year during routine operations. Have emergency responders and railway workers been informed that the NRC considers them "nuclear workers?"

After the axle break, the shipment proceeded, minus four wheels. The reactor shipment then spent the first night of its 1000-mile journey at a gas station which serves as a bus stop for school children. The potential for an accident or attack involving children and other unsuspecting members of the public near such a large supply of flammable and explosive gasoline was not addressed.

Since company spokesman Tim Petrosky repeatedly assured the press that the public faced zero radiation dose, residents of Gaylord, Michigan lined the streets to greet the reactor, pulling up lawn chairs and having picnics to watch it get loaded onto the train. In fact, NRC regulations allow a chest X-ray (10 millirem) per hour to persons 6.6 feet away, and doses up to 200 millirem (20 X-rays) per hour at the container's surface. While the workers who welded the cask to the rail car and railroad employees received the highest doses, onlookers standing nearby also received an unmeasured, unrecorded radiation dose. "Permissible" does not mean "safe." Indeed, radioactive waste shipments are mobile, involuntary X-ray machines that can't be turned off.

The rail shipment passed through Michigan at very low speeds due to the poor condition of the states's railroad tracks. The Brotherhood of Locomotive Engineers joined environmental and anti-nuclear citizen groups in expressing concern about the deteriorated tracks and the use of remote-controlled — engineer-less — trains on the same tracks, increasing the risk of a collision. Just two days after the reactor passed Grand Blanc, Michigan, a train on the same route suffered a 30-car derailment. The local fire chief speculated that the reactor shipment's weight degraded the tracks and led to the derailment.

A protest met the shipment Oct. 18 near Toledo, Ohio, where paperwork snarls between the CSX and Norfolk Southern railroads forced an unexpected 24-hour stop near residential houses.

Toledo resident Mike Ferner and I were arrested by railroad police for "trespassing" while attempting to take an independent measurement with our radiation monitors. The arresting officer strangely kept telling me to, "Turn the rad monitor off," as if he was trying to prevent a reading. We will demand a jury trial and assert the right to inform ourselves and to protect the public from the corporate/government nuclear establishment. The same industry wants to send tens of thousands of high-level radioactive waste trucks and trains cross-country to Yucca Mountain, in Nevada.

According to the Brotherhood of Locomotive Engineers, the shipment traveled from Toledo to Evansville, Indiana, then through Nashville and Atlanta. It arrived at Barnwell Oct. 21.

The reactor will be buried in an unlined hole in the ground! Although only a small number of waste commercial reactors have ever been dumped, there are about 24 more permanently shutdown reactors that await burial.

Another reactor core is set for risky transport to Barnwell. The San Onofre unit 1 reactor in southern California could be shipped in the near future. This 950-ton radioactive behemoth is scheduled to be dragged for miles across a fragile beach and wetland ecosystem, loaded onto a ship for a 90-day, 11,000 mile journey through the treacherous waters at the tip of South America — much to the consternation of the governments of Chile and Argentina. The shipment is currently delayed due to official misgivings in South Carolina and governments along the route, especially Chile, concerning what recovery capabilities are in place should the ship sink. The Panama Canal authority refused it passage due to its massive weight.

— Kevin Kamps is the Nuclear Waste Specialist at NIRS in Washington, D.C. References and additional information are available at <kevin@nirs.org> Donations to the "Rad monitors" legal defense fund can be made C/O Terry Lodge, 316 N. Michigan, suite 520, Toledo, OH 43624.

Energy Bill to Bail Out Nuclear Industry

By Molly Mechtenberg-Berrigan

Despite the Bush Administration's efforts to push the Energy Bill through Congress before the holiday recess, a Senate filibuster delayed debate of the legislation until the new year. The Energy Bill is considered the most significant revision of energy legislation in a decade. It entails a list of policy directives that would benefit the nuclear, oil and coal industries. Public Citizen, a consumer advocate group founded by Ralph Nader, calls the bill, "a regressive package of subsidies to the energy industry and an affront to consumers and environmental protection." Below is a summary of the nuclear provisions of the bill.

Provides $7.5 billion in tax subsidies for new reactors

The reworked bill being considered by Congress gives the nuclear industry approximately $7.5 billion in direct tax credits for constructing new reactors, in the form of a 1.8 cent production tax credit. This number alone represents one of the largest industry give-aways in the entire bill, and would cost an average of $600 for each American family. "It is rather remarkable that supposed advocates of the free market system would attempt to socialize a mature, 50-year-old industry like nuclear power" says David Hirsch, president of the Committee to Bridge the Gap, a Los Angeles-based nuclear policy organization.

Extends Price-Anderson insurance scam for new reactors

The Price-Anderson Act, established in 1957, limits the nuclear power industry's liability in case of an accident to $9.1 billion — just 2% of the estimated $560 billion that a serious nuclear accident would incur. The Energy Bill would extend the act for 20 years. By allowing nuclear operators to insure commercial reactors at levels far below the calculated cost of serious accidents, the Price-Anderson Act leaves taxpayers on the hook for potentially billions of dollars in the event of a nuclear catastrophe.

Funds the DOE's "Nuclear Power 2010" for new reactors

Energy Secretary Spencer Abraham unveiled the Nuclear Power 2010 program in early 2002. The Administration has adopted the nuclear industry's goal of 50 new reactors by 2020. The DOE plans to subsidize up to half the development and construction costs for new reactors through power purchase agreements, loan guarantees and federal lines of credit, all of which would be financed with taxpayer money.

Allots $865 million for research into waste reprocessing

The DOE's Advanced Fuel Cycle Initiative aims to deploy commercial nuclear fuel reprocessing technologies by 2015. These costly technologies separate weapons-usable plutonium from high-level radioactive waste. This technology would merge civilian and military nuclear use that has been banned by U.S. nonproliferation policy since the 1970's. Reprocessing also adds hundreds of tons to plutonium stockpiles, posing increased security risks. The Advanced Fuel Cycle Initiative would not solve the nuclear waste problem. In fact, reprocessing technologies create their own hazardous waste streams that as liquids and gasses are even more difficult to manage than waste that has not been reprocessed.

Provides funding for the Hydrogen Reactor Project

During his 2003 State of the Union address, President Bush said he would vigorously support hydrogen production technology and fuel cell cars — an advanced technology that could lead to reduced greenhouse gas emissions and a reduction in oil imports and use. The Energy Bill calls for producing this hydrogen by building new nuclear power reactors. In advancing hydrogen as a pollution-free energy source for a new generation of cars, it does not make sense to invest $1.1 billion in nuclear-hydrogen production with the ultimate by-products of plutonium, strontium, cesium and dozens of other highly toxic radioactive waste materials. A more forward-looking approach proposed in Congress promotes generation of hydrogen through renewable energy sources.

Authorizes $2.7 billion for nuclear energy research

The bill authorizes funding for the Nuclear Energy Research Initiative, the Nuclear Energy Plant Optimization and other programs geared to address and overcome the principal technical obstacles to the expanded use of nuclear energy, and to create a domestic and overseas market for nuclear power.

Authorizes $30 million for dirty "in-situ" uranium mining

In-situ uranium leaching/mining is a highly toxic process in which uranium is extracted from the ore that lines fresh water aquifers. Significant amounts of radium-226 and radon-222 are released during this process, and spills of uranium-contaminated water are common. At many mine sites, state agencies have not ensured proper clean-up, and in some cases any clean-up at all. This proposal especially threatens drinking water in New Mexico.

Repeals the ban on export of highly enriched uranium

The 1992 restriction on the export of weapons grade uranium is meant to discourage the use of this dangerous form of uranium for research reactors and medical purposes. Repealing the ban raises concerns among nuclear nonproliferation groups that it will be easier for terrorists to acquire the highly enriched uranium, considered the easiest material to use in making a nuclear bomb.

ACTION:

Call your Senators and urge them to oppose passage of the Energy Policy Act of 2003, HR 6. The Capitol Hill switchboard is (202) 224- 3121, or <www.senate.gov> To send a free fax to the Senate, and to see how your senators voted, see: <www.citizen.org>

NUKEWATCH PATHFINDER

The Pathfinder is the quarterly newsletter of **Nukewatch**, a project of **The Progressive Foundation**, a 501(c)(3) non-profit organization founded in 1981 by Samuel H. Day, Jr.

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Nukewatch - 25 Years of Nonviolent Action

By Bonnie Urfer

With the decline of the Soviet Union and the international Communist conspiracy as viable enemies, a search is under way for new villains — in the Middle East, in the Third World, in our very midst — whose presence will ensure continuation of the play. One way or another they will be found or fabricated.

As that search goes on, and as the nuclear organism continues to flourish in the rich soil of American militarism, I remain an Old Codger for Peace, ready to continue my resistance and to recruit others to the cause.
— Samuel H. Day, Jr., *Crossing the Line,* 1991

The late Sam Day, a founder of Nukewatch (center), blocks passage of an army tank during a 1991 Gulf War "victory" parade in Madison, Wisconsin.

In 2004, Nukewatch will be 25.

The Progressive magazine created the Progressive Foundation — a tax-exempt organization — in the heat of its famous case against attempted censorship, and to rally public support for the magazine's right to publish publicly available nuclear weapons information. After the federal government dropped the case, the magazine no longer needed the help of the Foundation. With the influence of Sam Day, who joined the Foundation in 1981, it adopted the name Nukewatch and broadened its agenda to include nonviolent resistance to all forms of nuclear secrecy and war planning.

Nukewatch became exceptionally active and gave direction to the Progressive Foundation. Sam was instrumental in formulating all of its campaigns, starting with resistance to campus military research, coordinating the efforts of a dozen Midwestern student groups. Out of Nukewatch came the early organizing work of the Wisconsin Nuclear Weapons Freeze campaign. Later, Nukewatch moved on to the Nuclear Free Zone campaign in which people, homes, automobiles, dormitories, campuses, and whole communities, including Madison, declared themselves free of nuclear weapons. From that effort grew the "Invest in Peace" program to help stockholders get rid of investments in corporations engaged in substantial military work. And, of course, the H-Bomb Truck Watch and the Missile Silo Mapping Projects were launched.

In 1984, Nukewatch started the "H-Bombs on Our Highways" campaign — involving dozens of volunteers who sought out, followed and reported on the movements of unmarked trucks moving nuclear weapons to destinations around the country. The H-Bomb Truck Watch, as it came to be known, tracked warhead convoys for tens of thousands of miles, from coast to coast and from Canada to Mexico. It helped to connect antinuclear activists in Britain and Western Europe with organizations across the U.S. In recent years this program has expanded to include the transport of radioactive waste.

Nukewatch, again through the enthusiasm of Sam, began the Missile Silo Mapping Project in 1985. This three-year task counted on the efforts of hundreds of volunteers living near missile silos in six Great Plains regions from Missouri to North Dakota and all the way to western Montana. The Silo Mapping Project culminated in our still-popular 1988 book *Nuclear Heartland.*

The H-Bomb Truck Watch and Missile Silo Mapping Project put people in psychological contact with and physical proximity to the Bomb. The aim was, as Sam said, "to lift the veil that hid the warheads, much as *The Progressive* had done in the H-bomb case. We believe that experiencing the reality of nuclear weapons at close hand motivates at least some people to greater exertion on behalf of nuclear disarmament."

The powerful experience of standing next to a nuclear missile or H-bomb transport led to week-long Peace Schools near missile silos in Missouri and North Dakota — and to dozens of protests and civil resistance actions..

Nonviolent resistance to the nuclear industry and nuclear weapons became and remains a major focus for Nukewatch. Scores of demonstrations and actions organized by Nukewatch staff, often times involving a "line-crossing" or other "no business as usual" actions, have brought together thousands of activists over the years in the name of peace and justice. Nukewatch staff and volunteers organize several nonviolent resistance and protest actions every year, and work hard to support the nuclear resisters who end up in courts and jails. We can be found at the gates of Project ELF, at the doors of uranium weapon's producers, and at the entrances to nuclear power reactors.

The early 1990's were challenging years for the organization. Sam Day retired in 1991. Peace groups within the U.S. were folding every week, with the illusion of peacetime left by the fall of the Berlin Wall, Cruise Missiles being thrown out of Europe, the breakup of the USSR and the dismantling of a few Minuteman Missiles. Sam and I talked about closing the doors of Nukewatch. But Sam Day was known to never give up and neither did Nukewatch.

Nukewatch limped along with the help of a small staff and an inadequate budget but got its second major wind in 1996 with a move to the Anathoth Community Farm in northern Wisconsin. John LaForge had been working as newsletter editor since Sam's retirement but became full-time on staff with the move north. *The Pathfinder* has become a publication with sharp antinuclear teeth under his direction and continues as such today, now with the additional help of Molly Mechtenberg-Berrigan who joined the staff early in 2002.

With the change in location came a renewed focus and commitment to resistance, education and organizing. Project ELF is just two hours from the Nukewatch office, making it an obvious focus for nonviolent resistance. We have been resisting the Navy's nuclear war "bell-ringer" there for two decades.

Today, we keep abreast of, report on and resist: H-bombs, uranium weapons, nuclear reactors, food irradiation, radioactive scrap metal recycling, nukes in space, nuclear waste and its transport shell game, war plans ... we're carrying on indeed.

Mark your calendars and watch for information about our 25th birthday party in Madison, Wisconsin in November of 2004. Thank you for 25 years of education and action for a nuclear free future.