

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. ...



Photo by Bonnie Urfer

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 ...

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.

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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.