

Stop Star Wars

www.stopstarwars.org

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No prison for peaceful protest

15 Greenpeace Activists and two freelance journalists face up to six years in prison in the US following a peaceful protest against the most recent test of the Star Wars missile defence system at Vandenberg airforce base in California during July. The 17, charged with "conspiracy to violate a safety zone" are due before the US courts for trial on 20th November, although defence lawyers are currently pushing for a delay to the trial date.

10 non-US Nationals among the 17 (including three Britons) have so far spent over a week in a maximum security US jail and three months restricted to central California, waiting to hear if they could return home before their trial. On the 16th October a US judge finally agreed to that request. All are due back in the USA 10 days before the trial date. As this bulletin goes to print, the US authorities have filed a "motion in limine" which if successful, will in effect gag the defendants, barring them from mentioning Star Wars in the court room.

In 30 years of direct action around the world this kind of charge is virtually unheard of. Greenpeace volunteers have taken direct actions under all sorts of legal and political regimes from China and South East Asia, to the former Soviet Union and Eastern Bloc countries, to South America and the Middle East. In the US a UCLA law professor, Frances Olsen, has described these current charges as "draconian".

Please help us to communicate to the US administration that activists should not face prison time for peaceful protest, nor journalists for merely documenting them. **We ask you to urgently contact Tony Blair and the US ambassador, William S Farish, on this matter.**

"Missile Defence was supposed to complete the walls of fortress America. Today, that assumption lies in ruins, and the utter irrelevance of NMD to the real threats facing the United States has been demonstrated beyond question." So wrote Anatol Lieven in The Times on 12th September. Yet George Bush seems absolutely determined to push forward with Star Wars regardless, and in doing so will abandon the ABM treaty. Speaking at a news conference on 11th October he concluded that the 1972 treaty was "outdated, antiquated and useless"

Meanwhile, the strongest hints to date have come of UK Government support for any NMD plans that Bush may proceed with. The Observer reported on 30th September that "Blair backs Star Wars" and that the Prime Minister believes NMD to be "inevitable".

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- **Six years in a US Jail for one peaceful protest?**

On 14th July, 15 Greenpeace activists and two freelance journalists were arrested by the FBI near Vandenberg Airforce Base in California following a peaceful protest against the most recent test of the Star Wars missile programme. All 17, including the journalists were taken to a maximum-security detention facility at Bakersfield, California that night.

At the initial court appearance the following Monday, all were chained and manacled and charged with conspiring to violate a safety zone – a class D felony with a maximum six year prison term and \$250,000 fine and conspiring to violate a direct order – a class A misdemeanour with a 12 month maximum sentence and \$5,000 fine.

The US residents were then released, while the 10 foreign nationals spent the following week back in prison, before being bailed on condition that they surrendered their passports. Until 15th October all 10 were still restricted to the Central California – some three months after their initial arrest.

The Star Wars 17 trial is currently scheduled for the 20th November – if convicted, all 17 could face up to six years in prison – just for one peaceful protest against Star Wars.

Greenpeace believes that the charges the 17 face are completely disproportionate to the action they have taken and that the US administration has massively over-reacted to this situation. We are further concerned that the filing of a “motion in limine” in this case, if successful, will in effect mean that the defendants will be unable to explain why they took the action that they did when in the court room.

Please show your support for the right to peaceful protest by writing to Tony Blair and to the US ambassador. Please send Greenpeace copies of any letters that you do write, which will be extremely helpful in our lobbying both here and in the United States (*to Andy Tait, Greenpeace, Canonbury Villas, London N1 2PN*).

Suggested points to raise –

- Three UK Nationals are involved – Greenpeace volunteers Bill Nandris and John Wills, together with freelance photographer Steve Morgan
- The Charges faced by all 17 are unnecessarily severe and are completely out of proportion to the action that they have taken
- All charges against the freelance journalists should be dropped
- Peaceful, non-violent protest without fear of imprisonment should surely be the right of all citizens in a democratic society
- Suggest that Tony Blair tells George Bush that imprisoning UK citizens for carrying out a peaceful demonstration in a democratic country is sending entirely the wrong message to the public - and can only hurt the special relationship between Britain and the US

Press Release from the NUJ, October 8th, "Welcome for the Taliban releasing British Journalist but why can't the USA do the same?"

(NB this was released before Steve Morgan's travel restrictions were lifted on the 15th October)

The National Union of Journalists is delighted at the release by the Taliban government in Afghanistan of Daily Express reporter Yvonne Ridley.

The union is especially pleased that her release went ahead after the USA and UK launched their bombing raids on the country. It is grateful for the efforts made on her behalf by managers and her NUJ colleagues at the Express, and by the British government.

But the union is calling for the release of another British journalist arrested overseas: photographer Steve Morgan is facing trial in the USA for taking pictures at a Greenpeace demonstration against the National Missile Defence system in July.

Steve Morgan was arrested with 16 others at the Vandenberg US Air Force base in California and has been charged with "conspiracy to violate a safety zone" and failure to adhere to a Commander's instructions. He could receive six years in jail. He is on bail but his passport has been seized so he cannot leave the US.

NUJ spokesperson Tim Gopsill said: "It seems extraordinary that the Taliban should accept a journalist's right to work in freedom but the USA does not. The Afghans initially accused Yvonne Ridley, a woman journalist in a land where women are totally repressed, of spying, but they let her free. The USA, currently pursuing a war against the Taliban, supposedly on behalf of democracy and freedom, refuses to grant a journalist his rights."

U.S. Raises Stakes for Delayed Launch, Washington Post, 19th August

LOS ANGELES -- When a group of Greenpeace activists, protesting a Star Wars missile defence test, entered a restricted area at Vandenberg Air Force Base last month, they assumed they would be arrested, held for a few hours and charged with misdemeanour trespass -- just as others have before them, including the actor Martin Sheen.

But the international group of 15 protesters and two journalists say they were shocked to find themselves facing felony charges of "conspiracy to violate a safety zone," as well as the lesser offence of violating a direct order.

If found guilty, the protesters face a maximum sentence of six years in prison and fines of \$250,000. The group was arraigned in federal court here on Monday and pleaded not guilty. Trial was set for Sept. 25, but the case will likely be delayed for months.

"I didn't even know what a felony was," said Nic Clyde, 32, a Greenpeace leader from Australia, who is freed on \$20,000 bond but ordered to remain in Los Angeles after spending six nights in jail. "But I knew it sounded bad." The felony charges are highly unusual for protests that are non-violent and in which no property is destroyed, said several legal experts not involved in the case.

Frances Olsen, a UCLA law professor who teaches a class on civil disobedience, called the felony charges "draconian" and "sabre rattling," aimed at producing a chilling effect on future protests of this kind.

Thom Mrozek, a spokesman for the U.S. attorney in Los Angeles, said the protesters warranted felony charges because they knowingly proceeded into a federally restricted marine area, delaying the missile launch and endangering the safety of the protesters and those sent to arrest them. Mrozek said the felony charges did not represent any policy change by the administration. "They violated the safety zone despite repeated oral and written warnings by the United States Coast Guard," Mrozek said.

The serious nature of the charges have garnered widespread media attention, especially outside the United States and in the home countries of the 15 protesters, who, including six Americans, are from Sweden, England, Australia, Germany, Canada and India.

The journalists, who documented the protest, are photographer Stephen Fitzpatrick Morgan from the United Kingdom and videographer Jorge Torres from Spain. They also face felony charges.

The 15 protesters are either employees or volunteers who work with Greenpeace, a well-funded international environmental organisation that opposes testing and implementing a space-based anti-missile shield, saying it increases the likelihood of a nuclear exchange.

Because of the felony charges and the threats of long prison terms, Greenpeace's publicity machine is gearing up to make "The Stop Star Wars 17" into international celebrities and perhaps martyrs to the cause.

The foreign protesters are staying together at a group house in Los Angeles, accompanied by a public relations manager, as they have been ordered by the court not to leave the country. This is the first time in 30 years of protests that the government has charged Greenpeace demonstrators with felonies, said Carol Gregory, a Greenpeace spokesman.

But protests are nothing new to Vandenberg Air Force Base, a centre and launch site of missile defence tests.

In the last year, three other groups of protesters were arrested at Vandenberg but were charged with misdemeanours. Those protests were on land, but in previous years, demonstrators arrested on the ocean along the Vandenberg beaches also were charged with misdemeanours. The actor Martin Sheen, who plays the president on the NBC television show "West Wing," was arrested during a demonstration Oct. 7 and charged with misdemeanour trespassing, to which he pleaded guilty in June. Sheen was fined \$500 and sentenced to three years of probation, although he could have received six months in jail and fines totalling \$5,000.

The Greenpeace protesters do not deny trying to disrupt the missile test July 14, which was briefly delayed by the activists and their arrests.

According to Air Force Capt. Tom Knowles, Coast Guard and Vandenberg officials repeatedly warned the protesters, who were travelling in a pair of inflatable skiffs, not to enter a "boat exclusion area" near the launch site.

The boats did enter the area, and two protesters jumped from their craft and swam onto Vandenberg's Minuteman Beach. The two swimmers were arrested but displayed signs of hypothermia and were taken by helicopter to a nearby hospital, Knowles said. The launch, originally scheduled for 7:05 p.m., occurred at 7:40 p.m.

Jon Aguilar, a former Marine who swam to shore during the incident, said he is not anti-military but disagrees with the proposed missile defence program. "There is a likelihood that this thing could start a new arms race," Aguilar said. "Bush is leading us right down the wrong road." "I don't feel left with an option but to protest," he said.

One of the 10 defence attorneys on the case, Katya Komisaruk, said that the government prosecutors have not signalled any desire to offer lesser charges in exchange for guilty pleas.

"The government is taking an extremely aggressive stance against a group of non-violent protesters," Komisaruk said.

Environmentalists File Suit Against Bush Missile Defence System, August 28th, Inside Washington.

The Natural Resources Defense Council, representing a broad coalition of environmental and other public interest groups, *[including Greenpeace]* has sued the Defence Department arguing that the administration needs to conduct a new environmental review of the president's highly touted missile defence program instead of relying on the assessments of past administrations. The legal complaint poses a new challenge to the centrepiece of the administration's missile and nuclear defence strategy, adding environment to the concerns being raised by critics of the unproven technology.

In a complaint filed with the U.S. District Court for the District of Columbia, the environmentalists are seeking a declaratory judgement that DOD is in violation of the National Environmental Policy Act by failing to prepare a supplemental programmatic environmental impact statement analysing the military's restructured ballistic missile defence program and by failing to prepare an EIS for a new missile defence system test bed. The plaintiffs are also seeking injunctive relief by requiring DOD to prepare an environmental review, circulate it for public comment and consider its findings in the decision-making process.

"By its own admission, the Bush administration has radically revised the missile defence program" from what was planned in the Clinton administration, said NRDC senior attorney David Adelman in a statement. "It can't do that without reassessing the potential environmental damage and providing for public comment. Otherwise, it's breaking the law."

According to NRDC, the restructured ballistic missile defense program, and the missile defence system test bed in particular, will result in significant environmental impacts at Ft. Greely, AK, and other sites in Alaska, Hawaii, the Marshall Islands and the continental United States where the system will be tested. These impacts include disruption of unique and pristine ecosystems, emissions of electromagnetic radiation, emissions of large quantities of ozone depleting chemicals, and storage and use of solvents and other explosive chemical compounds, NRDC says.

"DOD cannot now selectively rely on a defunct EIS as the basis for proceeding with the first stage of its bold new" missile defence program, the complaint says. "Moreover, the actions taken to establish the Test Bed in Alaska will unavoidably constrain the alternatives available to DOD in proceeding with the new program. Relying on this subterfuge, DOD is attempting to circumvent NEPA by proceeding" with the test bed and newly restructured missile defence program "prior to completing either an EIS or a supplement" to a 1994 programmatic EIS, the suit says.

- **Star Wars - where now after September 11th, A collection of recent newspaper editorials and commentary pieces.**

The Denver Post, 16th September: "Missile Defense passé"

"Nothing better symbolises how out of date Bush's advisers have been than the push for a missile defence shield. The shield was put on the drawing boards during the height of the Cold War - but that menace faded more than a decade

ago. Despite long-standing pursuit of the science fiction scheme, the technology has never worked. Bush has been pursuing a future technology to fight a past war. Meantime, he failed to make preventing terrorism a visible priority - although for years, defence experts in both political parties have warned that terrorism, not intercontinental ballistic missiles, most immediately threatens the U.S. coasts and mainland. Bush's multi-billion-dollar missile fantasy could not have stopped a well-financed and well-organised enemy from mounting last week's relatively low-tech attack. And nothing in Bush's pet project would protect against the worst-case terrorist scenario: the placement of a small nuclear bomb or other weapon of mass destruction on a container ship and steaming the vessel into ports at New York, Los Angeles or Houston. That scenario, as incomprehensible as it is, would outstrip even last week's horrors."

The New York Times, 19th September "Liberties; old ruses, new barbarians"

"The most famous story of the Western world, the prototype of all tales of human conflict, Barbara Tuchman writes in "The March of Folly," is the Wooden Horse. Despite repeated warnings, the Trojans relaxed their guard and let their fortress be breached. After the Trojans feasted and fell asleep, the hidden Greeks emerged. "Mad with murder," Homer wrote, they wielded their swords and hacked men and women to "the last thrust." The moral: Invaders can also win by cunning, deception and their adversaries' complacency and trust. This week, when Bush diplomats should have been riveted on the hard work of building an alliance against terrorism, Under Secretary of State John Bolton went to Moscow to insist that the reluctant Russians come around on missile defence. As long as they cling so tenaciously to their cold-war theology, it will be hard for the Bush crowd to engender the trust we need outside the country and accomplish the radical revamping we need inside. The man who during the campaign mistook the Taliban for a band and could not identify the leader of Pakistan has come a long way. The president recognises the epic and daunting nature of his quest to rid the world of evildoers. Speaking to senator last Thursday, Mr. Bush asked, What's the sense of sending a \$2 million missile to hit a \$10 tent and a camel in the keister? One might also ask: What's the sense of rushing to create a \$60 billion defence shield to protect against a Trojan horse?"

The Evening Standard, 12th September, "Britain's Duty"

"The President's policy on national missile defence, which always appeared to take insufficient account of America's exposure to localised terrorist attacks, has been comprehensively derailed. The theoretical possibility of a missile attack by a rogue state has not disappeared, but the priority now is domestic security, and the money, technology and political investment will need to be diverted towards parrying more conventional terrorist threats. "

The Guardian, 12th September, "National Missile Defence is no defence", Dan Plesch,

"Old thinking must..be set aside when it comes to nuclear weapons. President Bush vowed to end our vulnerability to attack. But his Star Wars could never

cope with terrorist attacks. And a NATO study has now confirmed that missile proliferation is a myth....The US obsession with the Star Wars system has prevented efforts to reduce and eliminate nuclear, chemical and biological arms. The US is far from the only culprit but it gave an alibi to the Chinese and the Russians...."

The Times, 13th September, "New Enemies demand new strategies as the Cold War ends" Anatol Lieven.

"Missile Defence and the planned US dominance of space have been posited on an acute danger from states that, on the one hand, are assumed to be organised and quite technologically sophisticated, but, on the other, willing to commit almost certain collective suicide in pursuit of their aims...."

"Unilateralist American policies in recent years have been based consciously or unconsciously on the assumption that because America itself is invulnerable, it does not really need allies. Missile Defence was supposed to complete the walls of fortress America. Today, that assumption lies in ruins, and the utter irrelevance of NMD to the real threats facing the United States has been demonstrated beyond question."

The Guardian, 13th September, "View from the kitchen table", Jonathan Freedland.

"Americans can demand more money spent on the US military. But what use is that when even the Pentagon can be hit out of a clear blue sky? A missile defence umbrella could cost billions, but it is worthless if the threat comes not in missiles but passenger jets, raining down on earth."

The Times, 15th September, "The fanatic with a suitcase is our enemy now", Arthur Schlesinger Jr.

"Terrorism is the great threat of the 21st Century. Let us not think that we can repel it with the defence postures of the past century. If the national missile defence were technologically feasible, and if it were already in place, it would have done absolutely nothing to protect the nation against this horror. National Missile Defence was designed for the last war. It is irrelevant to the threat of terrorism...we require 21st Century methods to deal with 21st century dangers. We need to worry not about sovereign states delivering missiles through space (and thereby inviting their own obliteration) but about fanatic individuals using the suitcase delivery system. National Missile Defence promises to be our Maginot Line. We require 21st century methods to deal with 21st century dangers."

"For years, rational debate on the proliferation of weaponry has been drowned by howls of the American right barking up the wrong tree. The "threat" it chose to magnify was the most unlikely imaginable."

The Evening Standard, 17th September, "What America must learn from disaster", Tony Judt

"The obsession with missile defence is a monstrous dereliction of duty. To be sure, there may be criminal states and obsessed individuals who dream even now of firing off an intercontinental missile. But that is their least likely weapon of choice, precisely because it so clearly advertises its point of origin and its owner. If I am right, and the threat in coming decades is from men and organisations that want make a point and mock and humble their adversary, then missile defence expenditure is a criminal waste"

"American national interests have no meaning in isolation. Alliances, treaties, international laws, courts and agencies are not an alternative to national security – they are its only hope."

The Guardian, 18th September, "Fear and loathing", Martin Amis

"Several lines of US policy were bankrupted by the events of last Tuesday, among them national missile defence. Someone realised that the skies of America were already teeming with missiles, each of them primed and cocked."

Charleston Gazette, 18th September: " 'Star Wars' shield wouldn't protect"

"A national missile defence system is a horribly expensive pipe dream. It will never work, for a multitude of reasons both scientific and political. It would violate arms control treaties and encourage nations like China, India, and Pakistan to build more missiles, making the world much less safe. Terrorists - America's most likely future enemy - won't be lobbing intercontinental missiles at this country. They will be sneaking bombs in on trucks or boats. The \$8.3 billion Bush wants to spend for missile interceptors would be better spent on airport security and intelligence efforts."

Washington File, 11 October 2001 Transcript: President Bush, in Press Conference, Remarks on the ABM treaty.

Question (John King, CNN): I want to ask you, before the events of September 11th, one of the big questions you faced this fall was, would you violate the Antiballistic Missile Treaty and go ahead with the missile defence plan if Russia did not strike a deal? Will you do that now because Russia's co-operation is so important?

President Bush: In terms of missile defence, I can't wait to visit with my friend, Vladimir Putin, in Shanghai, to reiterate once again that the Cold War is over, it's done with, and that there are new threats that we face; and no better example of that new threat than the attack on America on September 11th. And I'm going to ask my friend to envision a world in which a terrorist thug and/or a host nation might have the ability to develop -- to deliver a weapon of mass destruction via a - via rocket. And wouldn't it be in our nation's advantage to be able to shoot it down? At the very least, it should be in our nation's advantage to determine whether we can shoot it down. And we're restricted from doing that because of an ABM Treaty that was signed during a totally different era. The

case cannot be even - the case is more strong today than it was on September 10th that the ABM is outmoded, outdated, reflects a different time. And I'm more than - I am more than anxious to continue making my case to them. And we will do what's right in regards

Question: If he does not agree with you, would you withdraw from the ABM Treaty this year?

President Bush: I have told Mr. Putin that the ABM Treaty is outdated, antiquated and useless. And I hope that he will join us in a new strategic relationship.

- **"Pentagon Sets Back Missile Test Schedule", Reuters, October 5, 2001**

The next flight test of a prototype U.S. missile defence had been due to take place this month, Air Force Lt. Gen. Ronald Kadish, the head of the Pentagon's Ballistic Missile Defence Organisation, told reporters on 15th August.

But the test has been postponed until an as-yet unspecified date between the end of November and mid December, a Pentagon spokesman, Air Force Lt. Col. Rick Lehner, told Reuters.

He attributed the delay to a desire to do more ground testing of the so-called kill vehicle's hardware and software. The postponement had nothing to do with avoiding antagonising members of the coalition Bush is building for his "war on terrorism," Lehner said.

On Tuesday, Putin voiced strong support for U.S.-led military action against terrorism, saying Moscow needed no further proof of who was behind the Sept. 11 attacks for its intelligence agencies to join the battle.

In addition, Russia has acquiesced to the deployment of U.S. troops in at least one former Soviet central Asian republic -- Uzbekistan -- as part of a looming campaign against Osama bin Laden, the prime suspect in the attacks, and his Taliban hosts in bordering Afghanistan.

In another sign of Russia's rising strategic importance, the United States has stepped away from condemnations of Russian actions in Chechnya. Bush recently joined Putin in linking Chechen fighters to global "terrorist" groups. But Zakheim said nothing about the Sept. 11 attacks had changed the Bush administration view of the importance of building a missile shield.

"My guess is these guys will try whatever they can try," he said of those behind the hijacking of airliners that levelled the World Trade Centre towers, damaged the Pentagon and crashed into Pennsylvania. "I don't see leaving a big wide open gap by not having a missile defence."



For more information on the Greenpeace Stop Star Wars campaign or to receive these bulletins by email please contact Andy Tait – andy.tait@uk.greenpeace.org