Ground Zero

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UN Treaty on the Prohibition of Nuclear Weapons Ratified!

Countries of Honduras, Jamaica, and Nauru Get Agreement to Threshold

By Mona Lee

This is a historic time of celebration for the Ground Zero Center for Nonviolent Action and other organizational members of the International Campaign to Abolish Nuclear Weapons (ICAN). On October 24, 2020, Honduras became the 50th nation to ratify the United Nations Treaty on the Prohibition of Nuclear Weapons. With that step, the treaty will enter into force on January 22, 2021. Ground Zero will celebrate this event during its annual Martin Luther King birthday weekend activities January 15-17.

The passing of this Treaty marks a significant milestone in a long effort to abolish nuclear weapons. Seventy-five years ago, in response to World War II and the horrific nuclear destruction of Hiroshima and Nagasa-

ki, the United Nations was founded to develop cooperation among nations and prevent such a catastrophe from ever happening again.

Article VI of the 1968 Nuclear Non-Proliferation Treaty commits nuclear weapon states to "pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control." Additionally, the Strategic Arms Reduction Treaty signed in 1991 limited the number of warheads that could be deployed. Even so, today nearly a dozen countries possess a total of 13,410 nuclear warheads with

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approximately 91 percent of all nuclear warheads owned by the U.S. and Russia. These weapons are many times more powerful than the bombs that wiped out Hiroshima, killing and maiming thousands of innocent citizens.



A long journey: At a December 2018 vigil, Ground Zero members joined Vicki Elson and Timmon Milne Wallis, co-founders of the Treaty Compliance Campaign, to demonstrate for the adoption of the Nuclear Ban Treaty. *Photo by Leonard Eiger*.

More recently, ICAN organized a series of three international anti-nuclear weapons conferences: one in Oslo, Norway in 2013; the second in Nayarit, Mexico in 2014; and another in Vienna, also in 2014. These meetings focused upon the horrific health effects of nuclear weapons testing upon downwinders: Utah residents down wind of the Nevada nuclear testing; the Marshall Islanders in the Pacific; and the villages of Kazakhstan down-wind of Soviet nuclear tests. Hundreds of warheads have been detonated, and their radiation has caused widespread cancers and untimely deaths of thousands of people in those parts of the world.

At the 2014 conference in Vienna, the Austrian government promised to develop a nuclear weapons ban treaty. The result was the Treaty on the Prohibition of Nuclear Weapons which was adopted in 2017. Because of this accomplishment, ICAN was awarded the Nobel Peace Prize in that year. But it was not until October of this year that enough nations had ratified the treaty. The Ban Treaty will enter into force on January 22, 2021.

So, what are we celebrating? Not one of the dozen nuclear-armed countries that possess the thousands of nuclear weapons has signed onto the Treaty for the Prohibition of Nuclear Weapons. Because they are not signatories to the Treaty, neither the US nor Russia, nor any of the other nuclear armed nations, can be called before the Hague Tribunal because they are in violation of international law. However, according to Dr. Ira Helfand of the ICAN Steering Committee and many other experts, this

Treaty will give the rest of the world a "powerful tool" to stigmatize the nuclear armed nations that own these weapons as well as the corporations that build them. We all have a role to play in doing the persuading.

Although Ground Zero has persisted in its resistance to nuclear weapons over the years, the general public has largely forgotten them since the end of the Cold War in the late 1980s. However, recently there is growing awareness of nuclear weapons and the dangers they pose to humanity. More people are waking up to the reality that the possibility of nuclear war is greater than it has ever been. A wider grass roots campaign called "Back from the Brink" has been endorsed by many cities and several state legislatures. They call for the US to lead a global effort to take such actions as:

- Renouncing the option of using nuclear weapons first
- Ending the sole, unchecked authority of any president to launch a nuclear attack
- Taking the U.S. nuclear weapons off hair-trigger alert
- Cancelling the plan to replace its entire arsenal with enhanced weapons
- Actively pursuing a verifiable agreement among nuclear-armed states to eliminate their nuclear weapons.

Therefore, while we are celebrating, we will take action to use the Treaty on the Prohibition of Nuclear Weapons as leverage to pressure our government to come into compliance with international law and with its moral obligation to rid humanity of its gravest threat.



Mona Lee has resisted Trident since the first arrival of the nuclear weapons at the base. Cover design courtesy of www.allthingsnuclear.org.

Annual Meeting Held Virtually

In a strange year, we still accomplished a lot!

By Mary Gleysteen

The first-ever Ground Zero Zoom annual meeting was held on November 6, 2020.

A review of 2020 activities included participation as a contingent in the annual Dr. Martin Luther King, Jr. march in Seattle, and a MLK vigil at the Main Gate at Bangor. Ground Zero helped host the Pacific Life Community gathering in Port Orchard which included an action at Bangor.

Ground Zero held its first successful webinar for Mothers' Day, featuring Lilly Adams, a nuclear weapons outreach consultant for the Union of Concerned Scientists. Five members held a vigil at the Bangor Main Gate later that day while observing appropriate physical distancing.



In a previous era (2018 to be exact), when in-person gathering was allowed, Ground Zero members gathered to celebrate the year's accomplishments and plan for the year to come. *Photo by Leonard Eiger*.

In July, the Peace Fleet sailed in Elliott Bay (the Navy didn't show!)

In August, Ground Zero supported and welcomed the annual Nipponzan Myohoji peace walkers. We observed the 75th remembrance of the bombings of Hiroshima and Nagasaki with a virtual address by Ramona Bennett of the Puyallup Tribe who drew the connections between nuclear weapons, racism, and destruction of the planet. On Monday, August 9, traffic was blocked at the Main Gate, but no arrests or citations were issued. On September 25, Ground Zero helped organize a rally in Seattle in honor of the UN International Day for the Total Elimination of Nuclear Weapons.

Due to COVID, leafletting at Bangor is temporarily suspended, but it continues at the Lake Forest Park for Peace weekly vigil. Ground Zero did freeway bannering

during rush hour in Seattle, sponsored billboards in Seattle, ran four full-page public service announcements in the *Kitsap Sun* which included our Appeal to Navy Personnel and reflections on the 75th remembrance of the bombings of Hiroshima and Nagasaki. Ground Zero members continue to coordinate with local peace, racial justice and environmental movements, in activities ranging from lobbying to supplying peacekeepers for Black Lives Matter demonstrations in Kitsap County. We watch with awe and inspiration the progress on the Peace Pagoda whose foundation has now been poured.

Planning for 2021 includes continuing to link nuclear weapons issues to environmental consequences. In January, we will hold a socially distanced Martin Lu-

ther King, Jr. vigil at Bangor and will observe the ratification of the Treaty on the Prohibition of Nuclear Weapons (TPNW) with bannering, billboards and *Kitsap Sun* public service announcements. This summer, the Peace Fleet will sail, we will sponsor the Peace Walk and hold our annual Hiroshima/Nagasaki observance from Friday, August 6 through Monday, August 9. We will have more newspaper public service announcements in the Kitsap Sun and buy more billboard space.

We will continue with our informative www.gzcenter.org website and with the production and distribution of our highly acclaimed *Ground Zero* newsletter.

As we can, we will continue to resist Trident through nonviolent direct action. COVID permitting, we plan to invite 6th District Congressman Derek Kilmer and his staff to visit Ground Zero.

The meeting concluded with the selection of Stewardship Council members with volunteers coming forward to help accomplish our goals for 2021, and with the observation that in such a strange year, we managed to accomplish a lot with a small group of people.

Stewardship Council meetings are open to all and are easy to attend via Zoom. Contact Tom Rogers or email info@gzcenter.org to receive notice of meetings. We welcome your participation in planning and carrying out the work of Ground Zero in 2021.

Mary Gleysteen serves on the Stewardship Council. In addition to resisting Trident, her activism includes support for food access programs and racial justice work in Kitsap County.

Ground Zero and Washington Physicians for Social Responsibility Win Legal Fees and the Release of 11 Court-Sealed Navy Records Showing Base Explosives Risk

By Glen Milner

On August 31, 2020, Judge Ronald B. Leighton ordered the release of 11 records that the Navy had provided in 2012 in the course of a National Environmental Policy Act (NEPA) lawsuit that were sealed later in 2012 in a secret court hearing. Judge Leighton also lifted a gag

order imposed upon Ground Zero and Washington Physicians for Social Responsibility (WPSR) over seven years ago.

Following the ruling by Judge Leighton, on October 23, 2020, Judge Thomas S. Zilly in the U.S. District Court in Tacoma ordered the Navy to pay legal fees incurred by Ground Zero and WPSR, and to lift a gag order imposed upon them by the court since 2012 at the request of the U.S. Navy.

Ground Zero member Glen Milner stated, "On November 9, 2012, the Navy was able to have records and Plaintiff's briefs sealed just days before oral arguments were scheduled in District Court.

The records proved our arguments that the Navy never conducted a study of explosives risk for the second explosives handling wharf at Bangor and that the siting of the wharf failed to comply with explosive safety regulations. Our win on First Amendment issues in the Ninth Circuit and our recent wins in District Court are significant because we pushed back and succeeded in having the Court lift the permanent gag order that had been imposed over seven years ago. Still, the question remains—would Ground Zero have prevailed if the gag order had not been imposed, and the 11 records sealed, at the Navy's request in District Court? We will never know."

The NEPA lawsuit was initiated on June 19, 2012 in U.S. District Court in Tacoma, charging that that construction of the Navy's second Explosives Handling Wharf began without an adequate study of environmental impacts under the NEPA. The Navy began construction of the four-year project in September 2012.

After the lawsuit was filed, the Navy released over 115,000 pages in its administrative record which helped prove that the proposed second wharf would cause a new and substantial explosives risk in Hood Canal.

On November 8, 2012, the Navy secretly contacted the federal court regarding documents the Navy had filed in the administrative record, and claimed that docu-

ments containing sensitive information relating to national security had been inadvertently released.

On November 9, 2012, 11 records were sealed, including two legal briefs previously filed by Ground Zero and WPSR, and a gag order was imposed on the

organizations. Ground Zero and WPSR had planned to cite four of the 11 records in arguments in a hearing that was scheduled on November 12, 2012.

On January 8, 2014, Judge Leighton ruled to dismiss both the NEPA lawsuit and the claims against the gag order and the 11 sealed records. Ground Zero and WPSR appealed to the Ninth Circuit Court of Appeals.

On June 27, 2017, the Ninth Circuit ruled against the NEPA claims but supported the First Amendment claims against the gag order and the sealing of previously released records. The Ninth Circuit Court of Appeals stated that to im-

pose continuing restrictions on Ground Zero's public dissemination of documents that the Navy inadvertently made public, a court must identify "a compelling reason [to impose the restriction] and articulate the factual basis for its ruling, without relying on hypothesis or conjecture." The Ninth Circuit vacated the decision by Judge Leighton and remanded the First Amendment issues regarding the gag order back to Judge Leighton's court "for further proceedings to determine whether ...restrictions on Ground Zero's speech are warranted."

On August 31, 2020, Judge Leighton stated in his new ruling, "...the Ninth Circuit ...required this Court to make factual findings about the Navy's claim that there were compelling reasons to allow it to 'claw back' the documents it had already disclosed.

"Ground Zero emphasizes that the Ninth Circuit already held that neither this Court nor the Navy can preclude the dissemination of any documents Ground Zero obtained from a source other than the Navy's disclosure. It argues it obtained seven of the 11 documents at issue from a source other than the Navy.

"...As to the remaining four documents, Ground Zero argues the Navy's motion repeats and relies on an argument that the Ninth Circuit already rejected: that the documents' status as UNCI or CISI material 'protects it



The existing Explosives Handling Wharf was the location of a dangerous accident in 2003, in which a ladder penetrated a nuclear nosecone during a "routine" missile offloading.

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from disclosure.' The Ninth Circuit already held that the fact that it would have been protected from a FOIA request in the first instance is not enough to warrant a gag order after the government discloses it. The Navy's general reliance on the 'risk' that the information could be useful to one seeking to harm the United States is similarly insufficient. The Ninth Circuit required specific facts supporting a finding that, absent restrictions on Ground Zero's First Amendment rights, the disclosure would cause harm. Ground Zero demonstrates that the Navy has not made such a showing; its witnesses all say it 'could' do so. ...Ninth Circuit's high standard for a gag order under these circumstances has not been met."

In 2012, most of records that the Navy had filed in the administrative record for the NEPA lawsuit had been reviewed and redacted during a Department of Defense (DoD) review process. The records had been provided by the Navy as evidence that the Navy had fully considered explosive risks for the second Explosives Handling Wharf. But instead of showing that the Navy had responsibly reviewed issues in its Environmental Impact Statement (EIS) for the wharf, the records proved the opposite. The records showed that the wharf did not comply with the Navy's own explosives siting regulations and was never approved by the Department of Defense Explosives Safety Board (DDESB), the agency responsible for military explosives safety.

The released records proved that the Navy's proposed second Explosives Handling Wharf would cause a new and substantial explosives risk in Hood Canal.

Four of the 11 sealed records showed that while the Navy stated in its EIS that there were no new risks involving explosive material in Hood Canal, a debate had been raging within the DoD. The DDESB had refused to grant approval for the project. The Navy instead sought its own Secretarial Certification, one of only seven such exemptions in the U.S., and agreed to accept all responsibility for any accident and the consequences of any accident for the entire life of the wharf.

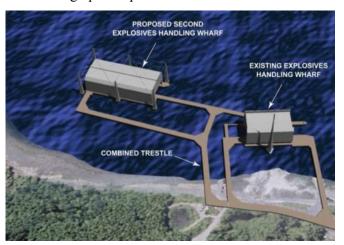
Before records were sealed, Kitsap Sun reporter Ed Friedrich had used the four records for an October 1, 2012 article regarding the special Secretarial Certification exemption for the wharf.

Three of the 11 sealed records were portions of a U.S. Navy explosives manual, *NAVSEA OP-5 Volume 1, Ammunition and Explosives Safety Ashore*, that had been available on U.S. Navy websites many times since 2012. The manual proved that explosives siting claims made by the Navy throughout the EIS for the second Explosives Handling Wharf at Bangor did not comply with DoD and U.S. Navy explosives safety regulations.

One of the 11 sealed records involved risk estimates for handling Trident II D-5 missiles and showed the amount of risk for detonation of first, second, and third stage rocket motors in the event of an accident at

Bangor. The risk factors are based upon propellant tests from the 1990s and on a system of safety fault-tree analysis—a method of safety analysis now considered obsolete by many experts involved with complex risk assessment.

The Navy's second Explosives Handling Wharf consists of 1,250 pilings and covers 6.3 acres of water in ecologically sensitive Hood Canal. The Navy, while withholding information regarding explosives safety, will double the amount of explosives in Hood Canal and likely double the amount of missile handling by the Navy. The net explosive weight of the two wharves is equal to 7.4 million pounds of TNT in the form of rocket propellant in the missiles. The propellant is classified as an HC/D 1.1 explosive, more volatile than TNT, and is capable of detonating upon impact.



The location of the second Explosives Handling Wharf—a new and substantial explosives risk in the delicate ecosystem of Hood Canal. *Diagram courtesy of the U.S. Navy.*

Throughout the EIS process, the Navy insisted that it was not increasing the risk of an accident involving missiles in Hood Canal. In the Final EIS the Navy stated, "No new or increased quantity of explosives would be introduced as a result of the construction and operation of the EHW-2." However, records released after the case was filed showed that the Navy planned to spend up to \$32.2 million for "Impacted Facilities" to fortify or move existing facilities which could be damaged from an explosives accident at the new wharf. The expense amounts to about 4.5 percent of the entire project.

Ground Zero members supported and paid most of the fees for the lawsuit—a substantial undertaking for a small organization. Attorneys Katherine George and James Lobsenz, who have a long history in open government and First Amendment issues, did a phenomenal job representing Ground Zero and WPSR.

Glen Milner has worked against the threat of nuclear weapons since the days of White Train resistance, and leads legal efforts on behalf of Ground Zero. He lives in Lake Forest Park with his wife Karol.

Kings Bay Plowshares 7 Prisoner-Activist Steve Kelly Faces Arrest Warrant in Tacoma

By Elizabeth Murray

Fifty years to the day after the assassination of Dr. Martin Luther King Jr., on April 4, 2018, over two and a half years ago, the Kings Bay Plowshares 7 cut a lock and entered the base where nuclear-armed US submarines are home-ported, in a plowshares action which included pouring blood, posting an indictment which charged the US government for crimes against peace, posting crime scene tape and hanging banners, one of which said, "The Ultimate Logic of Trident is Omnicide," and damaging Trident D5 monuments. Plowshares actions seek to enact the prophecy in the Biblical book of Isaiah that nations will beat swords into plowshares and study war no more.

cording to Kremer. Thus, at a time when the Covid-19 virus is epidemic in many prisons throughout the country, Father Kelly may be compelled to spend yet more time behind bars for his nonviolently opposing weapons of mass destruction.

In his motion, Kremer stated that during the Plowshares 7 trial in Kings Bay, the government had sought to justify Steve's lengthy (33-month) sentence in Georgia in part by arguing that he had violated his sentence in Tacoma by not registering for probation. Kremer therefore argued that it is inappropriate to punish him twice for the same allegation, and that Steve's age puts

The fate of "Plowshares 7" peace and disarmament activist Steve Kelly hangs in the balance. Father Kelly has just served his lengthy 33-month prison sentence at the Glynn County Detention Center in Georgia – much of it in solitary confinement. He was imprisoned for nonviolently protesting the (internationally illegal) existence of nuclear weapons at the Kings Bay Trident nuclear submarine base alongside six fellow nuclear resisters. Father Kelly, as of this writing, was in the Sheriff's office in Baker City, Oregon, en route to the federal courthouse in Tacoma, Washington, to face an arrest warrant for refusing a supervised release order from an earlier peace action at Naval Base Kitsap-Bangor in 2016.

Father Kelly, a Catholic priest and selfprofessed "political prisoner of conscience for Christ" (see the October 2020 Ground Zero Center newsletter for the text of his presentencing declaration to the Court), said that participat-

ing in a supervised release program would effectively constitute an accommodation of the US government's "compelling interest of the nuclear weapons agenda." He is bound by "a higher authority" to refuse probation.

Tacoma-based attorney Blake Kremer, who is representing Steve in the Tacoma probation violation case, filed a motion in early December asking the Tacoma magistrate to quash the arrest warrant and close the case against Father Kelly, in light of the nearly three years of prison time he has served in Georgia. Although a ruling on the motion was scheduled for December 11, as of December 21 the motion had gone unanswered, Kremer noted.

Had Kremer's motion succeeded, Father Kelly would have been released with no further obligation to return to Tacoma. Sentencing guidelines for Kelly's September 2016 decision not to report to a probation officer in Tacoma generally call for a 12-month prison term, ac-



The Kings Bay Plowshares 7: from left to right, Clare Grady, Patrick O'Neill, Elizabeth McAlister, Fr. Steve Kelly, Martha Hennesy, Mark Colville, and Carmen Trotta. *Photo courtesy of www.kingsbayplowshares7.org.*

him at risk for Covid-19 health complications. Keeping Father Kelly in custody and transporting him across the country places him at even greater risk for exposure, Kremer said.

Attorney Kremer – who has frequently led workshops at Ground Zero Center for Nonviolent Action events that help peace activists understand their legal rights – remains in close contact with Father Kelly. He remarked: "I continue to be impressed with [Steve's] courage and strength."

Tacoma-based Pax Christi member George Rodkey, who is also affiliated with Ground Zero, said he is planning to organize local solidarity actions if Steve Kelly is sentenced to further prison time as a result of his 2016 probation refusal.

Meanwhile, fellow Kings Bay Plowshares 7 disarmament activists Carmen Trotta and Martha Hennessy self-reported to federal prisons on December 14 to begin

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Two Events Planned to Honor Martin Luther King's Legacy

By Leonard Eiger and Glen Milner

Dr. Martin Luther King, Jr. took a strong stand against nuclear weapons and war, and their threat to humanity:

"I definitely feel that the development and use of nuclear weapons should be banned. It cannot be disputed that a fullscale nuclear war would be utterly catastrophic. Hundreds and millions of people would be killed outright by the blast and heat, and by the ionizing radiation produced at the instant of the explosion . . . Even countries not directly hit by bombs would suffer through global fall-outs. All of this leads me to say that the principal objective of all nations must be the total abolition of war. War

must be finally eliminated or the whole of mankind will be plunged into the abyss of annihilation."

On Friday, January 15, participants will meet at 1:00pm at Ground Zero to prepare, and will leave the center to arrive at the Naval Base Kitsap-Bangor main gate at 2:00pm for the vigil, which will last approximately one hour. No civil disobedience/resistance is planned.

Signs and banners will be supplied; bring your nonviolent spirit and—especially—a face mask! We will be following best COVID-prevention practices, including face masks, hand-washing and social-distancing. Please dress for the weather and wear comfortable walking shoes; it is a short (less than 15 minute) walk from Ground Zero to the main gate. A vehicle will be available for anyone needing assistance in getting to the gate.

Following the vigil, we will return to Ground

Zero Center for a closing circle before heading home.
On January 22, 2021, Ground Zero members will hold banners in Kitsap County in celebration of the Trea-

ty on the Prohibition of Nuclear Weapons (TPNW) that enters into force on that day. For more details, please contact Mary Gleysteen at mary-gleysteen@gmail.com.

Ground Zero members will not be an organized part of the Martin Luther King, Jr. Day march in Seattle this year out of health concerns. This will be the first time in many years that we have not had banners, or the inflatable missile, and a good delegation of anti-nuclear activists in the march.

On April 4, 1967, Dr. King's stated, "A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death."

On December 8, 2020, as citizens across our nation suffer from both a public health and unemployment crisis, the U.S. Congress passed the \$740 billion 2021 National Defense Authorization Act (NDAA) ensuring for unending war. Congresswoman Pramila Jayapal was the only Washington State member of Congress to vote against the 2021 NDAA.

Leonard Eiger chairs the Communication and Outreach Committee, and sends out press releases and information on behalf of Ground Zero. **Glen Milner** leads legal struggles on behalf of Ground Zero. He lives in Lake Forest Park.



Dr. King and wife Coretta march for civil rights in 1965 in Birmingham. *Photo courtesy of www.democracynow.org.*

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their respective sentences. Trotta was given a 14-month sentence, while Hennessy – who is the granddaughter of Catholic Worker co-founder Dorothy Day – was sentenced to a 10-month prison term.

Plowshares activists Clare Grady and Patrick O'Neill will report to prison in the New Year. Mark Colville has a delay for sentencing until February 19. To access the defendants' powerful sentencing statements go to https://kingsbayplowshares7.org/sentencing-statements/ which is under the "Legal" tab in the menu.

Grady – sentenced to 12 months and one day for her part in the peace action – wrote that "The Kings Bay Plowshares hope to draw attention not only to the threat of nuclear annihilation posed by the weapons aboard the submarines whose homeport is Kings Bay, but to emphasize how the weapons kill every day. We say, 'the ultimate logic of Trident is omnicide,' and yet, the explosive power of this weapon is only part of what we want to make visible. We see that nuclear weapons kill every day by their mere existence. We see the billions of dollars it takes to build and maintain the Trident system as stolen resources, which are desperately needed for human needs."

Information on writing to all of the Plowshares 7 activists can be found on the Kings Bay Plowshares web site, www.kingsbayplowshares7.org.

Elizabeth Murray serves as Member-in-Residence at Ground Zero. She is a member of Veteran Intelligence Professionals for Sanity, a group founded in 2003 to challenge the Bush administration's false claims about Iraq's weapons of mass destruction.

GROUND ZERO

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Cachieved what many said was impossible: nuclear weapons are now banned."

— Beatrice Fihn, Executive Director, International Campaign to Abolish Nuclear Weapons

A Candle: A Call for Peace Placed in the Kitsap Sun

On Sunday, December 20, the following reflection and photo were published in the print and online editions of the Kitsap Sun newspaper as a paid public service announcement. Hannah Russell, longtime member of Ground Zero, wrote the text in 2012 for a leaflet handed out that year and in subsequent years at the entrance to Naval Base Kitsap-Bangor. Karol Milner took the photo. Due to the pandemic, Ground Zero's monthly leafletting has been suspended—but our wish for peace and love remains.

There is in each of us something that responds to a candle burning, and especially so in the dark of a winter night. Whether we come from a religious tradition or not, the act of lighting a candle somehow gives us pleasure, restores us to ourselves, gives us relief and hope. Where all was dark, now there glows and shimmers a little flame. And that flame becomes a symbol of all we hope for, all we long for with all our hearts – health and joy for those we love, food and shelter for those among us who are without, comfort for those who suffer, justice for the oppressed, and the coming of peace in a world laboring with the heaviness of conflict.

As we light our candles together, may each of us be filled with the light they bring, and may we reach out to one another in joyful resolve to live into our hopes each day.

