

On January 1, 1991, four people, one a New Zealander, entered Griffiss Airforce Base in Rome, New York, and hammered on the B-52 bombers and the runway, spraying both with blood-filled baby bottles. They described their action as an attempt to protest at, and prevent, the slaughter in Iraq. A jury saw it as simple criminal behaviour. Sentence was to be passed this week.

OF BOMBS AND BABY BOTTLES

by Jim Consedine

IT'S HARD to imagine a baby's bottle being a pivotal component of a disarmament trial. Or an international symbol of peacemaking. But such was the case at the trial, in late May 1991 in Syracuse, New York, of the Anzus Ploughshares peacemakers.

The four Catholic Worker defendants — Ciaran O'Reilly of Brisbane, Australia; Moana Cole of Christchurch, New Zealand; Susan Frankel and Bill Streit of Washington DC — had pleaded "not guilty" to federal charges of conspiracy and destruction of government property resulting from their disarmament action at Griffiss Airforce Base, Rome, New York on January 1, 1991, the World Day of Peace.

The state alleged that they hammered on a B-52 bomber armed with nuclear cruise

missiles, dug up the runway to prevent the planes leaving, poured blood over both, and spray-painted "Swords into Ploughshares" and other biblical quotes on the plane and tarmac. In so doing they were guilty as charged and thus liable for up to 15 years imprisonment.

The peacemakers claimed that they merely sought to prevent the B-52 from flying to Iraq, and doing more of what it had done previously: the carpet-bombing of civilian populations, resulting in the mass slaughter and destruction of thousands of innocent people, including defenceless children.

The trial hinged on a defence of "necessity or justification". This involves efforts by the defence to show that greater crimes would have been carried out if the accused had not



A rainbow banner lent by the New Zealand Peace Movement was paraded each morning outside the court before the day's proceedings. Moana Cole's mother Pearl is at centre.

The baby bottles which had been used to spray the blood onto the plane and the tarmac became a very graphic symbol both of the innocent victims of the war (especially the children who died in Iraq as a result of the bombing), and of the international dimension of the case. If international law, divine injunction and biblical morality could be argued, then the baby bottles would be accepted. If property law only was discussed, then they were out.

Early in the trial it became clear that Judge Neal McCurn was not really interested in anything other than the nuts and bolts issues of damage and trespass. Did

"Is what we did really a crime in the light of what these bombers later did in the Persian Gulf?"

they cut the fence to gain entry? Did they damage the fuel tank? What did the damage cost to repair? Did they attempt to break up the runway with their hammers? Did they spray-paint slogans like "Love your enemies" and "No more bombing of children"?

The state prosecutor, Edward Broton, objected to every reference to the war, bombings by B-52s, American foreign policy, and particularly to children and innocents being killed. He objected to the introduction of the baby bottles and photos of maimed and dead children from previous wars. His argument was that such items

would inflame the jury.

The state produced 10 witnesses, all part of the military establishment, to give testimony as to the nature of the damage done. One 19-year-old man, a corporal in the airforce with 18 months experience, described with chilling normalcy how he, along with his sergeant, was the first to arrive at the B-52 after the action. After jumping from his car, he had held Sue Frankel and Bill Streit at gunpoint, using an M16 rifle. Under cross-examination he said that, in the "deadly force zone" around the aircraft, he was entitled to shoot to kill on sight any intruder. "You should be out playing basketball with the other kids on the block" was the audible comment from the courtroom.

At the start of the third day the defence attempted to place the action in the wider context of international law and biblical justice as a basis for morality.

Sue Frankel, born in Germany and a convert from Judaism to Catholicism, spoke of the impact of the Holocaust on her life. Her grandparents, both Jewish, had been among the victims of Auschwitz concentration camp.

With the jury absent, the judge allowed two witnesses to be called so that he might sample the type of case the defence proposed to present. Sue Frankel called Sister Anne Montgomery, the daughter of an admiral and herself a member of no fewer than six previous disarming actions involving Ploughshares peacemakers. She spoke of her life as a teacher among the poor of Harlem and her realisation late in life of the direct connection between their poverty and American militarism. She spoke of her visit to Iraq as part of a peacekeeping force, and her horror at the mass destruction and carpet-bombing she witnessed during the first weeks of the war.

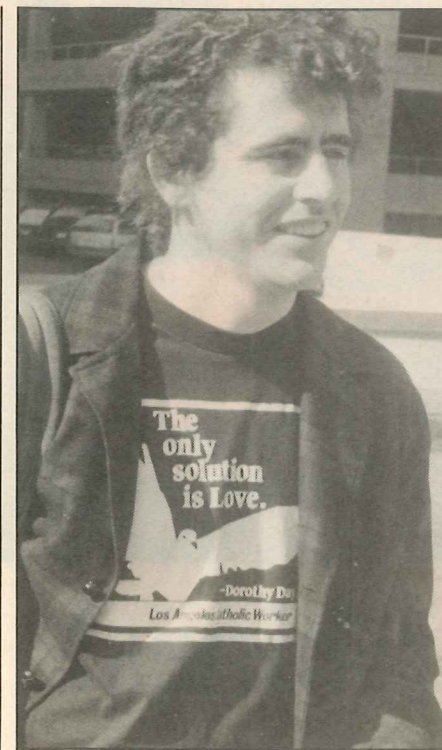
She was followed into the witness box by Ramsay Clark, ex-marine, a former US attorney-general under President Johnson. He gave a graphic description of the effects of B-52 bombings on Baghdad, which he had witnessed daily while he was in Iraq. He talked of a city where public amenities like sewerage, water and electricity had been smashed in the first three days of the war. All communications including telephones and television had gone. Basically the whole infrastructure of the city lay in ruins. Hospitals had few resources and virtually no medical personnel, no medicines. Limbs were being amputated without anaesthetic.

He described how the B-52s actually do their bombing raids. "The first bomb is targeted and the remainder fall where they may." He described the blocks of civilian flats and houses destroyed this way. He said such mass destruction is clearly in violation of international law and constituted a crime against humanity. He later pointed out how censored the television coverage had been of the actual fighting in that, though there were live pictures of missile attacks "which lit up the night sky like a giant fireworks display", the mayhem, the smashed bodies, the blood of victims was not allowed to be shown. The world received sanitised pictures of the war.

As he left the courtroom, more than 100 spectators in the public gallery gave him a standing ovation. Minutes later, Judge McCurn ruled that the evidence of both Clark and Sister Montgomery was irrelevant. Veteran peacemaker Phil Berrigan's immediate comment that American courts were simply extensions of the government/military alliance had a chilling ring to it. In only one of the 38 Ploughshares trials held has the context of the action been allowed to be discussed in front of the jury. Usually international law and moral intent play no part in the US court system. The "necessity defence" was out. And so were the baby bottles.

One expert witness not allowed was Admiral Eugene Carroll. The veteran of four stints in Vietnam, the last as the commander of an aircraft carrier, he retired disillusioned from the navy shortly after being director of Nato forces in Europe and the Middle East under General Alexander Haig.

Carroll said at a press conference that the US bombing of Iraq totalled about seven times the fire power of Hiroshima, and that this mass destruction was totally unwarranted. He said that, in Vietnam, 800 bombing raids per week were boasted of by the US as being big. In Iraq they unleashed 1600 raids every 24 hours, which is 11,000 per week, and upwards of 120,000 in all.



Ciaran O'Reilly: trying to stop a crime, not commit one.

The defence opened with each of the defendants speaking to the court of the call they felt to enliven their words and beliefs. They had previously tried all the normal means of communication with the government in efforts to stop the war. They had written numerous letters, signed petitions, conducted vigils at the White House, lobbied, fasted and prayed. Yet the Gulf war was looming closer each day. The US administration was applying greater and greater pressure to its allies to toe the line. The media were propagating distortions unchallenged except by the few. Truth was again the first casualty. It was time to speak the truth with non-violent direct action.

Taking the stand, Moana Cole spoke of her Pacific background (her mother was born in Fiji), her knowledge of the effects of French testing in the Pacific, the devastation US military policy has brought to small countries like the Marshall Islands, and her own pacifist beliefs. She talked of her conversion to Catholicism, and the effect on her of the social teachings of the church and sacred scripture. She spoke of the particular connections between war and poverty, and peace and plenty. Finally, she told how the vision of Isaiah in the scriptures led her to act. After much reflection, prayer and meditation she had joined the others in "spiritually disarming" the B-52 and the runway "which ends not at the fenceline but with thousands of dead children in Iraq".

The defence was able to call only two witnesses. Dr Paul Walker, a defence analyst, was allowed to speak of some

effects of B-52 bombings, and concluded by disputing the amount of damage sustained by the fuel tank. The original claim was for \$87,000, reduced to \$6282 by trial date. He showed that at such a price the tradespeople involved in the repair work would have been earning more than the airforce generals. His estimate was \$477.

Moana Cole called evidence as to the economic and social conditions in New Zealand and of the nature, importance of and support for the nuclear free law. The court received a statement from former prime minister, David Lange, which spoke of the tradition of peacemaking in New Zealand and the large anti-nuclear majority among the electorate. He suggested that Cole's action was in line with this tradition.

Verdict day saw the defendants relaxed and good humoured. In many ways the case had gone well. With "defence by necessity" ruled out they knew they would almost certainly be found guilty. They retained a slim hope that a juror might vote "conscience", which would result in a hung jury and a retrial. But slim was the operative word.

Their final appeals to the jury continued to reflect the tenor of their original action. They had sought to place the US government on trial over its Gulf war policy. The government in turn had talked of trespass and property damage. The final defence summations continued to revolve around symbols, definitions and imagery. They characterised their action as "disarming a nuclear weapons system".

Ciaran O'Reilly told the jury that they went to stop a crime, not commit one. He said that B-52s are often damaged by birds in flight as they go about their deadly business. "On January 1, 1991, one was struck by a dove of peace." Bill Streit wondered how someone who had taken a hammer to the gas chambers of Auschwitz would now be judged. He called on the jury to let their hearts speak to them of greater truth than what the state had allowed in evidence. Sue Frankel asked, "Is what we did really a crime in the light of what these bombers later did in the Persian Gulf?"

Moana Cole spoke of her gradual conversion to a view where she clearly saw the proposed mass slaughter the Gulf war would unleash as being a crime against God and against humanity. She appealed to the jury not to allow themselves to lock-step along with simplistic public jingoism in praise of the war. Rather they should weigh up the grave issues of the morality of the war, and declare it to have been unacceptable. "We wanted to make a new Anzus pact where, instead of three countries conspiring to wage war, we would learn to conspire to build

peace. We wanted to stop this war."

Like the other defendants, Cole claimed no criminal intention in going to the Griffiss Airforce Base on January 1, 1991. "We did enter the base. We sought to unmask the B-52 for what it really is, and what its sole purpose is for — mass slaughter. We did it with no criminal intent. The intent was to practise the love of others as Christ commanded."

Drawing on the analogy of the Berlin Wall, she said that only when people dismantled the wall piece by piece with their hammers were German people free. "Nuclear-armed bombers are our Berlin Wall. They need to be disarmed by ordinary people. We decided to start the process."

The state prosecutor called the action simple criminal behaviour. He questioned whether the defendants were reckless in their approach to the plane, where they could have been shot on sight, and whether the use of hammers contradicted their claim of non-violence.

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Judge Neal McCurn told the jury that motivation was immaterial to the case. They were to decide it purely on the law of trespass and property damage. "The law does not recognise a higher law, nor religious and political beliefs."

The jury agreed.

They returned to a courtroom filled with 60 singing and praying supporters of the peacemakers. With the entire peace community present standing, arms linked in solidarity, the defendants were found guilty as charged, and remanded until August 20, 1991 for sentence.

Yet the defendants and friends revelled well into the night, made congratulatory speeches and thanked God for the day's work. For them this was a victory of spirit and truth; of love and non-violent action over militarism and warmaking; of justice over law. They knew there was a further price to pay, but for the moment, baby bottles ruled. ■