


**WHALING BY ANOTHER NAME
THE HIGHER LAW OF THE NUCLEAR AGE
DIET FOR A POISONED PLANET**

GREENPEACE

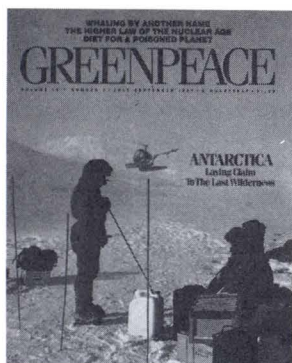
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ON THE COVER

Greenpeace wintering team volunteers Gudrun Gaudian and Kevin Conaglen set up field camp on the permanent sea ice before hiking to McMurdo Base to investigate environmental conditions.

Photo by Keith Nels Swenson.



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Greenpeace activists on the steps of the Capitol in Washington, D.C. demand an end to plutonium production for nuclear weapons.

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TAKING ACTION

The Higher Law of the Nuclear Age

by John E. Mack, M.D.

During the past several years I have tried to reconcile my activist imperatives with the academic and psychiatric life I also lead. Henry David Thoreau, in his 1849 essay on resistance to civil government, said, "There are thousands who are in opinion opposed to slavery and to the war (he was referring to the war with Mexico), who yet in effect do nothing to put an end to them." The nuclear arms race calls for us to do something about it. In my case, however, as a psychiatrist in academic life, there are problems with activity. Some actions create tensions and conflicts, perhaps even incompatibilities and contradictions. Action, I suspect, may be a bigger problem for psychoanalysts than for others because we are trained from the beginning not to be active, not to do too much.

There are a variety of political actions we may undertake as teachers or as concerned citizens involved in the electoral process, such as writing letters, signing petitions, marching for peace, or working for candidates whose stance on issues we support. But I write particularly about a decision I made last June to be arrested in Mercury, Nevada, at the Nuclear Test Site, in protest of U.S. testing of nuclear weapons.

The Soviet moratorium on nuclear-weapons testing began in August of 1985 and ended in February 1987. The protesters in Nevada these past months opposed continued U.S. testing in the face of the Soviet moratorium. There have been pioneers in these protests, such as Daniel Ellsberg; the Reverend Lewis Vitale, of the Franciscan order in Las Vegas; the Shoshone Indians, who complain bitterly about the internal injuries being done to their mother earth by nuclear explosions; the Berrigans; and Margaret Brenman-Gibson, a psychologist and professor at Harvard who has been arrested a number of times in Nevada. Groups like Greenpeace and, more recently, American Peace Test (APT) have been organizing demonstrations against U.S. testing for several years.

In May a colleague and friend of mine, Lester Grinspoon, another Harvard psychiatrist, called me about an APT action that was being planned for the weekend of May 31 to June 2, 1986. He asked me if I would join a group of psychiatrists and others at the test site. I spoke with my wife and children about the possibility and was somewhat surprised to find that each of my three sons, ages 22, 24 and 26, was interested in joining me in a family action at the site. My wife Sally eventually decided to join us, and we went to Nevada together as a fami-

ly. On Sunday there was training in the discipline of nonviolent civil disobedience.

That day, all of the demonstrators agreed to take a single action on Monday. Those who were to be arrested would cross the white line marking the perimeter of the site in an orderly manner so as not to bring about violence or create chaos.

When Sally and I went out to Nevada, it had not been our intention to be arrested, but to be in the support group for those who would be. We found ourselves increasingly dissatisfied with this decision. By Sunday night our sons had made up their minds that they were going to join with those moving onto the test site. By Monday morning it became clear to us that we could not have our children walk across the line

"There is a dark side to human nature that I don't understand. . . . Whether it gets control or not is the essence of the problem of governments dealing with each other."

while we stood on the other side and waved as if to say, "Nice going, guys, we'll see you back in Boston." So we were all arrested together. The 149 who crossed the line were handcuffed and taken away on a bus in the 110 degree heat.

Sally and I signed out later on our own recognizance. Our initial trial took place on September 29. Richard Falk, a well-known international lawyer at Princeton, argued our case in terms of greater danger posed by nuclear weapons and the Nuremberg principles, which oblige individuals to uphold international law. Judge William Sullivan, the county justice in Beatty, has had his hands full dealing with the overwhelming number of demonstrations taking place at the test site. On November 24, after deliberating for eight weeks, he ruled that the demonstrators were in fact guilty of trespassing. On September 30 another large demonstration occurred that resulted in 140 arrests, and again on February 5, 1987, over 430 demonstrators were arrested.

In my view of the political situation, actions like this are important, if not essential. I start my analysis with what I call the dark side of humankind. People, I find, will generally go along with this notion if it can be located

elsewhere. I have been conducting a study of decision makers in the nuclear age and spent hours at Livermore Laboratories in California interviewing weapons makers. The man formerly in charge of designing all nuclear weapons at the lab said to me quite spontaneously, "There is a dark side to human nature that I don't understand. I know it's in everybody and in every society, and whether that dark side gets control or not is the essence of the problem of governments dealing with each other."

But when I have pressed him and others further, it is the expression of the dark side in others—in the Soviet Union, for instance, or among the ideological extremists in the Reagan administration—that is emphasized. They are different from us. The dark side resides in the institutions that harness science and technology for destructive purposes. Nuclear weapons have proven to be amplifiers of terror, aggression and power. They seem to contribute to a certain primitivism of thought and to the emergence of the demonic in all of us. But their threat also inspires opposite tendencies, efforts to transcend differences between peoples.

The dark side of humankind in the nuclear age is expressed by nationalism and the ideologies that support it. We need to understand the special power nationalism holds. If it is not the primary group-identification for most of humankind, surely the idea of the nation and its values and purposes is the one for which men and women will most readily die and for which they, albeit usually at someone else's orders, will kill others. There is some mystery about its power. Nationalism is both compelling and thin, for when human contact is made across national lines, nationalistic thinking often melts away.

This power, as I see it, has dual origins. One source resides in tribal history and the myths of national origin. The history of tribes and nations has led to the focus on outside dangers. There is thus in the psychology of nationalism a built-in tendency to externalize. National histories are associated with outside enemies, with threat and the struggle for survival. Heroes are those who are thought to have saved the nation from its enemies.

The second source of power of nationalism lies in a population's personal reservoirs of emotional susceptibility. We identify with the nation. It serves to give us a sense of value and belonging, of community—real or false. Nationalism may also provide an outlet for aggressive emotions. Morton Halperin, a nuclear strategist who has worked with leaders at the



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highest levels for a quarter of a century, goes further than I, as a psychiatrist, would dare when he says, "Policymakers, like most of the rest of us, are playing out their deep psychological needs because nobody knows how to prove their ideas are wrong."

Nationalism is supported by ideologies, bodies of thought that simplify and distort history and political reality to justify national behavior. Ideologies have a double-edged quality. They represent positive values such as freedom, or the collective purpose of the nation. But they tend to become empty slogans, polarizing issues and dividing people from each other. What I call the "ideologies of enmity" sanction killing and mass killing.

Dehumanization and demonization of the other are primary devices leaders use to mobilize the citizenry against an adversary. The understanding, or at least the use, of these mechanisms is being demonstrated increasingly by political analysts. Soviet expert Seweryn Bialer, in his new book, *The Soviet Paradox* writes: "It is wrong to dehumanize the complex experience, thoughts, and fears of the Soviet people and demonize the Soviet leaders, denying any validity to their fear of war, their legitimate security concerns, and their recognition of the imperative need to create some sort of *modus vivendi* with the other nuclear powers."

Paul Warnke says in a recent article, "Our problem today is that we are running out of acceptable enemies. At one point we could count on Red China, and Dean Rusk could talk about the specter of a billion Chinese armed with nuclear weapons. Today we have a billion Chinese armed with nuclear weapons, but they scare nobody but the Russians. . . . We have to find a worthy enemy. The entire burden has now fallen on the Soviets. I do not know what we would do without them."

The ideologies of enmity bind us to the reality of the other. They create a structure of interpretation that limits what can show up about another society—what we, for example, might learn about the Soviet Union, or the Soviets about us. They hide from us our own contribution to the conflict and to the suffering that our own nation may cause. Ideologies blind one to where ideologies themselves reside. Ideology is, by and large, something someone else has.

Our blaming of the Soviet Union used to include the accusation of lying. But during the past few weeks and months we have seen a steady pattern of lying and distortion on our own part, now euphemistically called disinformation. We saw it in the KAL incident, in which U.S. leaders insisted, despite evidence to the contrary, that the Soviet pilots knew the civilian status of the aircraft they gunned down. We see it in Secretary of Defense Caspar Weinberger's repeated insistence, without citing evidence, that the Soviets believe they can win a nuclear war. We see it in the name given to the contra killers—"freedom fighters"—and we see it in the Poindexter memo that called for "the use of real and illusionary defense through a disinformation program" to aggravate Khadafy's paranoia. The most telling incident was George Schultz's employment of an alleged quote from Churchill to justify lying about Khadafy: "In time of war, the truth is so precious it must be attended by a bodyguard of lies." Are we at war? Is lying and its justification now institutionalized as part of our national ideology?

We hear a lot these days about the need for enemies. I don't quite see it that way. I believe we have a genetic potential for violence, but I do not think there is anything inevitable about it. National leaders use that potential for political purposes; they recruit our hatred and the violence in us. Hitler said in *Mein Kampf*

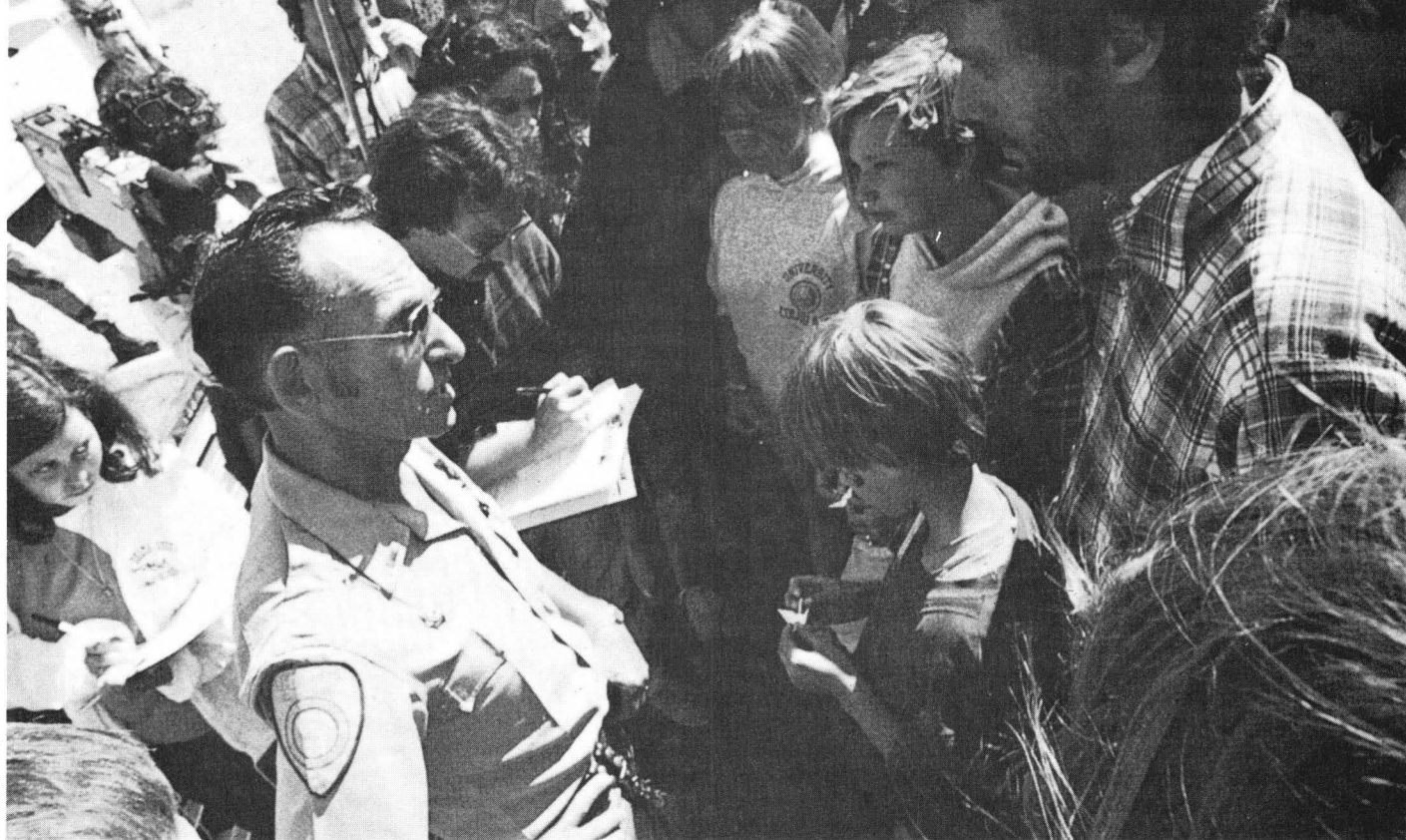
that to retain power one must keep the focus always on an outside enemy. I believe that we have the capability of transcending this potential, but we will need different marching orders if we are to do it.

Ideology is the psychopolitical glue that binds the war system together. It provides the justification for the vast array of economic, domestic, political, scientific, military, and technocratic vested interests that comprise the system. It furnishes the abnegation of collective self-responsibility that permits the weapons makers and users to do what they do.

Nuclear weapons decisionmakers, with a few exceptions, are not ideologues. They accept just enough of the prevailing anti-Soviet attitudes to permit them to do what they know how to do well without too much guilt. They usually do not much question the basic assumptions. Many weapons makers believe, for example, that they are working to stabilize deterrence. But they do not see how our advanced nuclear systems might be perceived as a threat by the Soviets, or that we use them to force political results and change Soviet behavior.

The Strategic Defense Initiative (Star Wars) is a kind of apogee, a coming together in the heavens of all of the forces I have described. It is the ultimate expression of U.S. power through advanced technology. It reveals the faith of an ideologically committed leader and his blindly loyal followers. Many speak disparagingly of the scheme's mythic qualities.

MIT principal research scientist Kosta Tsipis calls it a "technological science-fiction fantasy." Senator Edward Kennedy calls it a "grand illusion." Responsible scientists have argued persuasively that the system will not offer real



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protection, but they miss the main point. Political psychologist Lloyd Etheridge comes close to the heart of the matter. He argues that Star Wars is suited to the carrying out of national power as dramatic art. It is an appeal to faith and imagination and to emotion. As such it is effective, impressive. Its mythic appeal overrides the more mundane considerations of whether it will "work," let alone whether it is politically or militarily wise. It is nationalism as theater.

So where does this perspective leave us? In great danger, I think. The danger derives not only from the overwhelming destructiveness of nuclear devices but also from our attachment to them and to the unrealistic perception that they could be used successfully in a combat situation. The most compelling way to appreciate the degree of the nuclear threat and its indiscriminate nature is to realize that one's own country's nuclear weapons are as much a danger as those of the adversary. Whether this is so because of the possible nuclear winter phenomenon or the virtual certainty of retaliation should the weapons be used is not important.

Lisa Peattie, MIT Professor of Anthropology Emeritus, who was arrested with us in Nevada in June, said in her written defense: "Another basis for the right of citizens to take action toward stopping the preparations for nuclear war is the basic right of persons to defend themselves and their children." In other words, our government is threatening its own citizens, and we have a right to defend ourselves.

My analysis leads me to the conclusion that analysis is not enough. Something more must be done to oppose the threat and the forces that create it. What are the possibilities? First, there is education and awareness. By awareness I mean an appreciation that the problem is not only out there, in the Soviet

Union, but here as well.

George Orwell pointed out that nationalistic and ideological blinders are difficult to remove, but you can at least know that you have them. We can become aware of the arrogance of U.S. power and find ways of resisting it. We need to mobilize alternative forms of power. This begins with new visions of possibility. Jonathan Schell; the Beyond War group in California; Randall Forsberg, in a new position paper outlining a program for how to beat the war system in forty years; all provide visions of a world without nuclear terror. We need the courage to commit ourselves to the possibility of a world that is not dominated by the threat of the war system. This is not a technological problem; no hardware can, by itself, help much to overcome our self-created vulnerability.

We need to create a web of relationships between the United States and the Soviet Union that can help to transcend narrowly defined interests and the various expressions of militant nationalism. Nowadays we often hear about globalism, or universalism, and the essential interconnectedness of peoples in the nuclear age. It will take a lot of work to make this real. We will continue to pursue familiar forms of political action within the electoral system. But something more seems to be needed, some effective protest that can directly challenge the products of the power system that so threaten us.

Nonviolent resistance to illegitimate authority has a long history in this country, dating back to the Boston Tea Party. Thoreau gave it classic expression. If the law, wrote Thoreau, "is of such a nature that it requires you to be the agent of injustice to another, then I say, break the law. Let your life be a counter friction to stop the machine. What I have to do is to see, at any rate, that

I do not lend myself to the wrong which I condemn." "A very few," Thoreau said, "as heroes, patriots, martyrs, reformers in the great sense, and men, serve the State with their consciences also, and so necessarily resist it for the most part; and they are commonly treated as enemies by it."

Nonviolent resistance as an effective political force was developed by Gandhi in the struggle for Indian independence. We saw a dramatic example of it recently in the Philippines when Marcos was swept out of power. Martin Luther King's leadership of the struggle against racism in the South set a powerful precedent for the political use of nonviolent civil disobedience in this country. In a Birmingham jail in 1963 King wrote, "We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community." King's methods provided a way of dramatizing particular evils. The *New Yorker* reminded us recently that at the time of his death, King was "trying to figure out ways to extend his successful tactic of nonviolent civil disobedience into new and even more difficult battles—battles in which the enemy was not as obvious and crude as it had been in Birmingham."

The enemy in the nuclear battle is not always subtle, but its power is formidable. The most effective counterforce to that power is a profoundly aroused and determined public that strongly resists what Galbraith calls "the idea of nuclear euthanasia." But all of us who have protested have faced the problem of making the threat tangible, immediate, and palpable, not something vaguely "out there," of dramatizing the evil with which we are dealing and of penetrating the thicket of arcane language that surrounds the arms race and leaves us feeling frustrated and confused. One of the purposes

of civil disobedience is to do just that.

Illinois law professor Francis A. Boyle has written that nonviolent civil disobedience is important to prevent or impede "ongoing criminal activities." It represents the "last constitutional avenue open to the American people to preserve their democratic form of government with its historical commitment to the rule of law."

There is evidence that nonviolent civil disobedience is becoming more broad-based and mainstream. Of the 140 arrested on September 30, there were fifty physicians, seventeen professors and teachers, six government public-health officials, several nurses, a number of housewives, the publisher of *Las Vegas* magazine, two lawyers, and a congressional aide. The action was co-organized by the American Public Health Association (APHA), hardly a radical group. Jerrienne Hayslette of the *Las Vegas Review-Journal* wrote that "the 420 health care professionals riding busses to the Nevada Test Site were not on a lark." Some, she noted, wore "business suits, uptown dresses and high heels," and "many of the APHA delegates still wore their convention ribbons." Columnist Robert Lowes, of the *Gateway Gazette* wrote of the protesters: "These were not long-haired hippies or student dissidents of the past; these were responsible citizens who happen to disagree with our nation's current policy of continued nuclear weapons testing."

There is power in taking a stand, in saying no with your body. Several congressmen have told us that the August, 1986 vote, in which the House committed itself to cutting off funds for nuclear weapons testing, was very much affected by the demonstrations. Philippines president Corazon Aquino said in September, 1986, "The central part of nonviolent change" is touching "the humanity of your opponent" and finding "a way to his basic decency." For nonviolent civil disobedience to focus public attention on the spiraling arms race and create the much-needed national debate about basic policy assumptions in relation to nuclear weapons, the demonstrators will have to extend their organization and communicate clearly to the public and the media the reasons they have felt it necessary to take such drastic action.

On September 30, 1986, the U.S. Department of Energy chose to set off a nuclear test, as if in contempt of the growing ranks of anti-nuclear demonstrators. Again, there were massive arrests, over 130 this time. The test was called Lab Quark (they have these cute names for them). When the countdown for Lab Quark began, Carl Sagan held a radio up to a microphone so that the hundreds of demonstrators gathered at the test site could hear it. For several minutes afterward there was a deadly silence in the desert, punctuated only by the sound of a baby crying.

On February 3, 1987, the U.S. exploded another underground test, code-named Hazebrook. It is this test, says the Soviet Union, that prompted them to finally end their unilateral moratorium. Two days later more than 430 protesters were arrested, including

Dr. Carl Sagan and actors Martin Sheen and Kris Kristofferson. The protest was sponsored by a diverse collection of groups, including the Federation of American Scientists, the American Public Health Association, Physicians for Social Responsibility and Parliamentarians for Global Action.

In attendance at the protest or a conference the day before were Members of Congress Tom Downey, Jim Bates, Barbara Boxer, Mike Lowry, Leon Panetta and Pat Schroeder. Also present were former nuclear weapons designer Dr. Ted Taylor, Nobel Laureate for Physics Professor Owen Chamberlain, Dr. Hugh Dewitt, senior scientist at the Lawrence Livermore Weapons Laboratory, Marvin Minsky, Donner Professor of Science at MIT, Dr. Lester Grinspoon, Professor of Psychiatry at the Harvard Medical School, and former U.S. Attorney General Ramsey Clark. "This observer," wrote Hank Greenspun, publisher of the *Las Vegas Sun*, "has seldom witnessed a more eminent group that was willing to accept innumerable hardships with more grace, humility and thoughtful response while petitioning for a cause that could mean survival for their children, grandchildren and all mankind."

So here is where I've come to. The nuclear arms race threatens academic life and freedom and everything else we cherish. Some aspects of our education may enable us to see or understand the threat more clearly than others do. Surely we need to be better informed about the nuclear arms race so that we can effectively challenge the basic tenets that have justified its perpetuation and escalation. But in addition to becoming better informed, we have the opportunity—the obligation—to do all we can to oppose this most terrible evil of our time. Each of us can do it in his or her own way. Nonviolent civil disobedience is traditionally American, but one must be prepared for the consequences. King said, "One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty." For me, personally, there has been something liberating in this action. I recommend civil disobedience for your spiritual health.

John E. Mack, M.D., is a professor of psychiatry at Harvard Medical School and director of the Center for Psychological Studies in the Nuclear Age. Copyright © 1987 Harvard Magazine. Reprinted by Permission.

UPHOLDING A HIGHER LAW

by Brian Bence

It is inevitable that the conscience of an individual will come into conflict with the law of the state. In 19th-century southern United States, abolitionists routinely broke the Fugitive Slave Act and a century later Martin Luther King led the campaign of civil disobedience that rolled back segregation. Today, people break the law because their conscience demands that they oppose the destruction of the environment, human rights abuses in the

conduct of foreign policy and the nuclear arms race.

Sit-ins, civil disobedience and non-violent direct actions are traditional means of social change in all societies, and legally sanctioned in the United States in part by the Bill of Rights and the system of trial by jury, where state law is subject to scrutiny by the conscience of the community. Legal support is also found in the necessity defense, where breaking the law is considered justified if it is done to prevent a greater harm, and in international laws and agreements such as the U.N. Charter, the Geneva Convention and the Nuremberg Principles.

Richard Falk, a professor of international law at the Center for International Studies, Princeton University, sees breaking the law as the only recourse for U.S. citizens opposed to aspects of United States nuclear and foreign policy. He reasons that the excessive secrecy demanded by nuclear weapons coupled with the hair-trigger readiness of nuclear war-fighting systems have effectively removed Congressional oversight from vital national security decisions. "Representative democracy is now virtually dead when it comes to nuclear national security," says Falk. He calls this erosion of democracy "nuclearism," which he defines as "the unrestricted authority to unleash unlimited violence with no legal or moral accountability."

These arguments and others like them are being used in court to convince juries to acquit demonstrators arrested for protests such as trespassing on the Nevada Test Site, destroying military equipment and disrupting CIA recruiting on U.S. college campuses. The main obstacle to this defense strategy is the tendency for judges to prohibit certain testimony and issue narrow instructions to the jury, or to avoid such cases altogether (rather than preside over an "embarrassing" precedent).

Last December, former U.S. Attorney General Ramsey Clark prepared a defense based on necessity and the Nuremberg principles for the almost 100 people arrested for trespassing onto the Nevada Test Site last September. But on January 16th, five days before the trial was scheduled to begin, the District Attorney dropped the charges because of purported irregularities in the arrest process. It is widely assumed that the charges were dropped to avoid a public national debate on the wisdom and legality of continued nuclear weapons testing.

In the rare instance when a full airing of the issues is allowed, trials have sometimes ended in acquittals or hung juries. In a highly publicized jury trial last April, 14 activists including former President Jimmy Carter's daughter Amy and veteran activist Abbie Hoffman were acquitted of charges stemming from protests against CIA recruiting on the campus of the University of Massachusetts. Commenting on the jury's decision, prosecutor W. Michael Ryan said "Middle America doesn't want the CIA doing what they are doing." Juror Anne Gafney said afterwards, "These young people are doing perhaps what most of us should be doing."