

# SHACKLED SPEECH IN DEFENSE OF INTERNATIONAL LAW

A Defense by a Citizen's Intervention to Contest the Existence of Nuclear Weapons and Seek the Prevention of Their Use by Intention and by Accident

Bernie Meyer



Bernie Meyer cited by Washington State Patrol at Sub Base Bangor

## Introduction

On January 5<sup>th</sup>, 2012 seven of us were found guilty of illegally entering the highway at the entrance to Sub Base Bangor on the Hood Canal in Washington State. This is a traffic violation. We were part of a Ground Zero Center for Nonviolent Action Mother's Day action to say "NO" to nuclear weapons. (May 7<sup>th</sup>, 2011) We read Julia Ward Howe's statement initiating Mother's Day, so that we would not send our sons to war to kill the sons of other mothers.

I went Pro Se to defend the action in order to have more freedom of expression and to be able to address the judge directly.

I offer my outline of intended comments, etc for those considering undertaking "their duty" to resist immoral, illegal nuclear weapons. I encourage you to go to the sources cited in the outline to acquire a more complete understanding.

The judge's restrictions about international law were debilitating. Before he made his verdict, after we had all had our say as far as able, Judge Riehl asked me what closing comment I had. I told him that he should come to the decision that international law supersedes local traffic violations and that we did the right thing. I think it is gross irresponsibility, immoral, and illegal to deny the applicability of international law in these cases of Citizen Interventions. Of course, Judge Riehl was doing his duty to maintain the integrity of local law, while acknowledging in his comments the dilemma and need to address the issue of nuclear weapons. At Nuremberg, the United States government prosecuted and convicted Germans for their actions in WWII.

[www.gzcenter.org](http://www.gzcenter.org)  
[www.oly-wa.us/berniemeyer](http://www.oly-wa.us/berniemeyer)

OUTLINE OF RESPONSE TO CITATION FOR VIOLATION OF CODE 46.61.250,  
"walking on roadway where prohibited"

by Bernard E Meyer, January 5, 2012, 2011

Nov 16: Judge James Riehl will allow speaking what was on your mind.

January 5<sup>th</sup>: Judge James Riehl will allow speaking about motivation without mention of international law, Nuremberg principles, etc. This is a much narrower scope that "what was on your mind."

**Emotion for testimony:** SPEAK FROM THE HEART TO SHOW WHAT WAS ON MY MIND. Show experiences of nuclear damage and destruction which impel me to act to abolish nuclear weapons.

My presence at Sub Base Bangor on May 7<sup>th</sup>, 2011 was a Citizen's Intervention to appeal to the United States government, the United States Navy, and the United States citizens to abolish nuclear weapons. I was performing my duty as a citizen according to law. I will elaborate about citizen interventions, the law, the state of nuclear abolition, and my history of acting on my responsibility.

I speak with 23 years of formal undergraduate and graduate education in philosophy, history, ethics, morality, and human behavior.

I have been a law abiding citizen. This traffic citation is not a reflection of my history of driving and pedestrian ship. Excellent record since I first obtained my drivers license at the age of 16.

I speak as a US citizen and citizen of the State of Washington. At the original contesting of this charge, I asked Judge Jeffrey J. Jahns during discussion what document bound him as a judge. He replied the US and Washington State constitution. The state constitution begins:

**Article I Section 12**  
(Rev. 12-10) **[Page 5]**  
**PREAMBLE**

We, the people of the State of Washington, grateful to the Supreme Ruler of the Universe for our liberties, do ordain this constitution.

## **ARTICLE I**

### **DECLARATION OF RIGHTS**

**SECTION 1 POLITICAL POWER.** All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

### **SECTION 2 SUPREME LAW OF THE LAND.**

The Constitution of the United States is the supreme law of the land.

**We, the People** of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

I intended (and I am making) to make a **citizen's intervention**. Interventions are performed with addicted persons to arouse them with loving words and deeds to overcome their addictions. Addictions are physical and psychological by nature. Usually, denial of addictions by those addicted is typical. To break through the denial loving communications are required which point out the implications of not overcoming the addictions. Consequences are communicated by loving persons who intend to make a break through the denial. I have initiated interventions with persons I loved in order to break through their denial of alcoholism. A return to health is the object. In the case of nuclear weapons citizen interventions are performed to break through the denial and psychological/emotional numbing which prevent abolishing nuclear weapons. I have studied Robert Jay Lifton's book, *Hiroshima, Fifty Years of Denial*. Now, I go deep into my heart with these words.

What are we, what have we become that we have created the most lethal and devastating force in the world?

What are we, what have we become that we are willing to destroy all life on earth?

What are we, what have we become that we are willing to destroy all the earth's creatures caring for and feeding one another in the food chain?

What are we, what have we become that we are willing to eviscerate the human family of nations?

What are we, what have we become that we are willing to bring the most horrendous death to our parents, spouses, sons-daughters, grand children, neighbors and friends?

What are we, what have we become that we are willing to destroy all life on earth *to save it*?

We have been fortunate that beyond belief and beyond all comprehension that we have not let loose this horrendous force since 1945.

The words of Robert Oppenheimer, the man, who led the Manhattan Project to create the Atom Bomb and who in 1952 approached President Truman with tears and words of regret and remorse due to the destruction of Hiroshima and Nagasaki, at the sight of the first Atom Bomb explosion at Alamogordo, named Trinity, in the New Mexico desert on July 15<sup>th</sup>, 1945 used the Gita, Chapter 11.12, at the "vision of pure energy, which does not discriminate between good and evil, creation or destruction" (Stephen Mitchell's translation):

"If a thousand suns were to rise  
and stand in the noon sky, blazing,  
such brilliance would be like the fierce  
brilliance of that mighty Self."

As the bomb exploded, Oppenheimer thought of another later verse:

"I am death, shatterer of worlds,  
annihilating all things." (11.332)

What have we become?  
What have we become?  
What have we become?

Here are **my experiences** and **my learning** leading me to time and again say no to nuclear weapons and war.

Nuclear weapons violate human laws, the law of nature, the law of the universe (many say God's law). We humans are a guest species of the planet Earth. We have no right to destroy life on earth. On May 7<sup>th</sup> in honor of mother's Day, I carried a sign with six other persons stating, "THE EARTH IS OUR MOTHER, TREAT HER WITH RESPECT."

As a child of seven, I remember the bombing of Hiroshima and Nagasaki, seeing the films in the movie theater. I remember crawling under desks during the Cold War in preparation for attacks by the USSR. I remember the horrors of the Korean War and especially the Vietnam War.

1. From 1974 to 78, I was a member of Rocky Flats Action Group in Denver, Colorado. Rocky Flats is where the nuclear triggers were constructed. Radiation was released affecting the environment and persons in the area.

- I remember reports of malformed farm animals and persons with cancer. Plant closed in 2004.
2. 1978 to present: I participated in protests about nuclear weapons and Sub Base Bangor and elsewhere.
  3. In 2006 I remember the testimonies of hibakushas from Japan, Korea, and the Marshal Islands at the World Peace Forum in Vancouver BC. The message from experts in nuclear weaponry abolition was that it is up to citizens to lead the way toward nuclear abolition.
  4. In Olympia a Japanese woman gave me this compilation of experiences in the effects of the Atom Bomb: "Burned Like Fallen Leaves". It compliments "DAYS TO REMEMBER: An Account of the Bombings of Hiroshima and Nagasaki." Also, HIBAKUSHA.
  5. I have fasted in Washington DC to end wars and appealed to address the issues of nuclear weapons, climate change, and the effects of 'peak oil' upon industrial society.
  6. In 2007 I walked over 700 miles from Scotland to London, England under the theme "Toward a Nuclear Free World" participating in Citizen Interventions at the Trident Base in Faslane Scotland and at the Atomic Establishment outside London where the UK is working in concert with the United States to develop the next generation of nuclear weapons. During the walk along the coast I learned about the irradiation of the Irish Sea by the Sellafield Nuclear power facility. The whole area along the coast of England and Ireland is irradiated. Activists have not been able to obtain England's health records about child and adult cancers. I learned after returning home that the radioactive particles cling to the sand along the beaches and rivers we walked on. We tried to avoid the water, not the sand and mud.
  7. I have written numerous letters to US Government representatives.
  8. I have visited Senators and Congresspersons in Washington DC.
  9. As a result of my studies since 1991 about the causes of human violence, I published a book *THE AMERICAN GANDHI, My Seeking Truth with Humanity at the Crossroads*, in 2008. I focused on the psychological mentality about violence and nuclear weapons.
  10. I have traveled to India eleven times since 2005 to portray Gandhi and give his message of peace and nonviolence. Nuclear weapons have been a consistent and continuous part of my message. I attended many conferences and round table discussions including addressing the Campaign for Nuclear Disarmament and Peace national convention at Nagpur India. I am very much aware of the nuclear standoff between India and Pakistan, as well as the motivations for their possession of the weapons.

Now I am very much aware of the efforts of the **United States to continue the nuclear weapon development**, despite the New START Treaty to

reduce their number. Three new nuclear labs are at Livermore in California, Los Alamos and Sandia in New Mexico. Also, the new National Ignition Facility at the Livermore Lab, the new Y-12 National Security Complex in Oak Ridge, Tennessee, the new components plant in Kansas City, Missouri, and the Chemical and Metallurgy Research Replacement facility at Los Alamos compose the work for the next generation of nuclear weapons. *The budget for nuclear weapons is now greater than the Cold War budget for them.* (Mother Jones magazine, "We're Spending More on Nukes Than We Did During the Cold War?!", Nov. 9, 2011.

President Obama's **Nuclear Posture Review** has been analyzed at a symposium, NUCLEAR WEAPONS & INTERNATIONAL LAW: A NUCLEAR NONPROLIFERATION REGIME FOR THE 21<sup>st</sup> Century, FORDHAM INTERNATIONAL LAW JOURNAL, vol. 34, April 2011. The analysis, OBAMA'S NUCLEAR POSTURE REVIEW concludes: *"Profoundly missing in the Obama NPR is any recognition that these weapons threaten human existence. The ultimate premise of the posture is that a state may---without legal or moral restraint---risk the annihilation of human life to foster its own national objectives. Equally troubling is the Obama NPR's utter failure to acknowledge, let alone consider, the requirements of international law applicable to the use and threat of use of nuclear weapons---requirements that the United States knows to be legally binding and applicable to its nuclear posture, including its day-to-day policy of deterrence. The Obama Administration is continuing the monumental risk to human health and survival that nuclear weapons represent."* P. 775. The Nuclear Posture Review has the language of the Cold War, and gives no indication that there is an effort to work towards the abolition of nuclear weapons. This is despite the unanimous 1996 International Court Advisory decision that the weapons are illegal and that nations are to be proactive in their work toward nuclear disarmament.

I offer four documents about the law, especially International Law.

- A. "The Criminality of Nuclear Deterrence" by Francis A. Boyle, professor of International Law at the University Of Illinois College Of Law. "The use of nuclear weapons was, and still is, absolutely prohibited under all circumstances by both conventional and customary law: e.g. the Nuremberg Principles, the Hague Regulations of 1907, the International Convention on the Prevention of the Crime of Genocide of 1948, the Four

- Geneva Conventions of 1949 and their Additional Protocol of 1977, etc. In addition, the use of nuclear weapons would also specifically violate several fundamental resolutions of the United Nations General Assembly that have repeatedly condemned the use of nuclear weapons as an international crime.”
- B. The 1996 unanimous decision by the International Criminal Court that the possession and use of nuclear weapons is in violation of International Law. (A 1999 decision by the District Court of Washington here in Port Ludlow found defendants “innocent” on charges based upon the treaty rights related to the US-UN Treaty and International Law.)
  - C. “Santa Barbara Declaration: Reject Nuclear Deterrence: An Urgent Call to Action” February 17, 2011
  - D. “Vancouver Declaration, February 11, 2011: Law’s Imperative for the Urgent Achievement of a Nuclear-Weapon-Free World.” Note signatures.

**A February 3, 2009 address by Judge C.G. Weeramantry, at the Conference on Trident and International Law: Scotland’s Obligations in Edinburgh**, summarizes our situation and highlights citizen’s responsibility for abolishing nuclear weapons. Judge Weeramantry was chief presiding judge for the 1996 ruling about nuclear weapons.

- Read first paragraph: “Trident-related activity is replete with issues concerning the long-term future of humanity. It cannot be considered in isolation as an episode in itself, but needs to be viewed against a long-term historic background of the uneasy compromise that has existed throughout the centuries between humanity’s higher instincts and its use of weapons of destruction.”
- Read headings of sections: “Historic flashback,” “Some anomalies in humanitarian law,” “Linkages between preparation and use,” “Humanitarian Law is not quiescent in times of peace,” “Folklore of the nuclear age,” “The growing ascendancy of international law,” “Some incontrovertible legal and factual propositions,” “Growing immediacy of the nuclear threat,” “Matters of particular concern to Scotland,” “Growing importance of citizen involvement,” “Seminal importance of the unanimous Opinion of the International Court of Justice,” “Violation of the Nuclear Non Proliferation Treaty of 1968,” “Contrast between preparations to usher in the 20<sup>th</sup> century and lack of preparations for the 21<sup>st</sup> century,” “The Issue is the survival of civilization,” **“The remedy is a more active international law strengthened by citizen participation.”**
- Read page 3 on deterrence: “Statements are not indeed lacking at the highest governmental levels, indicating the readiness of nuclear powers to use these weapons. The former British Defence Secretary for example said in 2002 that, ‘For that to be a deterrent, a British government must be able to express their view that ultimately and in conditions of extreme self-defence, nuclear weapons would have to be used.’ And: ‘It is



therefore important to point out that the Government have nuclear weapons available to them, and that – in certain specified conditions to which I have referred --we would be prepared to use them.’ (Hansard, 29 April 2002).”

- Read page 8 paragraphs under **“Growing immediacy of the nuclear threat”**: “All this assumes the gravest urgency when a number of volatile disputes in today’s international arena could trigger off the use of the weapon, not merely states but by irresponsible terrorist elements of all sorts.” 15 circumstances.
- Read page 13 first three paragraphs: “Reference has been made earlier to the unanimous Opinion of the International Court of Justice on nuclear disarmament. Whatever other differences there might have been amongst the Judges, they all agreed, without exception, that: ‘there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.’ It cannot be stressed too strongly that there cannot be a more authoritative statement of international law than a unanimous Opinion of the international community’s highest judicial tribunal. Moreover this is an age in which, if there is to be a peaceful world, there needs to be respect paid to international law particularly by the most powerful states. International law depends just as the International Court of Justice does, not on force of arms but on the force of its moral authority. Those who deprive international law of its moral authority are doing a distinct disservice to the community of nations and the future of humanity.”

I could go into more detail about international humanitarian law, especially the *three principles and one corollary: the rule discrimination, rule of proportionality, the rule of necessity, and corollary requirement of controllability*, but enough said at this time. Also, I am aware of the President’s words and role around the START Treaty, but actions speak louder than words as the Nuclear Policy Review indicates and the new facilities show.

My duty is drawn from my education and training, my conscience, and the directive from international and national law. One quote from Judge Weeramantry sums this up: “Indeed anti nuclear civil resistance is the right of every citizen of this planet for the nuclear threat, attacking as it does every core concept of human rights, calls for urgent and universal action for its prevention. If it is a basic human right to be free of threat or violence, if the right to life is a basic human right, and if the protection of children and future generations is a basic human duty, international law must unhesitatingly recognize that the right to non violent resistance activities for the prevention of such an international crime is basic to human dignity.”

The core concept of human rights is based in international law: Article 3 of the Universal Declaration of Human Rights states: "Everyone has the right to life, liberty, and the security of person." The International Court of Justice held that the right to life, recognized in Article 6(1) of the International Covenant on Civil and Political Rights, a treaty to which the United States is a party, must be respected in time of war, and that in that context humanitarian and other law governing the conduct of warfare determines whether deprivation of the right to life is arbitrary of Article 6(1).

Article 28 of the Universal Declaration states: "Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." (Sometimes known as the right to peace) Harm to civilian populations by use of nuclear weapons is inconsistent with the principle that "human rights should be protected by the rule of law ..." (preamble paragraph three of the Universal Declaration) and the right to life (Article 3, Universal Declaration; Article 6(1), Covenant on Civil and Political Rights). Nonviolent actions support these rights to life and peace.

The International Military Nuremberg Tribunal observed that "the very essence of the (Nuremberg) Charter is that individuals have international duties which transcend the national obligations of obedience imposed by the individual state." *United States et al. v. Goering et al. (Judgment of the International Military Tribunal)* 6 Federal Rules of Decision 69, 110 (1946).

Under the Nuremberg principle of individual responsibility, regardless of a superior's orders or national law, all persons, military and civilian, whatever their rank or position, are obligated to terminate their commission of, or complicity with, acts connected to the use of a nuclear weapon in violation of humanitarian and other law proscribing international crimes. This is only a statement of the principle's **minimal** consequences in the context of nuclear weapons.

In light of present circumstances, including the threat of global catastrophe posed by the Trident system, the principle of individual responsibility supports reasonable, non-violent affirmative acts by citizens and taxpayers of nuclear – armed states, not personally otherwise involved in deployment or use of nuclear weapons, directly to confront and oppose the potential commission of atrocities by use of those weapons.

I am doing my duty as a citizen. I am calling citizens, government and military to account. I participated in blocking the road to symbolically close the base and prevent nuclear annihilation.

My action is meant to be an expression of my duty as a citizen, even more an act of love for the people of this country and of this world, to democratically say to

the government "live by the law, abolish nuclear weapons which are a threat to life on Planet Earth."

As Gandhi said the day before he was assassinated to Life magazine journalist, Margaret Burke White, "Non-violence is the only thing the atom bomb cannot destroy. I did not move a muscle when I first heard that an Atom Bomb had wiped out Hiroshima. On the contrary, I said to myself, unless the world adopts non-violence, it will spell certain suicide for mankind." *THE ESSENTIAL GANDHI*, Fisher, p 335.

RETORICAL QUESTION: "What is it going to take to get the United States to live by the Law?"