

Interfering with Criminal Nuclear Conspiracy: Trial Excerpts from Germany

Nukewatch's John LaForge appeared for trial February 1 in Cochem District Court, Germany, charged with trespassing and damage to property for two 2018 "go-in" actions at the Büchel nuclear weapons base. German court process allows defendants to speak at length, uninterrupted, and John presented two hours of testimony before the trial was set for a continuance. The date is uncertain. Excerpts from John's statement follow.

To the Court:

On July 15, I was carrying an "Appeal to the Personnel of Büchel Air Base." Eighteen of us entered the base in daylight unhindered by military security, on Sunday, in five places and then walked around inside. After being halted by some soldiers, the statement was read aloud and the soldiers took a copy saying they would deliver it to higher authorities.

On August 6, after getting into the base wearing "Weapons Inspector" insignia, walking through some woods, and crossing a base road, I took photos, and Susan Crane and I climbed atop a weapons bunker ("protected aircraft shelter"). We rested and observed from there for over an hour. We climbed down and wrote on the steel doors of the bunker: "B61 = Suicide," and "Disarm all Nuclear Weapons: immoral illegal." Afterward we were detained by security personnel.

Defense of "Crime Prevention"

When assessing guilt or innocence in criminal cases, all civilized courts recognize extenuating circumstances, "affirmative defenses," that **can free the accused of guilt**. These circumstances include self-defense, defense of others, defense of property, duress, coercion, necessity, choice of evils, crime prevention, prevention of a public catastrophe, privilege under international law, and mistake of law.

In 1984 a US district court judge said to me in a sentencing hearing for a similar protest: "They have made a plausible argument that international law forbids what our country is doing by way of manufacturing weapons of mass destruction."

The allegations against me for minor damage to a fence and civil trespass are insignificant and trivial when set against the ongoing criminal conspiracy to commit massacres using nuclear weapons which is practiced regularly at Büchel. A fire fighter rushing into a burning building to save someone is not charged with "damage to property" if a door or window is broken. The "damage" is excused by the purpose of preventing or avoiding the greater harm of injury or loss of life. When reasonable people consider the competing harms, the firefighter's damage to the door is obviously lesser and excusable.

But what of a fire not yet burning, a fire being planned, rehearsed, intended, and set to ignite? And what if this arson is the premeditated mass burning of a city of 10 million people — or the burning of 20 cities, one each for the 20 US B61 thermonuclear bombs armed and loaded at Büchel air base?

To prevent a repetition of the monumental horrors of the Nazi era, the law of war was fiercely strengthened at Nuremberg. Since the establishment of the Nuremberg Charter and Principles, international law has prohibited the "planning" or "preparation" of "a war in violation of international treaties, agreements, or assurances" including the massacres caused by nuclear attacks. From 1945 on, **not only was the commission of indiscriminate destruction unlawful, since then, the planning of mass destruction is a criminal conspiracy before the fact.**

The United States' position at Nuremberg was that individuals who participated in the planning or preparation of a war "in violation of international treaties," had committed war crimes. This argument was made by US Supreme Court Justice Robert Jackson, Chief Prosecutor for the United States at Nuremberg: "The case presented by the US will be concerned with the brains and authority [behind all the] crimes... We want to reach the planners and designers, the inciters and leaders..."

Germany and the United States are parties to the Hague Conventions, the Geneva Conventions, and the Charter of the United Nations which has been adopted as a Treaty. Fundamental to my defense is that the Nuremberg Charter is recognized as international law by the UN Charter, in Article 38 of the Statute of the International Court of Justice. Taken together, these treaties provide citizens a lawful privilege to peacefully and reasonably inspect, investigate, interrupt or interfere with government conduct suspected of violating international law.

Rehearsals and Schooling for Mass Destruction

It is often reported in the popular press that rehearsals for attacks with US nuclear weapons are regularly conducted at Büchel by the US Air Force 702nd Munitions Support Squadron, and the German Air Force's 33rd Fighter-Bomber Wing.



German warplanes routinely practice attacking Russia using US hydrogen bombs, like this new B61 model 12, in violation of laws prohibiting such rehearsals.

The US military conducts high-level planning and preparations for nuclear attacks at the Defense Nuclear Weapons School of the Air Force Nuclear College. One branch of this nuclear attack school is on the Ramstein Air Force Base in Germany. According to this school's website it, "is responsible for delivering, sustaining and supporting air-delivered nuclear weapon systems for our warfighters ... every day." One course, "provides training for planners, support staff, targeteers, and staff nuclear planners for joint operations and targeting," with the explicit "objective" to "understand the targeting effects of nuclear

Through the Prism of Nonviolence

"All the Way to Texas"

By John Heid

"We're goin' all the way to Texas," a border wall construction worker proudly told me last October. I was on a Tucson Samaritans humanitarian aid "water run" outside Sasabe, Arizona, population 54, at the time. When circumstances allow, I engage border wall workers to better understand what the men (literally) on the ground are thinking.

In the weeks leading up to the presidential inauguration, the work pace of wall construction became frenetic. Two-lane roads in rural southern Arizona were clogged with 18-wheelers transporting 30-foot posts and concrete mix. The border was a swirl of workers and machines going at breakneck speed. Efficient. Driven. Like the red ants of Texas on a bone.

On January 20, inauguration day, everything came to a halt. Like mist evaporating at first light of dawn, all was still along the border line. No more dynamite blasting the granite hillsides. No more trucks roaring down the highway. In surrounding towns, workers were terminating their rental leases or checking out of their motel rooms. A wary calm was settling on the Arizona-Sonora-border lands. Still, a bevy of questions lingered, not the least being, will the other shoe drop? Days turned into weeks. Could it be true? Had the nightmare really ended?

On February 10, a companion and I returned to the wall road at Sasabe to assess the situation. How far had the "all the way to Texas" construction gone? Were there unfinished sections where we might still be able to place water for people crossing this remote desert terrain? We passed the once bustling muster yard. All the familiar office trailers and heavy equipment were present but were still as a ghost town. We began our drive along the border wall road adjacent to the Buenos Aires National Wildlife Refuge and soon noticed some activity.

weapon employment..." Another is, "creating target models, developing attack plans using conventional or nuclear weapons...." after which students "will be able to import, edit, and modify target sites...; Calculate probabilistic attacks against predefined targets; [and] develop attack plans using either conventional or nuclear weapons...."

These Air Force classes, teaching the targeting of and attacks with nuclear weapons, involve "brains and authority," and the "planners, designers, and inciters," to use Justice Jackson's words, and they are precisely the crimes that Nuremberg law was designed to prohibit.

Weapons Affects Known in Advance

The reason nuclear attack threats, plans and preparations are unlawful is that the inevitable effects of the detonation of nuclear weapons are well-known to be uncontrolled massacres caused by indiscriminate, city-size blast destruction, gargantuan mass fires driven by hurricane-force winds, and widespread radiation burns, related diseases, and genetic damage visited upon multiple generations.

This horrifying prospect is or should be known across the US attack planning staff. Daniel Ellsberg, author of *The Doomsday Machine, Confessions of a Nuclear War Planner*, reports, "our private, top-secret estimates were that we would kill every European, a hundred million Europeans, without a single US or Soviet warhead landing on West Europe. Just from the fallout of the attacks we were planning on Russia and East Europe. One hundred million..."

Defense of Privilege under International Law

It was not unlawful for me to gain entry to the air base without injuring anyone, because I did so for the perfectly lawful purpose of interfering with and stopping ongoing US, German and NATO crimes. Citizens who become aware of the government's conspiracy to commit the mass murder of hundreds of millions of people using nuclear weapons are obligated by law to take whatever nonviolent action they can to help bring these crimes to an end.

—Find full transcript at the Nukewatch website.

Off in the distance. Construction workers! A few here, a few there, like ants quietly working away. A pick-up truck approached. Our access was blocked. The driver announced: "This is an inactive work zone. I can't prohibit you from proceeding, but I have to caution you there's rock crushing activity ahead. Heavy machinery. It could be dangerous. I advise you to turn back." He drove off and so did we. In opposite directions. We had to see for ourselves what an "inactive" rock-crushing work zone means. Borderland double-speak.

We drove the wall road for a dozen or so miles. The wall stretched to the horizon like a never ending coil of unraveled wire. In the distance we began to hear the roar of heavy equipment. The myth of "no more wall work" was shattered. The following morning I saw photos taken the same day by another Samaritan crew that accessed the wall road further east. Devastating. Mining scale bulldozers are shown slashing a wide swath over a cacti-covered hill in the Coronado National Forest — pristine wilderness plowed down.

All to say there is a wall. It's not going away. It's metastasizing. A low profile presence, double speak, and legal machinations are the strategy. No parade of trucks and workers is crowding small border towns. The destruction goes on, unimpeded, undercover, in plain, albeit remote, sight.

The US Army Corps of Engineers' line is, "The work is part of the contractor's obligation to ensure work site safety and security." Whose safety? Whose security? The only safe solution is to tear down that wall and restore the habitat — all the way to Texas.

—John Heid writes from Tucson, Arizona. He recommends visiting biologicaldiversity.org for more information.