

Protesters Suing Lab For Arrests

LANL, City Police
Stopped Leafletting

1/5/98

By IAN HOFFMAN
Journal Staff Writer

Los Alamos National Laboratory's practice of arresting people for passing out leaflets at the lab's museum is headed to court, and at least one legal expert thinks it will fail constitutional muster.

Nine arms-control protesters, arrested twice last year for leafletting, sued lab officials Wednesday to stop such arrests.

When told of the suit, officials at the nuclear weapons lab suggested they would halt arrests and merely require leafletters to get a permit.

"We're willing to give that a try and see how it goes," said lab spokesman Gary Kliever. But, he added, "we're not conceding this group has a legal right to leaflet at the door of the museum."

The protesters — sympathizers with the Los Alamos Study Group who jokingly refer to themselves as the "Los Alamos Nine" — also are seeking punitive damages for their arrest and incarceration.

In separate incidents last April

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and May, lab officials and Los Alamos police ordered the nine to leave the entrance of the lab's Bradbury Museum and stop leafletting.

When the protesters refused, they were handcuffed, arrested and jailed for one to three hours. A local magistrate ordered them not to leave the state without permission, to submit to urinalysis on demand and not to drink alcohol until trial.

They waited almost six months. LANL asked the district attorney to drop the case just two working days before the trial.

"It's outrageous and illegal. And I did it because their philosophy might makes right," said study group leader Greg Mello, one of those arrested. "They bill themselves as defenders of democracy, but they feel they have to trash the Constitution to save it."

First Amendment lawyer John Boyd filed the suit on behalf of the

protesters in U.S. District Court in Albuquerque. It names as defendants the Bradbury's director, John Rhoades; two ranking lab officials for internal security, Bernard Vanderhoeven and Larry Runge; and the regents of the University of California, which runs LANL for the federal government.

Boyd will try to prove the defendants knew they were violating the protesters' right to free speech and ordered the arrests maliciously.

"These people got sent to jail for something which every American citizen has a right to do," Boyd said.

Winning money from lab officials will be tough, if not impossible, said a constitutional law expert. Courts usually are receptive to claims of "qualified immunity" by government officials — that is, any reasonable person would have done the same, even if it resulted in a violation of constitutional rights.

Only two people since 1976 have won money from federal employees

for violation of their constitutional rights, said Paul Bender, a former deputy U.S. solicitor general who specializes in the First Amendment and government immunity.

But the lawsuit is likely to end arrests of leafletters in public areas of lab property, Bender said.

"I think they're going to win that and should win that. It's public property, there's no reason to stop people from leafletting there," said Bender, who teaches constitutional law at Arizona State University. "They don't have a right to do anything they want out there, but they have a right to peacefully protest."

Bradbury Museum is the government's tool for advertising "its message that Los Alamos is good for the world," Bender said, "And I think there is a First Amendment right to express the opposite view to the public. What better place than the entrance to the museum?"

Rhoades, the Bradbury's director, claimed the leafletters were in dan-

ger of inciting conflict with groups favoring nuclear weapons work at LANL. Internal lab security turned down the protesters' plan to leaflet outside the museum.

"We were concerned that counter-protesters might come out swinging," said Kliever, the lab spokesman.

If LANL develops a detailed, fair policy for issuing permits to protesters, the lab might avoid a ruling that its policy is unconstitutional, said ASU's Bender.

But if LANL officials such as Rhoades argue they had to arrest the protesters because the leafletting might incite conflict with lab sympathizers, the lab will be on far shakier ground, he said.

"The argument some people might disagree with them and attack them is not going to work. He's (Rhoades) going to need a better defense than that," Bender said. "That has never been a basis for suppressing free speech. That's what the First Amendment is all about."

LA Study Group sues lab, says free speech rights violated

Nine study group members were arrested in two leafleting incidents at the Bradbury Science Museum

By STEPHEN T. SHANKLAND
Monitor Managing Editor

The Los Alamos Study Group, a Santa Fe-based activist organization, sued Los Alamos National Laboratory Wednesday, saying the lab violated the group's First Amendment rights to free speech.

The lawsuit concerns two 1997 incidents when lab officials called for the arrest of activists handing out leaflets near the Bradbury Science Museum entrance. The lab later dropped its charges of trespassing.

"Plaintiffs' claims arise from the unlawful arrest, incarceration, and prosecution of the plaintiffs for refusing to stop offering leaflets to visitors to the Bradbury Science Museum in Los Alamos," the lawsuit said.

The suit, filed in U.S. District Court in Albuquerque, seeks compensatory damages, punitive damages, legal fees, and a preliminary injunction to allow the activists to distribute literature again. The lawsuit names as defendants Museum Director John Rhoades; Larry Runge and Bernard Vanderhoeven of the lab's Facilities, Safeguards, and Security Division; and the University of California regents.

"If you read the applicable Supreme Court decision, you come up with the inescapable conclusion that no public official has any business barring a citizen from leafleting outside a public building," said John Boyd, an Albuquerque attorney who has handled several First Amendment cases and who is representing the activists.

"I think the situation speaks for itself. I think that anybody who appraises the situation and what happened here immediately understands that this is totally contrary to everything this country stands for," Boyd said. It's the kind of thing a person would read about "happening in Communist China or the former Soviet Union. It's not the kind of thing you expect to read about happening in the United States."

The lab appears to be backing away from its earlier opposition to the leafleting.

"While we are not conceding that the study group or anyone has a legal right to do the leafleting right at the door of the museum, ... we are willing to see how it goes and let

them operate on the same terms as other events on lab property, which simply requires that they register with our security people," said LANL spokesman Gary Kliever.

"Our legal office thinks that our position regarding the leafleting is still defensible. We're not conceding that point," Kliever said.

Kliever said the lab and the study group are "working on the wording of a new policy and had been in discussions with the group before Thanksgiving" regarding the leafleting. "This just pushes the issue back into the court system."

But Greg Mello, a member of the Los Alamos Study Group, said his organization is far from satisfied with less formal communication. The lawsuit is "an attempt at dialogue," he said.

"The laboratory seems to prefer to talk to people through litigation," Mello said. "The lab has increasingly lost the capacity for honest dialogue. It seems that they're able to achieve this better when there are external observers like judges."

There were two sets of arrests for leafleting, the lawsuit said. The first, involving two study group members, occurred April 19. The second, on June 7, involved seven members.

Mello said he met with lab officials on April 18, the day before the first arrests.

"In our meeting with them on April 18, they couldn't really answer our legal arguments about why we would be able to leaflet. They simply said, 'It's our policy, and you can't,'" Mello said.

Police arrested the leafleters, and they were held in Los Alamos County Jail.

"They were warned that they didn't have permission to do that right at the door, (that they) may block the door and cause other safety issues there," Kliever said.

"They chose not to abide by our request to move out on the sidewalk. The lab chose at that time to enforce what we felt was necessary," he said.

Magistrate Court in Los Alamos set a trial date of Sept. 30, Mello said.

Kliever said LANL dropped the charges on Sept. 23.

"In an act of good faith, the lab

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Los Alamos Monitor

LAWSUIT

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chose to drop the charges," Kliever said. "We've been working to make a new arrangement, trying to accommodate everybody," he said.

"A cycle of leafleting scenes and arrests won't accomplish anything for everybody," Kliever said.

The study group's lawsuit said, "A few days before trial, the First Judicial District attorney dismissed the charges against the plaintiffs, announcing that he had decided to do so because defendants had requested that he do so and because of 'concerns over possible constitutional problems.'"

LANL museum leaflet fight sparks lawsuit

By BRUNO J. NAVARRO
The New Mexican

A Santa Fe anti-nuclear organization is seeking approval from a federal court to hand out leaflets critical of Los Alamos National Laboratory at a museum operated by the lab.

The Los Alamos Study Group on Wednesday filed a lawsuit in U.S. District Court that claims lab and museum officials violated its First Amendment rights of free speech when they had several members arrested for handing out anti-nuclear literature and copies of the Bill of Rights to visitors to the Bradbury Science Museum last year.

The lawsuit is the latest volley in an ongoing dispute between the group and museum officials over distribution of anti-nuclear information at the downtown Los Alamos shopping strip-mall site.

"It's a matter in litigation, and until I

read it and talk to attorneys, I really shouldn't say anything," said museum director John Rhoades, who is named as a defendant in the lawsuit.

Museum officials for several years allowed the group to maintain an educational display that was sometimes critical of nuclear technology.

That policy switched in 1996, after another pro-nuclear group demanded equal space.

The lab then began a lottery under which groups that want the space could compete for it, but the study group refused to participate and also refused a small rebuttal area. Its display was removed in February 1997.

In its lawsuit, the watchdog group claims that museum officials violated its right to free speech.

Several members were later arrested and charged with trespassing after handing out leaflets and copies of the Bill of Rights. The lab subsequently dropped

those charges.

"We realize that a cycle of leafletting and arrest for trespassing won't do anyone any good," LANL spokesman Gary Kliever said Thursday. "We have dropped the charges for the previous arrests, and we are willing to accommodate this group, just like any other, if they will register with our security folks."

"We want to try to accommodate them," he said. "But now that they have filed a lawsuit, we are not conceding they have a First Amendment right for leafletting at the door."

Kliever said lab and museum officials had been meeting with the group until late November to work on an agreement for sharing display space with the pro-nuclear group.

Lab officials have told group members that they need to keep a certain distance away from the museum or face arrest. And lab attorneys also warned group members that lab policy does not allow

handing out leaflets on government-controlled property.

In April, group members Cathie Sullivan and Greg Mello, who filed the lawsuit, were arrested and charged with trespassing as they handed out leaflets protesting the lab's role as the nation's leading producer of plutonium pits.

Two months later, Los Alamos police arrested seven members of the group and charged them with criminal trespass as they handed out copies of the Bill of Rights in front of the museum.

Kliever said all the trespassing charges were dropped in September.

The lawsuit also names as defendants Larry Runge, program manager for safeguards and securities; Bernard Vanderhoeven, director of the LANL Facilities, Safeguards and Security Division; and the Regents of the University of California, which operates the lab under contract for the U.S. Department of Energy.

Mello states his case

Editor:

Your Dec. 5, 1997, issue contained an article under the mysterious headline "Lab says LA Study Group misunderstood." Most of the article was devoted to T.J. Trapp's disputations of previously published Department of Energy/Los Alamos National Laboratory cost figures for pit production. Dr. Trapp directs the pit production effort in the Nuclear Materials Technology (NMT) Program. It is quite unlikely that DOE published its earlier estimates without his input.

It is disturbing that you attributed the DOE/LANL cost figures to me. My only contribution was to present DOE/LANL's ballooning estimates, with documentation, for your convenience.

In July of 1996, DOE and LANL estimated the total "transition" cost of establishing pit production capacity at LANL to be \$312M, plus \$30M/year for operations thereafter.

The \$312M LANL cost did not include related necessary but so-called "independent" facility upgrades. I and others disputed this at the time, to no avail. The study included — or said it included — "operating costs" in their total "transition cost" (see graph, p. 26, "Stockpile Management Preferred Alternatives Report").

Yet the DOE is now telling Congress that acquiring pit production capacity will cost about \$1.1 billion, about three and one half times as much as last year's published numbers.

The increase has three components. The first is the misleading earlier omission of many "independent" projects, which are now finally counted as part of the project. The second is increases in cost for specific projects — the estimated cost of the CMIP itself increased from \$300M to \$601M, and there was an eight-fold increase in ancillary "non-nuclear" pit production-related costs. The third is a huge increase in the incremental operating costs to be incurred prior to project completion.

It was initially in DOE and LANL's perceived interest to exclude projects from the pit production mission, since those projects would then have required more analysis under the National Environmental Policy Act (NEPA) prior to construction. And inclusion could have adversely affected DOE's current litigation on the stockpile stewardship and management program.

The selection of LANL for the pit mission over the Savannah River Site was predicated on the resulting low estimates.

Massive cost inflation is not unusual for large projects at LANL. According to DOE and LANL sources, the CMR project has increased in estimated cost from \$195M (all three phases) to \$224M (just the first two phases); the pit-related portion of the non-nuclear reconfiguration has skyrocketed from \$14M in 1995 to an estimated \$116M today; the Nuclear Materials Storage Facility renovation has increased from \$13M in 1992 to \$37M today (not counting \$19M in 1987 dollars sunk into the original unusable facility); and total DARHT costs have increased from an estimated \$53M in 1993 to at least \$250M today. Dr. Trapp's organization is heavily involved in three of these four projects.

Finally, and inconsistently, Dr. Trapp claims that many of the costs included in the \$1.1 billion are for tasks the lab "must do independently of whether we're doing pit manufacturing or not." The source of this \$1.1 billion is a recent DOE report to Congress on the cost of "plutonium pit production and remanufacturing" ONLY....

This situation calls for a careful EXTERNAL investigation. If history is any guide, plans and budgets will change again before the first pit is built.

Monitor
1/9/98

Greg Mello, Director
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The Independent, JANUARY 14, 1998

Regents Sued in New Mexico

The Los Alamos Study Group, a nuclear disarmament organization based in Santa Fe, filed a lawsuit last week against the University of California regents and individuals at the Los Alamos National Laboratory.

The complaint, filed in New Mexico's United States District Court, is in response to the arrest of antinuclear activists handing out leaflets in front of the museum at Los Alamos. The plaintiffs seek compensatory damages, punitive damages and an order enjoining the defendants from interfering with the distribution of leaflets in front of the museum.

The arrests, the suit charges, violated the plaintiffs' first and fourteenth amendment rights to free speech.



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Coalition Report Hits Pit Production

Journal Staff and Wire Report

Nuclear weapons production and waste disposal in New Mexico fell among 71 federal projects that public-interest groups denounced Wednesday as wasteful and environmentally damaging.

In their annual "Green Scissors" report, a coalition of 26 environmental groups and taxpayer advocates found \$49 billion in federal spending cuts they said also could save the environment.

Corporate and government organizations continue to "bring home the bacon, while the taxpayer gets fried in the pan," said Brian Cohen, campaign coordinator of New Mexico Public Interest Research Group.

The biggest slice of \$1.6 billion in savings in and near New Mexico would come from eliminating Los Alamos National Laboratory's plan to make plutonium pits, the grapefruit-sized hearts of nuclear weapons.

The latest report to Congress puts the eventual price tag of pit production at \$1.1 billion, the majority for renovating aging labs at LANL to handle the work.

"Green Scissors" authors -- led by the U.S. Public Interest Research Group, Friends of the Earth and Taxpayers for Common Sense -- said the project is unnecessary and poses the danger of plutonium fires and contamination as occurred at the defunct Rocky Flats Site near Denver.

The Los Alamos Study Group in Santa Fe and Physicians for Social Responsibility nominated pit production for the report.

A classified fraction of the 10,000 unused plutonium pits stored in Texas and New Mexico can be used as replacements for the nation's nuclear arsenal of 12,500 weapons, said the study group's Greg Mello.

Weapons scientists concede they have found no problems with weapons pits for their first 20 to 30 years of shelf life. Activists such as Mello argue the government should wait until a clearer need for new pits arises.

"The laboratory has adopted the Orwellian line that if we're just allowed to make more weapons, this will help disarmament. It sounds like an alcoholic," Mello said. "We think it would be far more prudent to wait until there is some need before investing hundreds of millions of dollars in new infrastructure for an arsenal we are required by treaty to downsize and then eliminate."

Also targeted in and near New Mexico:

*The \$503 million Animas-La Plata project aimed at settling water-rights claims by the Southern Ute and Ute Mountain Ute Indian tribes while supplying water to northwestern New Mexico, the Navajo tribe, the city of Durango, Colo., and more than 50,000 acres of farmland. It involves pumping water from the Animas River in Colorado to a reservoir more than 1,000 feet uphill, then sending it down to the La Plata River before it is used.

*A road-building policy for national forests that largely benefits logging companies. The Forest Service has been reviewing the roads system since last summer, when Assistant Agriculture Secretary James Lyons identified roads as the single biggest cause of ecological damage to national forests.

*The \$85 million marketing budget for the proposed Waste Isolation Pilot Plant that would bury plutonium-contaminated waste in the ancient salt beds near Carlsbad. Rather than spending money promoting the program, the money should go for safety and research, NMPIRG's Jeanne Bassett said.

Senator: Treaty Depends on Arsenal

1/22/98

Journal Staff Report

U.S. and Russian legislators face chances this year to step back from nuclear confrontation, by halving their stocks of the most destructive nuclear weapons and by ending nuclear testing.

But it remains unclear whether treaties for those arms cuts and a test ban will pass the U.S. Senate and the Russian Duma this year, Sen. Jeff Bingaman, D-N.M., said Wednesday.

But Bingaman said Senate ratification of the Comprehensive Test Ban Treaty will depend on the reliability of the U.S. nuclear arsenal and the ability to verify no nuclear tests occur.

"Only if we are confident that we can safely depend on a small, highly reliable stockpile as a deterrent to others will we be able to move the number of warheads to those significantly lower levels," Bingaman said at Los Alamos National Laboratory.

Nuclear weapons will remain the "backbone of our national defense" as long as those weapons exist, Bingaman said, bringing nods from lab weapons scientists.

Later, a manager said lab sensors aboard U.S. military satellites, underground and under the ocean are fully capable of identifying a nuclear test. Senators "absolutely" can rely on verification of the CTBT, said physicist David Simons, who manages research on satellites that watch for weapons tests and manufacturing.

"You can definitely tell" an atmospheric nuclear test, Simons said. "The current system is well designed and does its job superbly."

Lab scientists are developing a new instrument, called the V-sensor for "verification," planned for the next generation of Global Positioning System satellites, to be launched starting in 2001.

Bingaman urged scientists to devise new ways of verifying weapons production and disassem-

bly.

Bingaman, too, praised the U.S. Department of Energy's \$4.5 billion-a-year "stockpile stewardship" program, with its ambitious array of new experimental machines and research designed to supplant nuclear testing.

Arms control activists were disheartened Bingaman chose not to challenge stockpile stewardship as too costly and unnecessary.

"He's not asking what kind of program the country needs but what the Senate needs" to ratify the CTBT, said Greg Mello of the Los Alamos Study Group in Santa Fe. "It delivers power into the hands of test-ban treaty foes to hold the treaty hostage for whatever policy agenda they have."

Chiefs of the weapons labs conditioned their support of a test ban on a broad stockpile stewardship program, saying the nation needed to maintain the expertise of its weapons scientists as well as its arsenal.

DOE Fights Records' Release

BY LAN HOFFMAN
Journal Staff Writer

1/23/78

The U.S. Department of Energy, an agency reliant on contractors for most of its work in the U.S. nuclear weapons complex, is fighting release of its contractors' records under the Freedom of Information Act.

Federal law, say DOE attorneys, only requires the DOE to release records physically in its possession.

Nuclear watchdog groups and activists call this renewed resistance to releasing records an erosion of open government.

The DOE's position, if upheld in court, could have sweeping impact across the federal government, given the popular drive to shunt more federal work to private business.

"It would fence off a lot of information. It's contrary to the spirit of the FOIA," said veteran nuclear-weapons analyst Stan Norris of the Natural Resources Defense Council in Washington, D.C. The council, a leading environmental organization, has a four-foot long drawer of pending FOIA requests to the Energy Department, some over a decade old.

The DOE is the nation's largest civilian contracting agency. Private corporations or nonprofits perform more than 80 percent of the DOE's work.

"This would remove a large fraction of DOE documents from the public, and that is unacceptable in principle," said Steve Aftergood, head of the Federation of American Scientists' Project on Government Secrecy. "It amounts to privatization of major government functions and a severe reduction in government accountability."

Federal judges in New Mexico and California are expected to rule this year on the DOE's position.

But a lawsuit filed in October by a Santa Fe nuclear arms control organization is likely to present the best test case. It involves the birthplace of nuclear weapons.

The Los Alamos Study Group argues the DOE and its Los Alamos lab — run by the University of California since the early days of the Manhattan Project — is closing off access to public records by delaying their release for as much as nine months.

What the study group wants runs the gamut from business travel records of top lab officials to descriptions of new weapons projects and budgets for construction of new lab facilities.

Lawyers at LANL pressed the Energy Department as early as April 1988 to refuse requests for lab records, because it is run by a con-

DOE Fighting Records' Release

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tractor.

Top DOE officials in Washington instead in 1991 proposed a new policy of releasing most contractor documents.

But DOE lawyers argue the policy — unlike the federal Freedom of Information Act — contains no set deadlines for release of a document.

For activists, that translates into months or years of delays, often rendering documents worthless before they arrive in the mail.

That's still better, contends DOE attorney Ron O'Dowd, than most federal agencies that rely heavily on contractors, such as the Department of Defense and the National Aeronautics and Space Administration.

"We're not required to do this," said O'Dowd, regarded in the DOE's Albuquerque office as the attorney best versed in public-records law. "Congress wrote the statute (FOIA) and didn't include contractor records. DOE has said we want to be more open than Congress has required."

But DOE lawyers also contend federal courts have no power to enforce their policy because it is not law like the Freedom of Information Act.

Environmental lawyer Steve Sugarman, who sued the DOE for the Los Alamos Study Group, said the agency's arguments and delays frustrate the spirit of public-records law.

"They're saying they can do it in their own sweet time without judicial review," Sugarman said. "We have a case here where the DOE is clearly violating its own

regulations and feels they can do it with impunity."

Federal attorneys rebuffed the study group's lawsuit last month by arguing the records it wants are not "agency records" and so are not covered by the Freedom of Information Act.

Moreover, wrote assistant U.S. attorney John W. Zavitz, the federal court in Albuquerque has no power to force release of the documents if they are not agency records.

The DOE, backed by the U.S. Department of Justice, plans to cite a string of Supreme Court rulings starting in the early 1980s that narrow the definition of "agency records."

Ruling on a researcher's attempt to get access to former Secretary of State Henry Kissinger's papers, the court in 1981 said FOIA does not require release of documents that are technically the property of the federal government but not in its direct control.

Said O'Dowd: "If it's in your hot hands and you've got it, then it's an agency record." That means documents at LANL and dozens of other contractor-run sites across the country are not "agency records" and so not covered by the Freedom of Information Act.

That's what LANL's lawyers wanted of the Energy Department 10 years ago.

"By handing the reins of the agency over to contractors like LANL, the DOE is trying to create a new form of secrecy through which it can shield the machinations of government from citizens," said Greg Mello, head of the Los Alamos Study Group.

DOE has approved storage of nuclear waste at WIPP, but 39 groups are suing

Monitor 1/25/78

CARLSBAD, N.M. (AP) — The Department of Energy has approved storage of nuclear waste in a New Mexico repository beginning in about four months, and rules have been set in place for getting the waste ready for shipment.

But antinuclear groups promptly set about challenging the action in U.S.

District Court in Washington, D.C. The same court earlier had ordered DOE to complete a thorough analysis of America's nuclear weapons cleanup program.

A coalition of 39 antinuclear organizations, including the Santa Fe-based Los Alamos Study Group, announced this morning they are filing

a contempt motion seeking a halt to the two-pronged DOE decision announced Thursday in relation to the opening of the Waste Isolation Pilot Plant.

"It's being filed today," said Greg Mello of the Los Alamos group.

The groups cited DOE's alleged "neglect, failure and willful refusal to

comply with and obey the (court's) stipulation."

Their contempt motion seeks the imprisonment of Energy Secretary Federico Peña and two top DOE deputies until the department produces a binding schedule for preparing and issuing a key environmental impact statement.

The petition also asks D.C.-based

U.S. District Judge Stanley Sporkin to order the withdrawal of the DOE decisions published today.

Last October, Sporkin had suggested the antinuclear plaintiffs pick someone to be imprisoned for contempt if environmental impact statements were not completed satisfactorily. The judge also had urged the parties to work out a settlement.

On Jan. 16, DOE attorney Anthony Hoang hand-delivered a letter to U.S. Magistrate Alan Kay, who had been overseeing those talks. The letter informs Kay of the DOE's decision to withdraw from the negotiations, saying it couldn't accept plaintiffs' settlement proposals and that the two sides were so far apart that a DOE counterproposal was pointless.

Publication: Jnl Legacy 1995 to July 2005; Date: Jan 24, 1998; Section: Final; Page: 33



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39 Groups Urge Jail For Pena

Richard Benke The Associated Press

Coalition Seeks Halt To WIPP Opening

An anti-nuclear coalition asked a federal court Friday to jail Energy Secretary Federico Pena for contempt and to halt his plans to open a New Mexico nuclear repository.

No sooner had the Department of Energy published plans Friday for radioactive storage at the Waste Isolation Pilot Plant than the coalition of 39 groups asked U.S. District Judge Stanley Sporkin in Washington, D.C., to find Pena and DOE in contempt.

Sporkin had ordered a thorough DOE analysis of America's nuclear weapons cleanup program. The coalition, including New Mexico's Los Alamos Study Group, alleged "neglect, failure and willful refusal to comply with and obey" Sporkin's order.

Their motion seeks imprisonment for Pena and two deputies until DOE produces a binding schedule for preparing and issuing an environmental impact statement on the cleanup plan.

"Pena should realize that Energy is not a caretaker position," Los Alamos Study Group director Greg Mello said. "He has got to find out what is going on in his agency and take charge of it, or he should find a safer place to sit."

There is no chance Pena will be sent to prison, however, said Marc Johnston, deputy DOE general counsel.

"This motion to have the department held in contempt is absolutely without merit. The department has not violated any court order, and we will contest this vigorously," Johnston said in Washington.

The petition asks Sporkin to reject DOE decisions published Friday in the Federal Register regarding WIPP, the underground repository near Carlsbad, that is due to open in May.

That publication says DOE has decided to store plutonium-contaminated "transuranic" waste at WIPP and has set forth waste-acceptance criteria -- preparations required for moving waste to WIPP.

DOE Carlsbad project manager George Dials said the decision follows the most recent environmental impact study on WIPP.

Transuranic waste includes material such as gloves, tools and protective clothing worn by nuclear workers. It's regarded as low- to moderate-level radioactive waste.

Besides DOE approval, WIPP still needs Environmental Protection Agency certification. Dials said that's expected by April 30, and waste could then begin moving after a 30-day waiting period.

Waste would come from 15 sites around the country. The first waste to arrive likely would come from Los Alamos National Laboratory. Other early shipments are expected from Colorado and Idaho.

Mello said the coalition believes the national cleanup and WIPP should be integrated and reconciled because they are closely related. He said the environmental impact statement on which Friday's WIPP decision was based

is a flawed document.

Activists Want Peña Jailed

BY LAN HOFFMAN 1/24/98
Journal Staff Writer

Thirty-nine environmental and peace-groups planned Friday night to seek jail time for Energy Secretary Federico Peña and two top assistants for ignoring a government promise to fully study its multi-billion dollar cleanup of the U.S. nuclear weapons complex.

Four New Mexico groups were to join others nationwide by midnight Friday in filing a motion for contempt against the officials and the U.S. Department of Energy.

They also were to ask a federal judge in Washington, D.C., to order withdrawal of a DOE decision last week to open the Waste Isolation Pilot Plant, a half-mile deep repository for weapons waste near Carlsbad.

Activists have denounced the DOE's \$6 billion-a-year cleanup plan as an expensive farce.

The DOE plan would leave millions of tons of radioactive wastes in place at 130 sites nationwide, while shipping only a fraction to WIPP's ancient salt beds for disposal, the activists claim.

Greg Mello of the Los Alamos Study Group, one of the New Mexico groups involved, said the DOE's cleanup suffers from "poor management, runaway contractors and pork-barrel priorities.

"DOE has already wasted tens of billions of dollars of taxpayer money without doing very much. Without a clear plan, more money will be wasted, and sites won't get cleaned up," he said.

The government promised U.S. District Judge Stanley Sporkin in 1990 to perform a full environmental study of DOE's waste-handling and cleanup plans.

In seven years, the DOE never did the cleanup study, prompting a new lawsuit from the environmental and disarmament activists.

Judge Sporkin urged environmental attorneys to file a motion to hold top DOE officials in contempt, if the activists and DOE could not reach a settlement on the study.

Settlement talks abruptly collapsed last week when the DOE pulled out.

"The agency slammed the door on further discussions," said environmental attorney Barbara Finamore, a lawyer with the Natural Resources Defense Council in Washington, D.C.

Activists' attorneys said they would file their motion by the deadline at midnight Friday, asking Sporkin to fine the DOE \$5.5 million and jail Peña, as well as his chiefs for waste management and environ-

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mental health.

Sporkin may request that Peña and his deputies give reasons they should not be held in contempt at a hearing tentatively scheduled for Feb. 20.

The activists' lawsuit also seeks to halt the DOE's core program for nuclear weapons research and manufacturing, called stockpile stewardship. Costing an estimated \$45 billion over 10 years, stockpile stewardship is the single largest

source of funding and work for the Sandia and Los Alamos weapons laboratories in New Mexico.

Citing national security, Sporkin so far has rejected most of the activists' arguments against the program.

The New Mexico groups involved in the suit are the Los Alamos Study Group, Physicians for Social Responsibility/New Mexico, Citizens for Alternatives to Radioactive Dumping and Concerned Citizens for Nuclear Safety.



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THE NEW MEXICAN

SATURDAY, JANUARY 24, 1998

SECTION B

Court is asked to halt WIPP, jail DOE chief

By RICHARD BENKE
The Associated Press

ALBUQUERQUE — An anti-nuclear coalition asked a federal court Friday to jail Energy Secretary Federico Peña for contempt and to halt his plans to open a New Mexico nuclear repository.

No sooner had the Department of Energy published plans Friday for radioactive storage at the Waste Isolation Pilot Plant than the coalition of 39 groups asked U.S. District Judge Stanley Sporkin in Washington, D.C., to find Peña and DOE in contempt.

Sporkin had ordered a thorough DOE

analysis of America's nuclear weapons cleanup program. The coalition, including New Mexico's Los Alamos Study Group, alleged "neglect, failure and willful refusal to comply with and obey" Sporkin's order.

Their motion seeks imprisonment for Peña and two deputies until DOE produces a binding schedule for preparing and issuing an environmental impact statement on the cleanup plan.

"Peña should realize that Energy is not a caretaker position," Los Alamos Study Group director Greg Mello said. "He has got to find out what is going on in his agency and take charge of it, or he should find a safer place to sit."

There is no chance Peña will be sent to prison, however, said Marc Johnston, deputy DOE general counsel.

"This motion to have the department held in contempt is absolutely without merit. The department has not violated any court order, and we will contest this vigorously," Johnston said in Washington.

The petition asks Sporkin to reject DOE decisions published Friday in the Federal Register regarding WIPP, the underground repository near Carlsbad that is due to open in May.

That publication says DOE has decided to store plutonium-contaminated "transuranic" waste at WIPP and has

set forth waste-acceptance criteria — preparations required for moving waste to WIPP.

DOE Carlsbad project manager George Dials said the decision follows the most recent environmental impact study on WIPP.

Transuranic waste includes material such as gloves, tools and protective clothing worn by nuclear workers. It's regarded as low- to moderate-level radioactive waste.

Besides DOE approval, WIPP still needs Environmental Protection Agency certification. Dials said that's expected by April 30, and waste could then begin moving after a 30-day wait-

ing period.

Waste would come from 15 sites around the country. The first waste to arrive likely would come from Los Alamos National Laboratory. Other early shipments are expected from Colorado and Idaho.

Mello said the coalition believes the national cleanup and WIPP should be integrated and reconciled because they are closely related. He said the environmental impact statement on which Friday's WIPP decision was based is a flawed document with numbers that don't jibe with other DOE documents.

Please see WIPP, Page B-3

WIPP

Continued from Page B-1

Last October, Sporkin had urged the parties to negotiate over the nuclear cleanup program.

On Jan. 16, DOE informed U.S. Magistrate Alan Kay, who had overseen the Washington talks, of the agency's withdrawal. The letter says DOE can't accept the plaintiffs' settlement proposals, and the two sides are so far apart

that a counterproposal is pointless.

On Wednesday, the coalition sent its own letter to Kay, complaining about DOE's "abrupt" withdrawal.

But Johnston said: "The negotiations lasted a long time. The parties tried very hard to see if there was a basis for coming to a meeting of the minds."

Paper: The Denver Post
Title: Coalition wants Pena jailed Anti-nuclear group seeks to halt dump
Author: Richard Benke Associated Press Writer
Date: January 24, 1998
Section: DENVER AND WEST
Page: C-01

ALBUQUERQUE - An anti-nuclear coalition asked a federal court on Friday to jail Energy Secretary Federico Pena for contempt and to halt his plans to open a New Mexico nuclear repository that is expected to receive radioactive waste from Colorado and other states. No sooner had the U.S. Department of Energy published plans Friday for radioactive storage at the Waste Isolation Pilot Plant than the coalition of 39 groups asked U.S. District Judge Stanley Sporkin in Washington to find Pena and the DOE in contempt.

Sporkin had ordered a thorough DOE analysis of America's nuclear weapons cleanup program. The coalition, including New Mexico's Los Alamos Study Group, alleged "neglect, failure and willful refusal to comply with and obey" Sporkin's order.

Their motion seeks imprisonment for Pena and two deputies until DOE produces a binding schedule for preparing and issuing an environmental impact statement on the cleanup plan.

"Pena should realize that Energy is not a caretaker position," Los Alamos Study Group director Greg Mello said.

"He has got to find out what is going on in his agency and take charge of it, or he should find a safer place to sit," Mello said.

There is no chance Pena will be sent to prison, however, said Marc Johnston, deputy DOE general counsel.

"This motion to have the department held in contempt is absolutely without merit. The department has not violated any court order, and we will contest this vigorously," Johnston said in Washington.

The petition asks Sporkin to reject DOE decisions published Friday in the Federal Register regarding WIPP, the underground repository near Carlsbad, N.M., that is scheduled to open in May.

That publication says the DOE has decided to store plutonium-contaminated waste at WIPP. A hearing before Sporkin is scheduled Feb. 20, said Barbara Finamore, attorney for the Natural Resources Defense Council.

Author: Richard Benke Associated Press Writer
Section: DENVER AND WEST
Page: C-01

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Courts to decide issue of DOE contractor records

By The Associated Press

Federal judges will have the final say on whether the U.S. Department of Energy must release its contractors' records.

The DOE, the agency most reliant on civilian contractors, maintains that federal law requires the

agency to release records physically in its possession and does not include contractors' records.

Nuclear watchdog groups and activists call this resistance to releasing records an erosion of open government.

The DOE's position, if upheld in

court, could have sweeping impact across the federal government, as more federal work is contracted to private businesses.

"It would fence off a lot of information. It's contrary to the spirit of the FOIA," said nuclear-weapons analyst Stan Norris of the Natural Resources Defense Council in Washington, D.C.

Federal judges in New Mexico and California are expected to rule this year on the DOE's position.

The Los Alamos Study Group argues in a lawsuit filed in October that the DOE and its Los Alamos National Laboratory — run by the University of California — are closing off access to public records by delaying their release for as long as nine months.

The group wants access to everything from business travel records of top lab officials to descriptions of new weapons projects and budgets for construction of new lab facilities.

Federal attorneys rebuffed the group's lawsuit by arguing the

records it wants are not "agency records" and not covered by the Freedom of Information Act.

Top DOE officials in Washington in 1991 proposed a policy of releasing most contractor documents. Unlike the federal Freedom of Information Act, the policy contains no set deadlines for releasing such documents.

For those seeking the documents, it could mean months or years of delays, often rendering documents worthless before they arrive in the mail.

DOE attorney Ron O'Dowd notes that the department isn't even required to release the information.

"Congress wrote the (FOIA) statute and didn't include contractor records," he said. "DOE has said we want to be more open than Congress has required."

Also, DOE lawyers contend the federal courts have no power to enforce the policy because it is not law like the Freedom of Information Act.

New York Times 1/25/98

A15

Energy Dept. Issues Plans for Storage of Nuclear Waste

ALBUQUERQUE, N.M., Jan. 24 (AP) — The Department of Energy published plans on Friday to dispose of radioactive waste from military operations in 15 states in salt caverns underground in New Mexico, which would be the nation's first permanent storage site for nuclear waste.

Within hours of the publication of the plans, however, an anti-nuclear coalition of 39 groups asked a Federal court to block the proposal for the Waste Isolation Pilot Plant and to jail Energy Secretary Federico F. Peña for contempt.

The underground repository near Carlsbad, N.M., is to open in May. Most of the waste to be stored there comes from the department's production of nuclear weapons and the dismantling of them with the end of the cold war, though some is the product of research and development. It includes radioactive gloves and tools, as well as plutonium contaminants considered to be low- to moderate-level radioactive waste.

Before operations at the repository can begin, the project needs Energy Department approval, as well as Environmental Protection Agency certification. The Energy

Department's project manager at Carlsbad, George Dials, said that was expected by April 30, and waste could then begin moving after a 30-day waiting period.

Judge Stanley Sporkin of Federal District Court in Washington had previously ordered an Energy Department analysis of the nation's nuclear weapons cleanup program, and the coalition said the plans for the disposal site showed "neglect, failure and willful refusal to comply with and obey" the judge's order.

Their motion seeks to have Mr. Peña and two deputies held in prison until the Energy Department produces a binding schedule for preparing and issuing an environmental impact statement on the cleanup plan. The group also seeks to have the judge, who in October had urged the parties to negotiate over the nuclear cleanup program, impose punitive and compensatory damages against the department.

"Peña should realize that Energy is not a caretaker position," said Greg Mello the director of one group in the coalition, the Los Alamos Study Group. "He has got to find out what is going on in his agency and take charge of it, or he should find a

A Government proposal draws an immediate court challenge.

safer place to sit."

Marc Johnston, the deputy general counsel for the Energy Department, said there was no chance that Mr. Peña would be sent to prison.

"This motion to have the department held in contempt is absolutely without merit," Mr. Johnston said. "The department has not violated any court order, and we will contest this vigorously."

The petition filed with Judge Sporkin asks him to reject the Energy Department decisions published on Friday in the Federal Register. That publication says the Energy Department has decided to store plutonium-contaminated waste at the repository and has set forth waste-acceptance criteria in preparations required for moving waste there.

Mr. Dials said the decision, fol-

lowed the most recent environmental impact study for the repository.

Waste would come from 15 sites around the country. The first waste to arrive would likely come from Los Alamos National Laboratory. Other early shipments are expected from Colorado and Idaho.

Mr. Mello said the coalition thought the national cleanup and opening of the repository should be integrated because they were closely related. He said the environmental impact statement used as a basis for the decision to publish plans for opening the repository was a flawed document with numbers that failed to match those on other Energy Department documents.

On Jan. 16, the Energy Department informed Alan Kay, the United States Magistrate who had overseen the Washington talks, of the agency's withdrawal. The letter said that the Energy Department could not accept the plaintiffs' settlement proposals and that the two sides were so far apart that a counterproposal was pointless.

A hearing before Judge Sporkin is scheduled for Feb. 20, said Barbara Finamore, a lawyer for the Natural Resources Defense Council.

Publication: Jnl Legacy 1995 to July 2005; Date: Jan 28, 1998; Section: West Side; Page: 92



Edition--West Side Date--01/28/1998 Page-- 3

Advocate of Nuclear Openness To Speak

Katherine Saltzstein For the Journal

Published Article On How To Make Bomb

Sam Day, journalist and anti-nuclear activist, will bring his message to New Mexico this week.

Day will speak at Old San Ysidro Church on Old Church Road in Corrales at 7:30 p.m. Thursday.

Day has had a long career fighting nuclear secrecy, including his stint as managing editor of The Progressive magazine when it published a controversial article about how to build a bomb.

Now 71 and nearly blind, Day is a tireless anti-nuclear activist who has been jailed more than 24 times since his first protest in 1971.

The Progressive, based in Madison, Wis., printed an article in 1979 that detailed the workings of the hydrogen bomb.

The Department of Energy had sued to prevent publication, saying the article revealed secret information.

But Day and others at the magazine maintained that the information had been available to the public for years. They said secrecy would prevent the public and the news media from scrutinizing nuclear weapons issues.

"We wanted to challenge the notion of secrecy in the nuclear weapons arena," Day said in a telephone interview this week from Oklahoma City, where he was at a speaking engagement. "It was known in scientific and technical literature and by talking to people in the field. We believed that classified information was used as a smokescreen by the DOE to scare off the press."

The DOE suit temporarily stopped publication of the article, but the magazine won after a lengthy court battle. The DOE dropped its suit.

Howard Morland, the freelance writer who wrote the article, was not a scientist, said Day.

"He visited weapons factories, asked the right questions and pieced together the story. We were accused of helping people build a hydrogen bomb. That was ridiculous. The information is there. What you need is the money -- billions of dollars."

Day and others pointed out that the information had been published elsewhere and was widely available, including at the Los Alamos National Laboratory library, which is open to the public.

The federal government temporarily closed the library to the public when it learned the information was there.

Asked about the Waste Isolation Pilot Project slated to open in Carlsbad to store low-level nuclear waste, Day said, "It should not open until a decision has been made to quit producing nuclear power."

But, he said, "It's got to go someplace. Maybe New Mexico has to take on some of the industry's waste because the state has profited from the nuclear industry. But the point is to stop producing nuclear waste. We don't need more nuclear arms or nuclear power."

Before editing The Progressive, Day worked at several Idaho newspapers and edited The Bulletin of the Atomic Scientist, a monthly magazine at the University of Chicago, founded by scientists who built the first atomic

bomb. The magazine was intended to warn people about the danger of nuclear war.

Day left journalism in 1980 to devote himself to anti-nuclear protests.

He works with Nukewatch in Madison, an organization that opposes nuclear secrecy. He has worked with groups that track trucks transporting nuclear weapons. They have followed convoys transporting warheads past homes and shopping centers.

Day's latest campaign centers on efforts to free Israeli political prisoner, Mordechai Vanunu.

Vanunu, 43, is an Israeli nuclear scientist who spoke to a British newspaper about his country's secret nuclear weapons program. He was tried for espionage and treason in Israel and sentenced to 18 years in prison.

Day heard about Vanunu while in Israel in 1982 and saw parallels between Vanunu's struggle and The Progressive's battle.

Day is coordinator of the U.S. Campaign to Free Mordechai Vanunu.

Through the years, Day has served state and federal prison terms for non-violent civil disobedience at U.S. military and nuclear weapons installations.

Day's New Mexico appearances are co-sponsored by the Green Party of Sandoval and Bernalillo counties and the University of New Mexico Green Party, the Albuquerque Peace & Justice Center, Veterans for Peace, and the Los Alamos Study Group.

The talk is free, but donations will be taken.

PHOTO: b/w

DAY: "We wanted to challenge the notion of secrecy "



Paper: Newsday (Melville, NY)

Title: New Nuke Policy by Clinton directive allows atomic retaliation against Hussein

Date: February 1, 1998

Washington - The Clinton administration has quietly changed U.S. nuclear-weapons policy to permit for the first time targeting Iraq with tactical atomic warheads, according to U.S. officials.

The top-secret directive, signed by President Bill Clinton in November, is part of the administration's contingency plan to possibly use atomic bombs on Iraqi weapon sites if President Saddam Hussein launches a major biological attack on Israel or other neighboring countries, said White House and Pentagon officials.

Administration officials said the policy shift involving tactical nuclear weapons and so-called "rogue states," such as Iraq was made as part of the most extensive overhaul of U.S. policy regarding both strategic and tactical nuclear weapons since the administration of Ronald Reagan.

"It is U.S. policy to target nuclear weapons if there is the use of weapons of mass destruction" by Iraq, said a senior Clinton adviser who spoke on condition of anonymity. "Whether we would use it is a another matter."

The new policy was part of Presidential Policy Directive 60, which Clinton approved after consultation with Defense Secretary William Cohen and Army Gen. Hugh Shelton, chairman of the Joint Chiefs of Staff.

The United States is the only country to have used atomic weapons in war, dropping bombs on the Japanese cities Hiroshima and Nagasaki in 1945. Through the Reagan administration, U.S. policy promised massive retaliation to prevent nuclear confrontations with the Soviet Union and China.

With the end of the Cold War, the threats changed from long-range strategic nuclear weapons targeted against major nations to new, more flexible weapons of mass destruction that could be used by smaller rogue states such as Iraq.

Administration officials said they fear the Iraqi president might use a handful of Scud rockets to spread a powdered version of anthrax spores over Saudi Arabia, Kuwait and Israel, killing thousands and making parts of Riyadh, Kuwait City and Tel Aviv uninhabitable for decades.

During the Persian Gulf war in 1991, President George Bush threatened to retaliate with nuclear force if Hussein used biological weapons, but his administration never formally adopted a policy, officials said. But it was Bush's warning that has evolved into Clinton's directive.

Until November, first use of nuclear weapons on Iraq would have violated U.S. pledges never to make such an attack on a signer of the Nuclear Nonproliferation Treaty, which includes Iraq. But U.S. officials say Hussein's efforts to develop nuclear weapons would forfeit Iraq's treaty protection.

"They [Iraq] are hardly members in good standing of the pact," said a senior Clinton adviser.

Clinton's threat has been deliberately vague. Pentagon spokesman Ken Bacon said last week the United States refused to "rule in or rule out" the use of tactical nuclear warheads. Bacon's words have caused rumblings abroad and among the arms control community.

"It's a mistake to threaten Hussein with nuclear weapons because it will not deter him," said William Arkin of the Bulletin of Atomic Scientists. "It didn't deter him during the gulf war, and it won't stop him now."

Arkin, a leading expert on nuclear weapons, said there should be a national debate as well as investigation by Congress on the policy shift approved by Clinton. Arkin opposes any use of nuclear weapons.

During the 1991 Persian Gulf war, George Bush threatened to use "overwhelming force" if Iraq destroyed Kuwaiti oil fields, launched a program of terrorism abroad or used chemical and biological weapons against allied ground troops. At the time, U.S. officials said the statement included the threat of nuclear weapons.

Army Gen. H. Norman Schwarzkopf, the Desert Storm commander, later said it was this vague threat of U.S. nuclear weapons that kept Iraq's chemical weapons in their bunkers.

Arkin and other experts contend Hussein never used the ample stockpiles of chemical weapons found after the conflict because they are ineffective and because battlefield communications had been destroyed. Hussein ignited every Kuwaiti oil well, and the fires took months to extinguish and clean up.

The issue of first use of nuclear weapons by the United States was raised again in 1996 by then-Defense Secretary William Perry. Then, the target would have been a suspected chemical weapons complex built by Moammar Gadhafi 50 miles southeast of Libya's capital, Tripoli.

Perry raised the possibility of using nuclear warheads - he refused to rule them out - on the Libyan complex at Tarhunah, which was burrowed inside a mountain. Perry's comments caused a controversy and resulted in a

retraction by the defense chief. "I would never recommend nuclear weapons for that particular application," Perry said.

But in a speech later, Perry called for a post-Cold War policy of nuclear deterrence. "Anyone who considers using a weapon of mass destruction against the United States or its allies must first consider the consequences," Perry said at Georgetown University. "We would not specify in advance what our response would be, but it would be both overwhelming and devastating."

Administration officials say Bush's gulf war threats and Perry's speech were the basis for the policy shift and the line Clinton is now taking with Iraq.

Most senior military planners now prefer conventional weapons for the massive strike being considered if Iraq refuses to allow UN weapons inspections. But in the latest showdown, the administration wants Hussein to include in his current calculations the possibility of one or more B61 nuclear warheads finding their way to Iraqi targets.

The B61 series of tactical warheads involved in the contingency planning are so-called "mini-nukes" with an explosive force less than 1 kiloton. The bomb dropped on Hiroshima had an estimated 13 kilotons of explosive power. Even so, the mini-nukes are 300 to 500 times more powerful than the largest conventional, non-nuclear warhead in the U.S. arsenal. Some U.S. intelligence officials suspect that the remnants of Hussein's chemical and biological weapons are hidden in European-built bunkers made of reinforced concrete.

During the gulf war, these bunkers were attacked with limited success by 2,000-pound television-guided bombs dropped with pinpoint accuracy on laser-designated targets. This was one reason the Air Force pushed its effort to develop a 5,000-pound bomb, the GBU28, which could cut through 11 feet of reinforced concrete.

Since then, the Air Force has modernized the GBU28 and produced hundreds of the laser-guided bombs with conventional warheads. They can be dropped by F-15E fighter-bombers or the B-1, a subsonic strategic bomber now poised in Bahrain.

The mini-nuke available for the bunker attack most likely would be the B61-7, a bomb dropped from a fighter-bomber by parachute to explode at the surface. Its explosive force ranges from 300 tons to 500 tons of high explosive.

Several of these warheads were at a U.S. Air Force base in Incirlik, Turkey, during the gulf war. Use of these warheads likely would throw up a cloud of radioactive dust, Air Force experts said.

A more sophisticated mini-nuke is the B61-11, which has not been fully developed. It was designed specifically for the B-2 stealth bomber with a mission of destroying underground Soviet command bunkers after a nuclear exchange. There would be little surface fallout from the underground blast.

"It is not fully developed," an Air Force official said. Its laser-guided warhead is designed to plunge through earth, rock and concrete before its nuclear warhead is detonated.

Newsday Color Illustration by Phillip Diomisio - The Warheads How two different versions of the B61 nuclear bomb works:

B61-7

Explodes in midair or on the Earth's surface.

1. Plane drops nuclear bomb.
2. Parachute opens to slow bomb.
3. Bomb explodes.

B61-11 (not fully developed) Penetrates the ground to destroy an underground target.

1. Plane drops nuclear bomb.
2. Bomb nose is aligned to fall directly into the ground.
3. Bomb penetrates the ground.
4. Warhead is in ground for about 2 minutes before exploding.

SOURCE: Los Alamos Study Group

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*Author: Patrick J. Sloyan. WASHINGTON BUREAU
Section: NEWS
Page: A07
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Paper: Albuquerque Tribune, The (NM)
Title: N.M. anti-nuclear groups go nationwide
Date: February 3, 1998

Three New Mexico anti-nuclear groups are among 33 activist groups that have formed a national coalition that will focus attention on the nation's nuclear policies.

"Our concerns cover the entire U.S. nuclear legacy," said Susan Gordon in Seattle, who is director of the organization Alliance for Nuclear Accountability.

Gordon cited the "horrible health effects of uranium mining" in New Mexico and "current schemes to rob the Department of Energy cleanup budget to fund pointless weapons research and production," notably at Los Alamos National Laboratory.

The three New Mexico groups are Concerned Citizens for Nuclear Safety and the **Los Alamos Study Group**, both in Santa Fe, and the Southwest Research and Information Center in Albuquerque.

They are among 39 groups that earlier this month asked a federal judge to jail Secretary of Energy Federico Pena and two other DOE officials, saying they violated federal environmental laws and court orders.

The groups also asked the court to halt the opening of DOE's Waste Isolation Pilot Plant near Carlsbad and fine the department \$5 million in punitive damages and \$5,000 per day until it complies.

DOE issued a statement contending the groups' claims are without merit. A hearing is scheduled for Feb. 20 in Washington, D.C. DOE plans to open WIPP in May if the Environmental Protection Agency grants a final permit, which is expected.

Apart from supporting the suit, the alliance aims to monitor the DOE's changing nuclear-weapons complex by developing and acting on a "collective agenda."

It will publicly challenge continued research in and production of nuclear weapons at sites such as New Mexico's Los Alamos and Sandia national laboratories.

"The alliance, I think, reflects a new level of organizational maturity on this issue," said Greg Mello of the alliance's **Los Alamos Study Group** in Santa Fe.

Mello said the alliance will "harmonize local interests and concerns into a nationwide policy critique."

He said the alliance's chief asset will be enhancing "communication between groups, these tiny groups that are trying to fight through the labyrinth of the huge DOE bureaucracy and (weapon-complex) documents that describe and prescribe the future of our communities."

One of the alliance's major concerns is the government's plan to dispose of nuclear wastes at WIPP and at Yucca Mountain at the Nevada Test Site in Nevada.

WIPP was cited by alliance spokesman Bob Schaeffer as an example of the alliance's new focus, which is "collective self-interest and the need to work together."

"People in New Mexico can't stop WIPP by themselves," Schaeffer said, noting that nuclear waste is not a New Mexico problem.

He said an alliance campaign in April will try to focus national attention on the issue of transporting nuclear wastes.

Current plans "will involve roads in 44 states, practically every state, and that presents risks nationally," he said.

New Mexico's two nuclear-weapons labs, each of which has an annual budget of about \$1 billion, are monitored by the three local organizations in the alliance. The three groups are among the most vocal opponents of WIPP.

The three groups also oppose the expansion at Los Alamos of the capability to manufacture plutonium pits, or triggers, for thermonuclear bombs.

They consider the activity unnecessary in the aftermath of the Cold War, dangerous to workers and area residents and a threat to the environment. DOE contends the work is essential to maintain the nation's warheads.

Meanwhile, the alliance groups complain, Los Alamos and other DOE sites have faced cuts in their programs to clean up environmental hazards from past nuclear-weapon activities.

Several organizations in California similarly monitor programs at Lawrence Livermore National Laboratory, east of San Francisco.

The nation's other nuclear-weapons lab, Livermore, is where DOE has begun construction on a controversial \$1 billion laser intended to simulate nuclear-weapon blasts.

That project and others are being challenged in the court case by the groups, which contend the project and DOE's nuclear-weapon Stockpile Stewardship and Management Program violate the U.S. Environmental Policy Act.

The groups got indirect support last year when several prominent nuclear-weapon scientists told The Albuquerque Tribune they have serious reservations about the laser. Several doubted it can achieve its fundamental scientific goals.

Schaeffer said the formation of the alliance will not affect the suit against the DOE, which will independently continue in Washington, D.C.

The anti-nuclear plaintiffs lost the first round, a motion to get an injunction to stop the Livermore laser. But they filed the contempt motion, at the invitation of the judge, asking the court to hold DOE in contempt for failing to abide by federal environmental law and the court's previous orders in the case.

Last year, Washington, D.C., federal District Judge Stanley Sporkin ordered a thorough DOE analysis of America's nuclear-weapons cleanup program. The coalition, including New Mexico's **Los Alamos Study Group**, claimed "neglect, failure and willful refusal to comply with and obey" Sporkin's order.

There is no chance Pena will be sent to prison, however, said Marc Johnston, deputy DOE general counsel.

"This motion to have the department held in contempt is absolutely without merit. The department has not violated any court order, and we will contest this vigorously," Johnston said from Washington.

Sporkin had urged the parties to negotiate a settlement over DOE's multibillion dollar nuclear cleanup program, which has suffered budget cuts in recent years even as DOE has ramped up budgets for nuclear weapons.

On Jan. 16, DOE informed U.S. Magistrate Alan Kay in Washington, D.C., who had overseen the Washington talks, of the agency's withdrawal. The letter says DOE can't accept the plaintiffs' settlement proposals and that the two sides are so far apart that a counterproposal is pointless.

"Under these circumstances, it does not appear to DOE that it would be fruitful for the court to conduct a settlement conference on January 28, 1998," the letter says.

Last week, the coalition sent its own letter to Kay, complaining about DOE's "abrupt" withdrawal.

The new alliance, which has grown out of the former Military Production Network, is headquartered in Seattle and has a Washington, D.C., office.

The 33 member organizations act as public watchdogs of DOE sites in Colorado, Ohio, Washington, Idaho, California, Nevada, Tennessee, Kentucky, Texas, Massachusetts, Oklahoma and South Carolina.

Two of the organizations are American Indian, based at reservations in Oklahoma. One was formed out of concerns over the nuclear power industry's efforts to gain access to tribal lands for nuclear-waste storage or disposal.

One such effort at the Mescalero Apache reservation in south-central New Mexico failed when it became a contentious political issue within the reservation.

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Author: Lawrence Spohn TRIBUNE REPORTER
Page: A5
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2/8/98

EDITORIALS

DOE Should Release Records

The U.S. Department of Energy uses private contractors — such as Los Alamos National Laboratory — for much of its work, paying these contractors with tax money. But the DOE is fighting release of contractors' records, including those at LANL, pertaining to nuclear weapons research and development. Federal judges in New Mexico and California are expected to rule this year on the DOE's position.

At stake is the public's right to know and an erosion of the principle of access under the Freedom of Information Act.

Federal law, say DOE attorneys, only requires the agency to release records physically in its possession. They claim those records which contractors have are the contractors' private property — even if the project was federally funded. Backed by the U.S. Department of Justice, the DOE plans to cite a string of Supreme Court rulings starting in the early 1980s that narrow the definition of "agency records."

Even though the DOE argues that it is not required to make its contractors' records public, it has established a policy encouraging the release of this material. But the guidelines are toothless because, unlike the Freedom of Information Act, they set no deadlines for the release of information. The agency can delay its release until it is convenient or politically expedient.

The Los Alamos Study Group filed a suit that argues the DOE and its Los Alamos lab restricts access to public records by delaying their release for as long as nine months. The study group wants to see files that range from business travel records of top lab officials to descriptions of new weapons projects and budgets for construction of lab facilities. Everything it is asking for was funded with tax money; the delays can render the documents worthless.

The study group case has importance beyond Los Alamos and New Mexico — and beyond the group's own objectives of ending nuclear weapons research. The DOE is the nation's largest civilian contracting agency. Private corporations or nonprofit agencies perform more than 80 percent of its work. The agency's position, if upheld in court, could have sweeping impact across the federal government, especially in light of the growing trend to privatize more functions previously done by government.

A decision in favor of the DOE restriction would speed the reduction in government accountability and encourage government secrecy. Contractors who receive public money should treat records for projects so funded as public documents under the Freedom of Information Act.

2/21/98
N.M. Journal

Fight for LANL Records Continues

THE DEPARTMENT OF ENERGY'S LEGAL POSITION on contractor "ownership" of records threatens to undermine efforts by public health scientists to get to the bottom of health concerns in communities around Los Alamos National Laboratory. Hats off to the Los Alamos Study Group for finally taking DOE to court over the ownership issue.

My doctoral dissertation at Boston University School of Public Health, which began in support of a federal health agency's investigation of LANL, seeks in part to answer the question: Do historical emissions of radioiodine account for the spike in thyroid cancer reported by the New Mexico Health Department and Tumor Registry in the late 1980s and early 1990s?

NMHD has backed away from its initial explanation of medical ascertainment bias (i.e., "harvesting" of cases by Los Alamos' superior health care system) as the cause. A credible investigation of other potential causes, such as radioiodine, depends upon unfettered researcher access to LANL's historical emissions data.

The absurd lengths to which the legal sham of contractor "ownership" can be carried is illustrated by a case in point. In October 1996 I received under the Freedom of Information Act historical monthly stack monitoring reports for several LANL facilities. But pages were missing in a regular sequence from reports in the 1950s such that much of the data provided for plutonium were uninterpretable.

A never released compilation of notes from a 1991 internal LANL investigation suggested that plutonium emissions were much higher in this era than has been publicly acknowledged. Although not suspected as a cause of thyroid cancer per se, plutonium is a major concern of communities near the lab.

I promptly filed a follow-up

FOIA request for the missing pages.

Incredibly, in a January 1997 conference call a DOE FOIA officer ruminated on the possibility that the missing pages might be "owned" by LANL — and therefore beyond the reach of FOIA. So the pages provided to me just happened to be "owned" by DOE?! DOE backed off this ridiculous position, but the missing pages have yet to be provided.

Such legal nonsense only fans the flames of speculation that DOE and LANL have something to hide. A DOE lawyer is quoted in a recent Journal North article saying, "If it's in your hot hands and you've got it, then it's an agency record" and accessible under FOIA. What then to make of a former LANL employee's allegation that off-site records management contractors are running a kind of shell game with important historical records?

Analyzing historical emissions data could help lay unfounded health concerns to rest or inform the design of public health interventions. Thyroid conditions are highly treatable if detected early. Rapid strides are being made to improve survival for several other kinds of cancer through early detection and treatment. Indeed, more than a few LANL staff members and DOE personnel, people of integrity and openness, have done their best to assist me, even taking time away from scientific tasks to navigate the legal labyrinth. It's a pity that LANL and DOE lawyers may fail to grasp their public health obligation to refrain from invoking distended legal arguments to block access to historical data.

All citizens concerned about public health and the environment should put aside their differences and support the Los Alamos Study Group in their crucial legal battle over who "owns" the documentary record of LANL operations in northern New Mexico. A former presidential candidate struck a chord with the public when he groused, "Just a minute. I paid for

that microphone!" The taxpayers paid for those records and deserve to share fully in their ownership, without delay.

Ken Silver
Santa Fe



Section--Opinion Edition--Journal North Date--02/22/1998 Page--4

LETTERS

Fight for LANL Records Continues

THE DEPARTMENT OF ENERGY'S LEGAL POSITION on contractor "ownership" of records threatens to undermine efforts by public health scientists to get to the bottom of health concerns in communities around Los Alamos National Laboratory. Hats off to the Los Alamos Study Group for finally taking DOE to court over the ownership issue.

My doctoral dissertation at Boston University School of Public Health, which began in support of a federal health agency's investigation of LANL, seeks in part to answer the question: Do historical emissions of radioiodine account for the spike in thyroid cancer reported by the New Mexico Health Department and Tumor Registry in the late 1980s and early 1990s?

NMHD has backed away from its initial explanation of medical ascertainment bias (i.e., "harvesting" of cases by Los Alamos' superior health care system) as the cause. A credible investigation of other potential causes, such as radioiodine, depends upon unfettered researcher access to LANL's historical emissions data.

The absurd lengths to which the legal sham of contractor "ownership" can be carried is illustrated by a case in point. In October 1996 I received under the Freedom of Information Act historical monthly stack monitoring reports for several LANL facilities. But pages were missing in a regular sequence from reports in the 1950s such that much of the data provided for plutonium were uninterpretable.

A never released compilation of notes from a 1991 internal LANL investigation suggested that plutonium emissions were much higher in this era than has been publicly acknowledged. Although not suspected as a cause of thyroid cancer per se, plutonium is a major concern of communities near the lab.

I promptly filed a follow-up FOIA request for the missing pages.

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Ken Silver

Santa Fe

Quake Fears Delay Work On Weapons

3/19/98

LANL Studying Fault Patterns

BY LAN HOFFMAN
Journal Staff Writer

Geologists suspect the antiquated weapons labs and offices at the core of Los Alamos National Laboratory could be more vulnerable to earthquakes than previously thought.

Ancient earthquakes on three faults near Los Alamos suggest the faults could be connected. More research is aimed at showing how closely the faults are related.

Until geologists know more, executives at LANL are halting plans to shift more weapons work into a massive laboratory built in the late 1950s near one fault.

Their decision could add delays to a \$225 million retooling of the Chemistry and Metallurgical Research building, where cost overruns of \$15 million stalled work last spring.

The lab's most sensitive building, its top-secret plutonium facility at Technical Area 55, is safely distant from threatening earthquake faults, said a lab seismic engineer.

"We've cleared TA-55 of a faulting hazard," said Larry Goen, leader of the lab's seismic research.

But the long-dormant Rendija Canyon fault could run perilously close to Technical Area 3, LANL's densely populated core and the site of the 550,000 square-foot CMR building, another highly sensitive weapons lab.

"We know we have faults running

near TA-3. We don't know if they run through TA-3," Goen said.

Inside CMR, researchers perform chemical tests on plutonium and other radioactive materials. The renovations are intended to make the building safe to operate through 2010 and let researchers handle larger amounts of weapons-grade plutonium.

At 40 years old, the CMR lab pre-dates modern seismic standards. It is one third as safe from ground-shaking quakes as nuclear facilities built to today's seismic standards.

Los Alamos is not as seismically active as much of California. But its faults comprise the western edge of the Rio Grande rift, where the North American continent is slowly tearing itself in two.

Geologists' studies suggest the Pajarito fault, the region's biggest and most active fault, got its latest jolt within the last 10,000 years.

That's close enough in time to earthquakes on the Rendija Canyon and Guaje Mountain faults to raise the question of a connection among the faults. Geologists think the last earthquakes were 8,000 to 9,000 years ago on the Rendija fault and 4,000 to 6,000 years ago on the Guaje fault.

"The only connection we can make is they've all had (seismic) events in the last 10,000 years," Goen said. "We don't have evidence they've all gone at the same time."

Geologists plan to walk the Rendija Canyon fault — a crack running north-south across Los Alamos — to see how close it runs to the CMR

See **QUAKE** on **PAGE 3**

Quake Fears Delay Work on Weapons

from **PAGE 1**

building and Technical Area 3. They expect to draw a complete map of the fault by late summer or early fall, Goen said.

Lab weapons executives are waiting to see what they find before deciding the future of weapons work at the CMR building.

"They would like to have an answer sooner rather than later,

but they would like to have an answer," Goen said.

A top DOE executive concluded in an October memo that the seismic findings "increase the likelihood for rupture within Technical Area 3 should a seismic event occur."

"The results appear to have significant implications for Technical Area 3 where we have placed considerable emphasis within the past year ... to establish pit production

at the laboratory," wrote Gene Ives, the DOE's deputy assistant secretary for military application and stockpile management.

Lab critics called the decision to stall work at the CMR building prudent. Greg Mello, a nuclear disarmament activist, opposes DOE plans to make plutonium pits, the fission cores of nuclear weapons, at Los Alamos.

Mello said the related renovations at CMR are poorly planned

and wasteful.

"It's a responsible decision to hold up the work, but the primary reason to hold up the work should have to do with project management and need," Mello said.

"They're spending tens of millions (of dollars) at the CMR building, and it's not clear that the upgrade project will result in a building that will ever safely contain large amounts of plutonium."

Lab Chief Promises Revamp

3/20/98

LANL Asking Congress For Construction Funds

By IAN HOFFMAN
Journal Staff Writer

Plagued by "a systematic problem" of construction delays and cost overruns, Los Alamos National Laboratory is revamping the way it builds everything from labs to offices to computer centers, the lab's chief told a Senate committee in Washington, D.C., on Thursday.

Lab director John C. Browne promised to assemble a panel of outside experts in construction and project management to recommend changes in the lab's work.

"I personally am reviewing the status of our projects at my bimonthly business and operations meetings," Browne told members of a Senate strategic-arms committee.

The timing of Browne's testimony is crucial: LANL is asking Congress for up to \$800 million in new construction money over the next eight years. And its track record on construction has drawn sharp criticism in recent years.

"This problem has resulted in ... cost growth through insufficient institutional oversight and lack of a common project management system," Browne said.

A House committee last year turned aside the lab's request for \$15 million to renovate its Chemistry and Metallurgical Research building, where cost overruns have stalled work since last spring.

Committee members pointed out the lab ran through



EDDIE MOORE/FOR THE JOURNAL
WASHINGTON TESTIMONY: Los Alamos National Laboratory director John Browne testified before a Senate strategic arms committee Thursday in Washington, D.C.

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its \$51.3 million budget for the first part of the renovations and still had untold millions of dollars of work left to do.

The lab and its overseer, the U.S. Department of Energy, are still investigating the project. But investigators said the lab grossly underestimated the amount of expensive electrical work and de-contamination to bring the 1950s-vintage lab building up to modern safety standards.

A recent report by the Defense Nuclear Facilities Board said the U.S. Department of Energy itself suffers from a lack of construction and engineering expertise.

"It's a case of the blind leading the blind on these projects," said Jay Coghlan, a program director for Concerned Citizens for Nuclear Safety, a nuclear watchdog group.

Lab officials now are mulling whether to scale back the CMR renovations to emergency maintenance work and ask Congress for a new nuclear facility capable of handling large quantities of plutonium.

Congress rejected lab plans for a new \$385 million plutonium facility in 1990 after environmentalists and peace activists mounted a vigorous campaign against it. They promise more of the same if the lab resurrects the idea.

"The laboratory can look forward to a firestorm of protest if it attempts to build yet another industrial facility for handling plutonium," said Greg Mello of the Santa Fe-based Los Alamos Study Group. "The protests will be local, they will be national and they will be international."

Another project, the Nuclear Materials Storage Facility, never

opened due to design flaws. Investigators found, for instance, that highly radioactive, weapons-grade materials would have had to pass through the facility's offices to reach the storage vault. Originally priced at \$15 million, fixing NMSF is expected to cost more than \$50 million.

Lab plans call for five other multi-million dollar construction or renovation projects over the next few years. Browne said he will name a project manager to run each of them and report directly to top lab executives.

The new external panel will review each project to make sure it fits the lab's needs and can be finished in time, Browne said. He said he will find a chairman for the panel among executives of "our nation's largest industrial project management organizations."

See LAB on PAGE 3

SF anti-nuclear group says DOE planning new weapons

SANTA FE (AP) — An anti-nuclear group is blasting the U.S. Department of Energy over plans for replacing weapons in the nation's aging stockpile, but the DOE says its program meets federal requirements.

The Santa Fe-based Los Alamos Study Group contends a newly declassified 1997 DOE report proves the agency's stockpile stewardship program, aimed at maintaining the arsenal, also is in the business of developing new weapons.

The report reveals "a shocking disregard for U.S. commitments, especially those enshrined in the Nuclear Nonproliferation Treaty to end the nuclear arms race," said Greg Mello, director of the watchdog group.

The DOE says its program meets stockpile management guidelines mandated by the 1994 National Defense Authorization Act.

According to that law, the program is meant "to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use, control, reliability assessment, and certification."

John Gustafson, a spokesman for

Los Alamos National Laboratory, said the report reveals nothing that DOE officials haven't said all along. The lab is involved in the stewardship program.

"The lab is not currently developing new weapons and the stockpile stewardship program has always been clear on the need for eventual replacements of weapon components and even entire weapons systems," he said.

DOE officials in Albuquerque are out of the office until later this week and were not available to comment.

The report to Congress, "Stockpile Stewardship and Management Plan: First Annual Update," spells out plans to gradually replace existing weapons with modified or new ones, develop new nuclear options for emerging threats and maintain the facilities and technology to build new weapons at Cold War levels in case of a national emergency.

The department released a declassified version to a federal court in Washington in a lawsuit that seeks to stop the DOE from producing nuclear weapon triggers at Los Alamos and building a National Ignition Facility in Liver-

(Please see WEAPONS, Page 8)

WEAPONS

(from Page 1)

more, Calif. The lawsuit was filed by a consortium of 39 disarmament and environmental organizations, including the Los Alamos Study Group.

Much of the report remains classified.

Among the items in the declassified version:

- A program to provide a "continuum of warhead design options" to replace warheads on the Navy's submarine fleet and a provision for manufacturing the warheads.

- A lab program to design and replace warheads for existing weapons that will be producible and certifiable without a nuclear test.

- Maintain the capability to resume nuclear testing. President Clinton signed the Comprehensive Test Ban Treaty in 1996, committing the United States to a moratorium on testing. A presidential directive requires the DOE to maintain the capability to conduct a nuclear test within 24 to 36 months of a request from the president.

Monitor 3/21/98

Weapons discussions set

The Los Alamos Study Group, a Santa Fe-based anti-nuclear organization, has scheduled several public events Thursday and Friday, a news release said.

From 4 p.m. to 5 p.m. in the Nambé Room of Fuller Lodge, there will be a news conference open to the public about a "citizen verification team."

From 7 p.m. to 9 p.m. Thursday at the Parish Hall at Our Lady of Guadalupe Church in Santa Fe, there will be a roundtable discussion on "Los Alamos and Nuclear Weapons: Post-Cold War Issues." Speakers include Bishop Thomas Gumbleton; Zia Mian, a Pakistani physicist at Princeton University; and Greg Mello of the Los Alamos Study Group. In addition, Los Alamos National Laboratory representatives have been invited.

From 7 p.m. to 9 p.m. Friday at the Parish Hall at Our Lady of Guadalupe, Mian will speak on "Nuclear Weapons and the International Community."

For more information, interested people may call the Los Alamos Study Group, 982-7747.

Los Alamos Monitor

3/24/98

Paper: Albuquerque Tribune, The (NM)

Title: IN BRIEF

Date: March 25, 1998

Group demands look at nuke-weapons facilities

LOS ALAMOS -- An anti-nuclear group is demanding the right to look at nuclear-weapons facilities at Los Alamos National Laboratory.

"How can we be on a high horse about other people's weapons of mass destruction if we keep investing in our own?" said Greg Mello, director of the Santa Fe-based **Los Alamos Study Group**.

A team put together by the study group plans to show up at the lab Thursday to demand access, then make a report to the United Nations, Mello said.

The lab already has told the group it will not be able to allow members in, citing the Federal Atomic Energy Act which prohibits the lab from allowing uncleared visitors where classified work is being done.

Staff and wire reports

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Author: Staff and wire reports

Section: Local News

Page: A3

Copyright, 1998, The Albuquerque Tribune

Paper: Albuquerque Tribune, The (NM)

Title: IN BRIEF

Date: March 26, 1998

Anti-nuclear group wants access to labs

LOS ALAMOS -- An anti-nuclear group wants the right to inspect Los Alamos National Laboratory's nuclear-weapons facilities.

"How can we be on a high horse about other people's weapons of mass destruction if we keep investing in our own?" said Greg Mello, director of the Santa Fe-based **Los Alamos Study Group**.

A team put together by the study group plans to show up at the lab this afternoon to demand access, then make a report to the United Nations, Mello said.

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Author: Staff and wire reports

Section: Local News

Page: A3

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Activists To Demand Entry at LANL

Journal Staff Report

A Princeton physicist, a Catholic bishop and local nuclear-disarmament activists plan to demand entry today to top-secret nuclear weapons facilities at Los Alamos National Laboratory.

Not one expects to be let in, of course.

Lab officials will ask them to leave and perhaps arrest them for trespassing if they persevere.

But they hope the made-for-media confrontation will serve as a public remark on the latest boost in U.S. nuclear-weapons research at a time when the nation is demanding the destruction of Iraq's ability to make weapons of mass destruction.

Leading the self-styled "citizen verification team" will be Pakistani physicist Zia Mian, a Princeton University researcher on nuclear pro-

liferation and a disarmament advocate, and Bishop Thomas Gumbleton, a veteran peace activist who has toured world hot spots, most recently Iraq. He spearheaded a recent letter from U.S. bishops condemning nuclear weapons.

The pilgrimages today to the plutonium facility at TA-55, the Chemistry and Metallurgical Research building and the Dual-Axis Radiographic Hydrotest facility were organized by the Los Alamos Study Group. It is copying the tactics of a Canadian group, which did the same thing at the U.S. Naval Submarine Base at Bangor, Wash., home of the U.S. Pacific fleet of nuclear-armed submarines.

As their authority, they cite the Nuclear Non-Proliferation Treaty and last year's International Court of Justice opinion that maintenance

of nuclear arsenals is illegal under the treaty, which the United States signed.

"It seems crazy at Los Alamos, but most of the world thinks nuclear weapons are inappropriate. We want to show there's a disconnect between our policy on Iraqi weapons of mass destruction and our own weapons of mass destruction," said the study group's leader, Greg Mello. "If the facilities at Los Alamos were in Iraq, those facilities would no longer exist."

Lab weapons officials declined the group's invitation to meet, as well as any notion of letting them into weapons facilities.

"I hope you understand that we cannot reasonably accommodate any part of a request of this nature," wrote Leroy Apodaca, the lab's chief community liaison, in a

March 24 letter to the study group.

Letting uncleared and unauthorized people into classified weapons facilities would violate the federal Atomic Energy Act, Apodaca said, adding that LANL also does not make U.S. weapons policy.

John Gustafson, a lab spokesman, called the event "street theater."

"We'll be witnessing the Felliniesque sideshow just like the rest of you," Gustafson said.

Activists note the lab does heavily influence U.S. weapons policy and research funding by postulating problems with the arsenal and asking for money to study them.

After visiting the lab, the group will hold a 7 p.m. public discussion of U.S. weapons policy, LANL's role and global disarmament issues, at Our Lady of Guadalupe Parish Hall on Agua Fria Road in Santa Fe.

Paper: The Dallas Morning News
Title: NM group seeks right to inspect nuclear facilities
Author: Associated Press
Date: March 26, 1998
Section: NEWS
Page: 29A

LOS ALAMOS, N.M. - An anti-nuclear group wants the right to inspect Los Alamos National Laboratory nuclear weapons facilities Thursday. "How can we be on a high horse about other people's weapons of mass destruction if we keep investing in our own?" said Greg Mello, director of the Santa Fe-based Los Alamos Study Group.

A team put together by the study group plans to show up at the lab Thursday afternoon to demand access, then make a report to the United Nations, Mr. Mello said.

The lab has told the group it will not allow its team in, citing the Federal Atomic Energy Act, which prohibits the lab from allowing uncleared visitors where classified work is being done.

A letter, dated Tuesday, to Mr. Mello from the head of the lab's outreach office, Leroy Apodaca, offered "a mutually agreeable time in the not too distant future when you and others can come to Los Alamos and meet with some of the leaders of our nuclear weapons program" to discuss Department of Energy requirements that are the basis for the laboratory's work.

But Mr. Apodaca said the meeting would not include inspection of facilities or access to classified information.

Mr. Mello said the demonstration will protest the lab's subcritical test taking place the same day at the Energy Department's test site in Nevada and difficulties the group has had getting information about the lab's weapons programs, he said.

The study group team is to gather Thursday afternoon in Los Alamos, then head to the lab, where the members want to see Technical Area 55, a secured plutonium complex, and the construction site of the Dual Axis Radiographic Hydrotest Facility, a nuclear weapons testing machine.

The team will include Thomas Gumbleton, a Catholic bishop who spearheaded a recent U.S. bishops' pastoral letter condemning nuclear weapons.

Author: Associated Press
Section: NEWS
Page: 29A

Copyright 1998 The Dallas Morning News Company

Paper: Albuquerque Tribune, The (NM)
Title: IN BRIEF
Date: March 27, 1998

Anti-nuclear group wants access to labs

LOS ALAMOS -- An anti-nuclear group wants the right to inspect Los Alamos National Laboratory's nuclear-weapons facilities.

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Staff and wire reports

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Section: Local News
Page: A3
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Peace Activists Denied Access to LANL Facilities



MICHAEL DIBARI JR./JOURNAL

INSPECTION BLOCKED: A group of nuclear abolitionists demanded to inspect nuclear weapons facilities at Los Alamos National Laboratory on Thursday. Director of the Community Involvement and Outreach Office at LANL Leroy Apodaca, center, denied access to Bishop Thomas Gumbleton of Detroit, left to right, Carolyn Sigstedt of Santa Fe, Willem Malten also of Santa Fe, and Todd Macon of the Los Alamos Study Group.

BY IAN HOFFMAN
Journal Staff Writer

3/27/98

A self-styled "citizen verification team" of nuclear abolitionists on Thursday declared Los Alamos National Laboratory in violation of international law and human morality for its nuclear weapons work.

"It's clear to me today the United States is not moving toward nuclear disarmament," said peace activist and Catholic Bishop Thomas Gumbleton. "We can say U.S. policy on nuclear weapons is illegal and is in violation of moral law, the law of God."

The bishop joined a handful of blue-jacketed peace activists in demanding access Thursday to three of LANL's most sensitive nuclear-weapons facilities.

"We have come to inspect Los

Alamos for its role in nuclear weapons production," Santa Fe disarmament activist Todd Macon told lab officials on the team's arrival.

Nuclear weaponeers in Los Alamos have seen peace vigils and anti-nuke protesters for over 30 years.

But they've never encountered activists wanting to inspect their nuclear weapons facilities.

"This is a bit more aggressive," said one lab security executive, warily eyeing the group.

Lab officials politely but firmly denied them, citing the federal Atomic Energy Act's prohibition on uncleared visitors.

"We have to read this as a willingness to pursue a hidden agenda and the stockpiling of nuclear weapons," said Willem Malten, a Santa Fe baker.

Nor could senior lab weapons

executives meet with them until a future date.

"We're happy you were able to make it to Los Alamos anyway," lab community liaison chief Leroy Apodaca told the team. But, he said, "you are uncleared visitors to our laboratory, and by law are not allowed access to our facilities."

"That's exactly what Iraq says," replied Zia Mian, a Princeton University arms-control researcher and Pakistani-born physicist.

The team — also numbering a printer and mother of three, and a retired American historian — lectured Apodaca on the United States' promise in the 1970 Nuclear Non-Proliferation Treaty to work toward total disarmament.

"Do you believe this institution

See PEACE on PAGE 3

Peace Activists Denied Access to LANL Facilities

from PAGE 1

has a right to violate international law?" asked Bill Doyle, a historian who teaches in Santa Fe.

What ensued was a tour of the out-sides of three barbed-wire enclosed weapons facilities, where activists stood against stout winds and intermittent rain to denounce the lab's advancement of nuclear-weapons research, as well as U.S. policy on Iraq and weapons of mass destruction.

"A facility like this gives the lie to Article VI of the Nonproliferation Treaty," Gumbleton told reporters outside the lab's heavily guarded plutonium facility, where it is mak-

ing new plutonium triggers for nuclear weapons. "When you're doing something like this, you're clearly in violation, and I find that very disheartening."

For the United States to invest so much in nuclear weapons suggest it plans to keep them indefinitely, the group said, and it encourages other nations to try to get their own nuclear weapons as a sign of power.

The lab visit was organized as a media event by the Los Alamos Study Group, a disarmament organization in Santa Fe, and timed with an nearly identical visit by San Francisco-area activists to LANL's sister weapons laboratory in Liver-

more, Calif.

Outside the construction site of LANL's

Dual-Radiographic Hydrotest facility, Mian described the new experimental building as "a bomb designer's dream. They've been waiting for this for 40 years."

At DARHT, twin X-ray beams will provide snapshots of the plutonium triggers as they are compressed with high explosives.

"There's no reason to have it unless you want to design new weapons," Zian said.

The activists said their "inspections" were intended to call attention to the nation's \$4.5 billion-a-year program of weapons research,

now more expensive than average yearly expenditures on nuclear weapons during the Cold War.

Stopping nuclear weapons, said Carolyn Sigstedt, "is going to take a people's movement. Now that the Cold War isn't a threat, we forget the threat still exists in a quiet way. And we need to take that threat to the streets again."

Later at Fuller Lodge, study group leader Greg Mello presented a lab environmental official, Harry Otway, with a bouquet of sunflowers, the symbol of the nuclear-abolition movement.

Otway grinned. "How," he asked, "am I going to explain this?"

'Nuclear Jobs send verification team' to LANL

3/27/98
By DEBORAH BAKER
The Associated Press

LOS ALAMOS — Anti-nuclear activists held a citizen "inspection" Thursday at the birthplace of the atomic bomb, then demanded the nation's nuclear arsenal be dismantled.

"The United States started the nuclear age right here," said Pakistani physicist Zia Mian, standing in front of a barbed wire-topped fence on a windy mesa at Los Alamos National Laboratory.

"If we are going to end it, it has to start right here."

Mian and five other members of a "citizen verification team" — denied access to secure areas — stood outside fences at key sites at the nuclear weapons

facility.

They made no attempt to enter the off-limits areas, and the two-hour visit was marked only by verbal sparring with the handful of LANL employees who accompanied them.

The event was inspired by the activities of U.N. weapons inspections teams in Iraq.

Roman Catholic Bishop Thomas Gumbleton of Detroit, who was among the blue-jacketed team members, said the United States is "violating international law and violating the law of God."

"The only moral course we can take is to eliminate these weapons," the bishop said.

Gumbleton said he saw widespread suffering, especially

Please see INSPECT, Page B-4



Clyde Mueller/The New Mexican

A group of anti-nuclear activists gather outside high-security Technical Area 55 at Los Alamos National Laboratory Thursday while demanding an inspection of the nuclear arsenal.

INSPECT

Continued from Page B-1

among children, when he visited Iraq last year and got a firsthand look at the effect of the U.N. sanctions against that nation.

It's hypocritical to support sanctions against Iraq for developing weapons of mass destruction when "we are doing the very same thing," he said.

"We are maintaining and developing and improving our arsenal of weapons of mass destruction," the white-haired auxiliary bishop said at the conclusion of the tour.

The activists said repeatedly that the United States is violating a 1970 nuclear non-proliferation treaty that requires good-faith negotiations to eliminate nuclear arsenals.

"It's time the laboratories realized it: It's not 1945 anymore. The war is over. Even the Cold War is over," said Mian, who helped found the first anti-nuclear group in Pakistan and now is at Princeton University's Center for Energy and Environmental Studies.

The continued U.S. emphasis on nuclear weapons convinces other, smaller nations to continue to develop "chemical, biological or crude and dirty nuclear weapons," the physicist said.

Leroy Apodaca, director of LANL's Community Involvement and Outreach Office, accompanied the activists on the tour. First, he told them that federal law prevented him from letting

them in classified areas.

"We realize there is a difference of opinion," Apodaca said in an interview.

LANL is not working on any new weapons design or production, he said. Its job is to make sure the existing nuclear stockpile is "safe, secure and reliable," he said.

The activists maintain that LANL's research work goes well beyond that, and that the Department of Energy's "stockpile stewardship" program means that nuclear weapons will be retained indefinitely.

One of the sites where the protesters stopped Thursday was a top-secret plutonium research facility where LANL will make replacement pits — plutonium triggers for nuclear weapons — for weapons in the existing stockpile.

The "inspection" was also intended as a protest of LANL's experiment on Wednesday at the Nevada Test Site.

Conducted in a chamber 926 feet underground, the experiment was designed to obtain physics information on plutonium samples of varying ages, according to the Department of Energy.

Operated by the University of California for the Department of Energy, LANL sprawls over 43 square miles and has about 10,500 employees, about 6,500 of whom work for the University of California and the others for subcontractors.

5/27/98 New Mexican

New Mexico

in brief

Nuclear group to 'inspect' LANL

Modeling themselves after the United Nations inspection teams in Iraq, a Santa Fe nuclear watchdog group will visit Los Alamos National Laboratory on Thursday and demand access to nuclear weapons facilities.

"How can we be on a high horse about other people's weapons of mass destruction if we keep investing in our own?" asked Greg Mello, director of the Los Alamos Study Group.

The "inspection team" will include Thomas Gumbleton, a Catholic bishop who spearheaded a recent U.S. bishops' pastoral letter condemning nuclear weapons. Gumbleton visited Iraq on a fact-finding mission last year.

Also on hand will be Zia Mian, a physicist at Princeton and an expert on arms proliferation in South Asia.

The team will gather at the Fuller Lodge parking lot at 1:50 p.m. on Thursday and meet with members of the press. The team will then proceed to LANL weapons facilities, including Technical Area 55, a highly secured plutonium complex; and the construction site of the Dual Axis Radiographic Hydrotest Facility, a nuclear weapons testing machine.

The laboratory has indicated that access to the facilities will not be granted.

Seven seek entry to lab facilities, saying U.S. is disarming too slowly

Los Alamos Monitor 3/27/94
 By STEPHEN T. SHANKLAND
 Monitor Managing Editor

A seven-person team of mock-United Nations weapons inspectors tried to gain entry into several classified Los Alamos National Laboratory facilities Thursday, fully expecting to be turned away.

LANL officials refused them entry at the Plutonium Facility, the Dual-Axis Radiographic Hydrodynamic Test (DARHT) facility, and the Chemistry and Metallurgy Research Building, saying that it's against the law for uncleared visitors to see classified work.

At a news conference afterward, members of the team spoke about why they held the event.

"The U.S. is not moving toward nuclear disarmament," said Thomas Gumbleton, a Catholic bishop from Detroit and one of the team members. "The U.S., through its possession of nuclear weapons, is in violation of moral law, the law of God."

Gumbleton said the team was calling upon the U.S. and other nations to enter into agreements that would establish a timetable for the abolition of nuclear weapons.

Gumbleton said he was one of the Roman Catholic bishops who wrote a document in 1983 that analyzed nuclear weapons within the Catholic philosophy of

warfare. Their conclusion: "Any use of nuclear weapons could never be justified," but nuclear deterrence is justified as long as the government is making progress towards disarmament.

However, it's now clear that the U.S. position is: "We have these weapons, and we intend to maintain them into the indefinite future," Gumbleton said.

Gumbleton said he and the other bishops are working on a revision to the 1983 document concerning nuclear weapons.

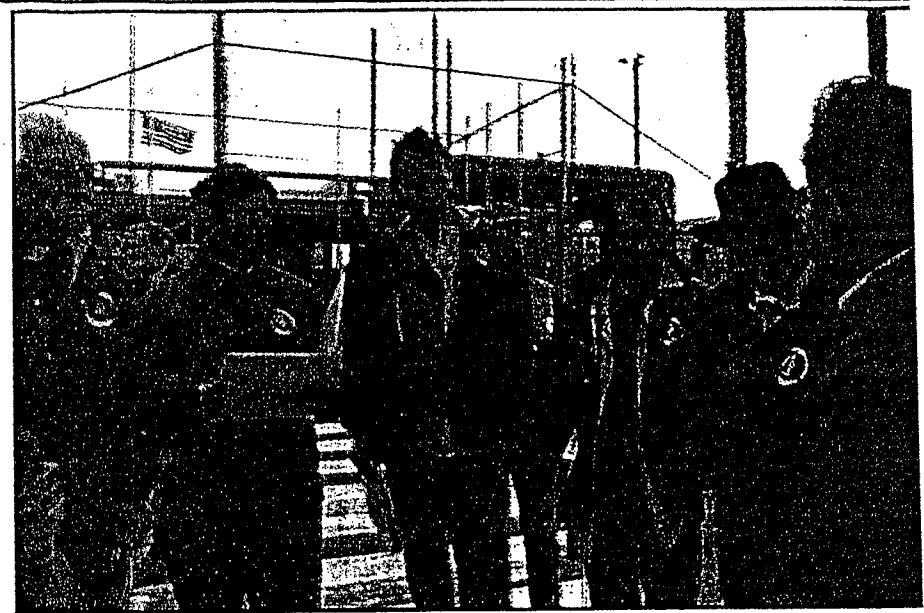
Also present at the news conference was Zia Mian, a Pakistani physicist at Princeton University and a member of Pakistan's disarmament movement.

"It's time for the laboratories to realize that it's not 1945 any more," Mian said. He said in 1945, the world was at a crossroads, and unfortunately, governments decided on policies that led to the Cold War.

Now the Cold War is over, and the world is in a similar position, Mian said. This time, the U.S. should choose the path of disarmament.

But it appears to him that the U.S. plans to keep its weapons into the foreseeable future. "It's clear that 'foreseeable' extends decades. This is round two of the

(Please see PROTEST, Page 10)



AL CABRAL/

A mock-U.N. inspection team visited several Los Alamos National Laboratory sites Thursday to protest nuclear weapons work. From left to right: Bishop Thomas Gumbleton; Santa Fe business-

woman Carolyn Sigstedt; Santa Fe businesswoman Willem Malten; Pakistani physicist Zia Mian; retired historian Bill Doyle; and Los Alamos Study Group member Todd Macon.

PROTEST

(from Page 1)

nuclear age," Mian said.

Todd Macon of the Los Alamos Study Group, the Santa Fe-based antinuclear group that organized Thursday's protest, said that LANL "is a fountain of proliferation. This is where it began, and this is where it continues."

Nuclear weapons work is "unconscionable, and we have a collective consciousness that can stay, 'Stop,'" Macon said.

Macon said work on the Strategic Arms Reduction Treaties (START) is "in the right direction," but that the U.S. is not moving fast enough.

Mian said U.S. policies encourage other nations to develop their own nuclear arsenal. "Countries realize if they're going to be treated

as snakes, it's time to get some fangs," he said.

Those fangs consist of dirty nuclear weapons, chemical weapons, and biological weapons, he said.

Pakistan has a nuclear weapons program, he said, largely in response to the threat posed by India.

But a Hiroshima-style nuclear weapon exploded over Bombay, India, would kill 900,000 people, he said. "This is something the government of Pakistan contemplates with equanimity and a certain degree of pride," Mian said.

The head of the Pakistani nuclear weapons program is a "national hero," he said, because Pakistanis believe the program shows moder-

Also at the news conference, World War II veteran and retired history professor Bill Doyle said government officials are shirking responsibility for nuclear weapons.

LANL officials told the protesters to take up their case with Congress, because congressmen are the people who tell the lab what to do, Doyle said. But congressional personnel say they don't know what's going on, and that the protesters should go ask the lab what's happening.

"We're getting battered back and forth like a pingpong ball," Doyle said.

Members of the mock-U.N. team and others planned to hand out leaflets at the Bradbury Science Museum today.

Publication: Jnl Legacy 1995 to July 2005; Date: Mar 28, 1998; Section: State; Page: 71



Section--New Mexico & Metro Edition--State Date--03/28/1998 Page--B1

Peace Activists Demand Access To LANL Sites

Ian Hoffman Journal Northern Bureau

SANTA FE -- A self-styled "citizen verification team" of nuclear abolitionists this week declared Los Alamos National Laboratory in violation of international law and human morality for its nuclear weapons work.

"It's clear to me today the United States is not moving toward nuclear disarmament," said peace activist and Catholic Bishop Thomas Gumbleton. "We can say U.S. policy on nuclear weapons is illegal and is in violation of moral law, the law of God."

The bishop joined a handful of blue-jacketed peace activists in demanding access Thursday to three of LANL's most sensitive nuclear-weapons facilities.

"We have come to inspect Los Alamos for its role in nuclear weapons production," Santa Fe disarmament activist Todd Macon told lab officials on the team's arrival.

Nuclear weaponeers in Los Alamos have seen peace vigils and anti-nuke protesters for over 30 years.

But they've never encountered activists wanting to inspect their nuclear weapons facilities.

"This is a bit more aggressive," said one lab security executive, warily eyeing the group.

Lab officials politely but firmly denied them, citing the federal Atomic Energy Act's prohibition on uncleared visitors.

"We have to read this as a willingness to pursue a hidden agenda and the stockpiling of nuclear weapons," said Willem Malten, a Santa Fe baker.

Nor could senior lab weapons executives meet with them until a future date.

"We're happy you were able to make it to Los Alamos anyway," lab community liaison chief Leroy Apodaca told the team. But, he said, "you are uncleared visitors to our laboratory, and by law are not allowed access to our facilities."

"That's exactly what Iraq says," replied Zia Mian, a Princeton University arms-control researcher and Pakistani-born physicist.

The team -- also numbering a printer and mother of three, and a retired American historian -- lectured Apodaca on the U.S. promise in the 1968 Nuclear Nonproliferation Treaty to work toward total disarmament.

"Do you believe this institution has a right to violate international law?" asked Bill Doyle, a historian who teaches in Santa Fe.

What ensued was a tour of the outsides of three barbed-wire enclosed weapons facilities, where activists stood against stout winds and intermittent rain to denounce the lab's advancement of nuclear-weapons research, as well as U.S. policy on Iraq and weapons of mass destruction.

"A facility like this gives the lie to Article VI of the Nonproliferation Treaty," Gumbleton told reporters outside the

lab's heavily guarded plutonium facility, where it is making new plutonium triggers for nuclear weapons. "When you're doing something like this, you're clearly in violation, and I find that very disheartening."

For the United States to invest so much in nuclear weapons suggests it plans to keep them indefinitely, the group said, and it encourages other nations to try to get their own nuclear weapons as a sign of power.

The lab visit was organized as a media event by the Los Alamos Study Group, a disarmament organization in Santa Fe, and timed with an nearly identical visit by San Francisco-area activists to LANL's sister weapons laboratory in Livermore, Calif.



Section--Opinion Edition--Journal North Date--03/29/1998 Page-- 4

LETTERS

LANL Records Are Available to Public

I WISH TO RESPOND to certain of the comments made by Ken Silver in a letter to the Journal North. For many years I was deputy laboratory counsel at Los Alamos National Laboratory, and for much of the last served as acting laboratory counsel. I am aware of no attempt whatsoever by LANL lawyers to obstruct in any way Silver's attempts to access LANL records. LANL is not a party to the FOIA lawsuit brought against DOE by the Los Alamos Study Group and its legal staff have not taken part in any way in the defense of that lawsuit.

Contrary to the impression left on Silver by a DOE FOIA officer, ownership is not the key to whether records are accessible under the FOIA. Rather, as the Supreme Court has reiterated several times, possession by a federal agency is the key to such access. For its own peculiar reasoning (which I have never understood), DOE is the only federal agency that has argued that ownership is somehow determinative of such access. Apparently, it is now having second thoughts on that position.

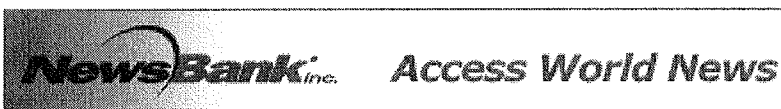
There are two distinct mechanisms by which Silver or any other member of the public can access laboratory records. The first, which Silver has apparently sought to pursue, is to file a FOIA request with the DOE which can then obtain copies of the requested records from LANL and provide them to the requester. The downside to this approach is that DOE is under no statutory obligation to obtain records from its contractors in order to respond to a FOIA request, and its own regulations seem to indicate that it will not obtain contractor-owned records in order to respond to such a request.

The second approach is to file a request directly with LANL under the California Public Records Act (CPRA) which LANL follows as a matter of policy. CPRA, which is the California FOIA, provides access to both University of California records and DOE records in the possession of LANL. As under the FOIA, ownership is not the key to access.

Under both FOIA and CPRA, certain records, e.g., personnel and medical records are normally exempt from disclosure. Both statutes, however, provide mechanisms by which a requester may appeal a refusal to supply a supposedly exempt record.

E.C. Walterscheid

Los Alamos



Paper: Albuquerque Tribune, The (NM)
Title: City events explore past, future of weapons
Date: April 3, 1998

One gathering here will review the development of the A-bomb; the other will delve into arms control.

Albuquerque is the host this weekend to two contrasting gatherings -- one with America's atomic-bomb pioneers; the other with international experts on arms control.

They are separate events but they are on common ground in New Mexico.

The world's first atomic weapon was detonated at Trinity Site near Alamogordo on July 16, 1945. And today two of the nation's three nuclear-weapon labs are in New Mexico: Los Alamos, where that first bomb was built, and Sandia in Albuquerque.

One gathering is hailed as an opportunity to illuminate history; the other as a chance to explore ideas for a more peaceful world.

But one critic considers Albuquerque's atomic weekend a sham, aimed at glorifying, maintaining and legitimizing nuclear weapons.

"Atomic weapons are always seen and portrayed as sexy science," said Todd Macon of the **Los Alamos Study Group**, an anti-nuclear organization. "I think their goal is to maintain this image."

Not so, says Jim Walther, director of the National Atomic Museum, organizer of Saturday's colloquium at the University of New Mexico on "Trinity Days and Beyond: Nuclear Pioneers."

"This is not glorifying; it's documenting. This is history," Walther said.

Some 15 scientists and engineers who worked on the Manhattan Project to build the first atomic bomb are expected to participate in the colloquium. Those pioneers include:

* Leon Smith, a 41-year nuclear veteran who assembled the firing systems for the Fat Man and Little Boy atomic bombs dropped on Japan.

* Ben Benjamin, a soldier who was assigned to make technical photographs of the Trinity detonation.

* Jack R. Roeder, who measured the effects of nuclear detonations at the Nevada Test Site for the Army.

* Joe Knight, who helped build the Mark 3 Fat Man bomb and helped test new bomb materials and stockpile bombs.

It is the first time the men will discuss in an open forum what they did for years secretly behind lab fences.

Macon says the event, like the atomic museum which features an exhibit hall full of hollow bombs, is not likely to offer attendees a true picture but instead a glorified one.

The museum's Walther disagrees. He said the museum presents information and shows the weapons, "but we don't dictate a mind-set of whether they are good or bad."

That observation is echoed by Charles Demos, a Department of Energy declassification officer in charge of making previously secret film footage of atomic research and tests available to the public.

Newly declassified footage will be revealed for the first time Saturday at the Atomic Museum at Kirtland Air Force Base.

All told, Demos says about 6,000 films have or will be made public, and they represent a historical treasure that "when you look at them, they don't glorify atomic weapons."

He said they show "the psyche of the times" and how attitudes quickly changed from admiring the bomb to deploring it as the deadliest of weapons.

"This is about people, not bombs," Demos said.

Across town, the eighth International Arms Control Conference is expected to draw an estimated 250 experts from 32 countries to discuss "New Horizons and New Strategies in Arms Control."

The three-day conference, which is not open to the public, begins tonight at the Sheraton Uptown Hotel.

The gathering is the world's leading arms-control conference, says conference chairman James Brown, director of

Sandia National Laboratories' Cooperative Monitoring Center.

In addition to exploring the future of nuclear weapons, the conference will focus on emerging arms-control approaches; domestic and international terrorism; and ensuring compliance with arms-control agreements, Brown said.

Speakers include:

* John Holum, director of the U.S. Arms Control Agency.

* Brig. Gen. John Reppert, director of the U.S. On-Site Inspection Agency.

* U.S. Sen. Pete Domenici, Albuquerque Republican and chairman of the Senate Budget Committee.

* C. Paul Robinson, president of Sandia Labs and former U.S. ambassador to the Joint Verification Experiment with the former Soviet Union.

Brown said past conferences have created valuable relationships among some of the world's top arms-control experts.

Macon insists that such conferences give the illusion that something meaningful is being done about the worldwide threat of weapons of mass destruction.

But with spending for nuclear weaponry increasing this year, Macon said the reality is that the nation and its labs give lip service to arms control and non-proliferation while continuing "on the path to greater proliferation."

Not far from the conference, Macon noted, thousands of warheads are stored at Kirtland, the nation's largest nuclear-weapons depot because of its proximity to Sandia and Los Alamos.

Brown responded that, in his opinion, "as long as there are countries with nuclear weapons, the United States will have a stockpile."

"I don't think you can put the genie back in the bottle," Brown said. But, he said, that doesn't mean people and their governments shouldn't try to control the threat.

What's really needed, Macon said, is "everybody stands down, take all the missiles off alert and put caps on the missile silos."

The Cold War's over, he said, but "we're still on edge."

ATOMIC WEEKEND

Trinity Site, where the first atom bomb was detonated on White Sands Missile Range, is open Saturday from 8 a.m. to 2 p.m. through Stallion Gate, off N.M. 380.

Declassified films of U.S. atomic-bomb tests will be shown to the public for the first time Saturday at the National Atomic Museum on Kirtland Air Force Base. The films will run periodically during the day; museum hours are from 9 a.m. to 5 p.m. Visitors must enter the base's Wyoming gate; a driver's license, car registration and proof of insurance are required for a pass.

"Trinity Days and Beyond: Nuclear Pioneers," a colloquium featuring scientists and engineers who built and tested the first atomic bomb, will take place from 5:30 p.m. to 9 p.m. Saturday at the University of New Mexico's Continuing Education Center, 1643 University Blvd. N.E. The event is free and open to the public.

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Author: Lawrence Spohn TRIBUNE REPORTER

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CMR to be fully operational on Friday

8/14/98
STEPHEN T. SHANKLAND
Monitor Managing Editor

After a 7 1/2-month long process, Los Alamos National Laboratory expects to have its Chemistry and Metallurgy Research Building fully operational Friday.

"It means that we are now back in normal operations, doing all the things we're expected to do," said Dave Post, who led most of the restart project.

LANL managers halted operations at the facility Sept. 2 to revise procedures, train employees in following them, and perform some safety-related upgrades at the building.

The stand-down was triggered by a series of incidents at CMR, including an explosion in one lab that took place one evening in November 1996. LANL officials said the explosion could have killed people if there had been people working nearby.

The lab divided operations at the

CMR Building into 50 activities, and has been gradually restarting them as the new procedures, training, and upgrades were implemented over the last several months. About half of the activities had resumed by mid-December, and the last activity will be resumed Friday, Post said.

"We've been working on returning the building to normal operations for quite some time," Post said.

Among the 50 activities is work such as managing samples as they arrive at the building, get sent to where they need to go, and are analyzed. Another activity is spectroscopy, a detailed analysis technique.

CMR is a 550,000-square foot facility used to conduct chemical and metallurgical research on plutonium and other nuclear materials. About 350 employees work there.

CMR has been undergoing changes in recent months. The man-

agement of the building is being put under a single division, Nuclear Materials Technology Division, and the building is in the midst of a multi-year upgrade project. The upgrade project proved more serious than LANL officials expected, and they were forced to suspend the upgrade project after the lab ran out of money.

Post said the operational restart project is independent from the upgrade project.

The operational restart also experienced delays. Originally, operations were scheduled to go back online in January. A delay pushed that back into mid-March, and even that wasn't enough time.

Post said some of the delays stemmed from making sure that personnel at CMR had proper ways to test safety equipment and that employees were following those procedures. "What was happening was there was a difference between what the procedures said and what

we were actually doing when it came to testing our safety equipment in the plant," Post said.

In particular, during one management walk-through, the lab found that safety tests weren't recognizing the fact that backup fire alarm panels didn't have functioning batteries.

There were several other problems found as well, he said. "It caused us to pause. We stopped and reviewed all safety system procedures," Post said.

Until the fire alarm panel battery backups were fixed, about a dozen people were needed to go on fire patrol in the CMR Building, Post said.

In addition, the lab also had to fix problems with ventilation hoods, he said. The ventilation hoods are used to draw air away from personnel working with hazardous chemicals or radioactive materials, and the air then is sent through filters.

CMR was having problems

(Please see CMR, Page 6)

to Santa Fe Saturday to compete in the Capital Invite, which will be held at Santa Fe High School beginning at 9 a.m.

The Capital Invite will be the first meet of the season where athletes around the state can secure a spot at the state tournament.

There may be bucket loads of surprises, and several places where the Toppers expect to qualify one or more athletes, but half the fun is finding out what's going to happen, and who's going to do what.

The coaches may be looking for a quick qualifying bid in the 400-relay.

The boys team has been around the qualifying mark all season. The team, which normally consists of Chris Donahue,

qualifying times.

For the girls to reach state, they will have to race 2:27.9 in the 800, 5:32 in the 1600, and finish the 3200 in 12:14.

Matt Edwards has been dangling around the qualifying mark in the 1600-run, while freshmen Kit Werley and Brad Skidmore have been battling each other for the freshman record in the 3200-run.

Chris Gartz and Jesse Echave will be trying to lower their times in the longer races, and get to state.

The times for state are 2:02.2 in the 800, 4:37 for the 1600, and 10:13 in the 3200.

The sprints, hurdles, relays, and field events should also pose as strong events for the Toppers,