

of Northampton, who helped defend successfully the Ohio Seven and anti-Vietnam protesters as well as Amy Carter, Abbie Hoffman and others who opposed C.I.A. recruitment in 1986 at the University of Massachusetts. The lawyers argued, in part, that the defendants in these cases, to make plain their views, were justified in breaking the law on the grounds of the Nuremberg principles, the United Nations Charter, various Geneva conventions and other inter-

national laws, most of which have been ratified by the U.S. Senate. Lesser and Newman will mount similar arguments to assist Kehler and Corner when they defend themselves in court in the coming weeks.

Meanwhile, as this issue goes to press, the I.R.S.'s six-month grace period for Bob Bady and Pat Morse is about to run out — on May 30, the day that millions of picnic patriots hang out the flag to honor the nation's war dead. □

Zoned Nuke-Free

In November 1988 Oakland, California, voters passed the toughest nuclear free zone initiative in the nation by a 57-to-43 percent vote, putting themselves on a collision course with the federal government. Unlike the largely symbolic N.F.Z. measures in effect in 167 other communities across the nation, Oakland's Measure T sharply restricts the production, storage and transportation of nuclear materials; bans nuclear weapons-related work within the city limits; and prohibits the city from doing business with nuclear weapons contractors like I.B.M. and Motorola. Now the same antinuclear activists who passed Measure T are upping the ante with Measure A, a tough, Alameda County-wide N.F.Z. initiative on the June 5 ballot. In addition to the already nuclear-free cities of Oakland, Berkeley and Hayward, Measure A would cover Lawrence Livermore National Laboratory, the University of California-run facility where the nation's nuclear arsenal is designed. Yet another tough measure is planned for San Francisco in November.

Last September the Justice Department challenged the constitutionality of Measure T. "States and cities cannot adopt their own defense programs or adopt laws which impair the common defense," argued Justice Department lawyer Richard Stearns at a summary-judgment hearing on April 27. In order to do its part, the Feds maintained, Oakland would also have to give up its selective purchasing policy: "The city cannot punish contractors by denying them business with the city if they do business with the federal government," Stearns said. "If such provisions were adopted by a substantial number of communities, it would have a substantial effect."

Unfortunately for Oakland, the case came before Reagan-appointed federal judge J.P. Vukasin, a college roommate of Ed Meese. In a remarkable pronouncement from the bench, Vukasin accepted the government's claim that the war powers provision and the supremacy clause of the Constitution, the Atomic Energy Act and the Hazardous Materials Transportation Act pre-empted the N.F.Z. Vukasin declared it "invalid on its face," throwing it out without benefit of a trial. All that is left of Measure T, as far as anyone can tell, is the city's right to post signs at its borders

declaring it a nuclear-free zone. Unless Vukasin's ruling is reversed on an expected appeal, those signs will be meaningless.

Local antinuclear activists suspect that Vukasin's ruling was politically motivated, to provide fodder for the extraordinary campaign gearing up to fight June's countywide N.F.Z. Measure A. That effort is being heavily bankrolled by the nuclear industry: Thus far, I.B.M. has kicked in \$50,000, General Electric \$35,000, Lockheed \$25,000 — and we're still just talking small change. A copy of a November 1989 memorandum from the Aerospace Industries Association, the nuclear industry's lobbying arm, was obtained by Nuclear Free America; the memo indicates that "the combined San Francisco/Alameda County campaign is expected to cost in excess of \$1 million." By contrast, the measure's backers will be happy if they can raise enough funds to meet their \$32,000 budget.

Other leaked A.I.A. memos provide a fascinating glimpse into the inner sanctum where the nuclear industry and its governmental backers meet to work things out. A February 8, 1989, memo reveals, for example, that the A.I.A. was aware of "a legal challenge to the [Oakland Measure T] ordinance by the Department of Justice" six months before it became public. The clubby connection between the A.I.A. and the government is emphasized in a September 29, 1989, memo, in which A.I.A. president (and former Florida Representative) Don Fuqua describes urging Deputy Secretary of Defense Donald Atwood to "issue regulations preempting nuclear free zones. . . . Deputy Secretary Atwood is familiar with the problem, based on experience he had in opposing a nuclear free zone initiative in Massachusetts while he was with General Motors. He was receptive to the idea of preemptive action, and said he would discuss the matter further with DoD's general counsel."

Now that the court strategy seems to be working, however, more drastic measures may not be needed. Even if the cold war is over in Europe, it continues to be waged against American communities that are trying to usher in a peace economy. PAUL RAUBER

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