

A Nice Talk With A Nice Cop

Why Don't U.S. Police Enforce The U.S. Constitution?

November 21st 2011 was the 42nd anniversary of two nuclear bomb explosions detonated underground at the Nevada National Security Site, code-named Piccalilli and Planer, destroying parts of Shoshone territory. Over 1000 US nuclear bombs have been exploded in our environment from 1945 to 1991, most created by Los Alamos National Laboratory (LANL). Recognizing the danger LANL presents to the world through ongoing nuclear bomb development, Trinity Nuclear Abolition (TNA) sends activists to the lab every month to picket. Demonstrators pray for peace, safety and environmental justice while picketing to alert employees of their shared duty to stop LANL's criminal activities.

LANL's nuclear weapons activities are criminal not only because they threaten noncombatants and civilians globally with mass destruction, but because they violate international treaties in which the U.S. has agreed to nuclear disarmament. This in turn violates the U.S. Constitution. Because LANL is situated within Los Alamos County, and LANL's property is claimed to be owned by the Department of Energy (DOE), local County police are called on to protect federal government property at LANL.

This week I met with Deputy Chief Kevin Purtyman, as the County's Police Chief Wayne Torpy was called away before my scheduled meeting with him. As a Christian pacifist, I adhere to the Gandhian practice of dialog with our opponents. I suspect the law enforcement officers near this nuclear weapons site function as proto-employees of our opponents at LANL. Before the meeting, I read the national Police Chiefs' code of ethics posted on the wall, which includes "protecting the weak against oppression or intimidation," and cooperating with other agencies to pursue justice. Representing TNA (a group hoping to stop oppression and pursuing international justice), I needed to find out the answers to two questions. My less urgent question was: *Why does the Los Alamos County Police Department (LACPD) regularly fail to uphold the U.S. Constitution's Article VI, which proclaims international treaties as the law of the land?*

Deputy Chief Purtyman has been on the force for 23 years, and has been very respectful of TNA over the last four years as we have occupied LANL's main entrance intersection in our monthly vigils. The answer to this first question was simple: U.S. territories, states, counties and cities don't have statutes on the books pertaining to international treaties. This means that police officers don't have any codes under which to charge and prosecute international criminals, such as the LANL personnel occupied in plutonium pit production—in direct violation of the Non-Proliferation Treaty of 1970. Purtyman did say that the LACPD has sometimes called the FBI to request the FBI's intervention, and can do so when police suspect terrorist activities are afoot. Even if the LACPD woke up to the understanding that LANL's plutonium pit production is international terrorism de facto, their call to the FBI would certainly go unheeded.

But what about a cop's conscience when observing an international crime, or aiding international criminals? Don't they know that under Nuremburg, the international community can hold all people involved with LANL accountable if mega-violence occurs? It's been 67 years since the U.S. President authorized the nuclear bombing of Japan with nuclear weapons. I cited the hypothetical horror of the U.S. military destroying another foreign city with a single nuclear bomb—would the LACPD cooperate with the international investigation into war crimes and collect evidence within the County for this war crime?

Officer Purtyman compared that scenario to the unlikely police collection of evidence at a Remington factory if a criminal used Remington bullets to murder—as if nuclear bombs are a widely available multi-purpose conventional item. Nonetheless, Deputy Chief Purtyman kindly said he'd ask Chief Torpy about Torpy's feelings on arresting LANL's Director.

My other main question was equally simple for Purtyman. If they are not able to handle international crime-fighting at LANL, *why must LACPD obey LANL's desire to arrest peace activists who are praying for an end to LANL's crimes on LANL property?* When asked how we can get the LACPD to not bother with these supposed trespassing crimes at LANL, the Deputy Chief said it would probably take an act of Congress. Only legislation could successfully re-define LANL as a military reservation or government enclave, thereby removing LANL from local police jurisdiction and placing it solely in the responsibility of the federal government. He likened the DOE's land-ownership to WalMart's, whose rights to property are upheld by the local police, despite any immorality conducted by the land-owner. All forms of immorality occurring on private property, whether a meth-lab, child pornography, or nuclear weapons design must be made specifically illegal under state statutes to enable police to interrupt the crime in their jurisdiction.

The reason for my inquiries into these details is that peace activists get arrested about once per year at LANL. Last June, a week before the fire which almost destroyed Los Alamos and instead was redirected to destroy the indigenous lands of a few pueblos, 35 people prayed at LANL for an end to the nuclear age. Five of us were arrested for “trespassing” (praying too close to the high-security area near the future plutonium pit production factory—called the CMRR). A few months LANL sent TNA a letter threatening to call in federal police the next time TNA steps outside LANL's comfort zone in protesting. We, the LANL Fathers' Day Five, are supposed to not break any laws in LA County for 90 days and pay mandatory court fees of \$73 each. We would rather pay our \$73 to tribal programs of the Tewa people of the Pueblo of San Ildefonso, since they are the rightful stewards of the lands in which the U.S. has been conducting international crimes for so many decades. The Tewa were told at the beginning of WWII that they would receive the land back after the war, when the Manhattan Project was finished with its mysterious purpose.

It's now been a month since my co-defendant Juan Montoya told the LACPD officers during our plea bargaining that we had prayed near the plutonium pit factory, “on behalf of not only our grandchildren, but yours as well, and in fact for the benefit of the whole world.” At that bargaining session we said that we could change our plea from “not guilty” to “nolo contendere” if the LACPD would simply arrest the LANL Director for his crimes including his support of the CMRR. At that time, the LACPD indicated they could do no such thing, so it became incumbent upon us to investigate what was holding them back, and how that could change.

I eagerly await Chief Torpy's reply. Will the LACPD join forces with TNA, to pursue international justice for the Tewa, the Japanese, the Shoshone and other peoples who have been hurt by LANL's pro-nuclear crimes? Will any police officers recognize their duty enforce safety and security for their people by standing against the nuclear weapons industry which threatens the planet? If so, they need to be willing to file charges against and arrest international criminals, similar to the ways they have in the past gone to court against alleged trespassing peace activists. **Which property crime is greater—praying a few hours in an unauthorized place or plotting permanent mass destruction?**