

## CHAIRMAN Resource

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**From:** Ace Hoffman <rhoffman@animatedsoftware.com>  
**Sent:** Sunday, October 19, 2014 12:12 PM  
**Subject:** Judge Sullivan resorts to incomplete logic in order to bar world-renowned expert from testifying in "flowers" case...

Dear Readers,

Four grandmothers attempted to plant flowers to bring attention to the dangers at Pilgrim nuclear power plant. But Judge Sullivan refused to allow world-renowned pediatrician and nuclear expert Helen Caldicott to testify in their defense, because she (the judge) sees a huge difference -- when pushed to see it by the District Attorney -- between "potential theoretical harm" and actual imminent harm.

The defendants -- four women 60 to 80 years old -- are using the "necessity" defense. Is there an immediate danger? Is the illegal act (trespassing) effective in addressing and abating the danger? The judge refused to learn how quickly a nuclear power plant can explode. She refused to hear that the plans for evacuation require immediate action for millions of people around the plant. She refused to consider that the warning that it's time to evacuate must be sent out by people who, if they fail to do their duty, will be responsible for the deaths of thousands of people, and end up in Judge Sullivan's court (if she survives the holocaust) to be sentenced for negligent homicide.

How imminent can you get?

And sticks and stones may break my bones but planting flowers never hurt anybody.

The judge would like to turn the issue of nuclear safety away. Not her concern. Not in her courtroom. That's for the Nuclear Regulatory Commission to decide. They say it's safe. And for the judge, that's the end of the "imminent threat" defense.

But as nuclear industry veteran Arnie Gunderson puts it, a nuclear power plant "can have 40 good years and one bad day." That's forty years for activists to address the serious dangers of nuclear power, and get the plant shut down permanently. 40 years to look at the waste problem the plant is creating -- waste which, like at San Onofre, which will never generate nuclear power again -- will have to be watched closely for thousands of generations or it can become a burning cauldron of poisonous gasses, just like Fukushima but with fewer of the short-lived fission products. Zirconium is touchy, dangerous, wicked stuff. And that's just the cladding! Inside are fission products, plutonium and unfissioned uranium -- the "hot" stuff.

I don't like to break the law and don't encourage others to do so, either.

But this industry has to be stopped.

For years, activists went to the Nuclear Regulatory Commission to complain about goings-on at San Onofre. From skipping fire watches to improper welding procedures for the dry casks they were building, to worker intimidations and firings -- all this leaked out, year after year, from whistleblowers and former employees of the plant.

The activists would tell the NRC, the NRC would promise to investigate, and that would be the end of that. Why did a crane fall 80 feet in the turbine room? The crane was being removed after it was rented to replace the turbine shaft, which had run out of oil during a small fire while the fire departments were arguing. Yes, these things really happened, and the turbine shaft suddenly screeched to a halt, bent, and had to be shipped to Japan for repairs which took six months. Local city firefighters who had responded weren't allowed to do their jobs because the on-site fire brigade thought they had it under control. They didn't. When they finally

relented, it was too late, the shaft has seized and was damaged. The reactor was SCRAMmed, a violent and dangerous procedure.

It all happens in an instant, but the proper way to prevent it is to shut the plants down. It's shutdown or meltdown for every reactor in the country.

Over the years, local activists talked about all sorts of (non-violent) illegal actions they wanted to take, to try to raise awareness of San Onofre's dangers, but the Nuclear Regulatory Commission has deaf ears, the state agencies close their eyes to anything having to do with "safety" of nuclear power plants, saying the NRC has sole jurisdiction in that area, and the courts? Judge Sullivan finds a two-bit excuse to exclude the whole crux of the problem: You can't hold nuclear power accountable.

Activists fighting San Onofre were dogged in their efforts and clear about their targets: The Nuclear Regulatory Commission and the utility itself. Once the new replacement steam generators had failed and the reactor was inoperable, the cry was adamant: PROVE restart of Unit 2 is safe. Show us what's different. Show us how you're going to know what's going on inside the steam generator. And show us how you can be sure a cascade of tube failures can't occur, since adjacent tubes of dime-thin metal were clanging into each other and had worn 99% of the way through. Most of all, show us a plan to handle such an accident if it does occur.

Friends of the Earth (FOE) even took the NRC to court. It could have been Judge Sullivan's court, but fortunately it happened in another part of the country (I believe FOE court cases on behalf of San Onofre's citizens were filed in D.C.)

I don't like to break the law, but if planting flowers on someone's property can get a decent hearing on a critical issue of safety for the community, I'd let it happen. Shame on Judge Sullivan.

It would appear that the system worked for San Onofre and an imminent threat was averted. The people were spared all the potential disasters except (and this is a big exception) those associated with the spent ("used") fuel.

The battle to protect the public from that is a long and daunting one, but the first step is shutting down the plants -- and planting flowers instead.

Ace Hoffman  
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Judge snubs expert at Pilgrim trial

By CHRISTINE LEGERE  
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October 18, 2014

PLYMOUTH - A Plymouth District Court judge barred an internationally known expert on the medical and environmental dangers of nuclear power from testifying Friday on behalf of four Cape Cod activists charged with trespassing onto the Pilgrim Nuclear Power Station's property on Mother's Day.

Dr. Helen Caldicott had traveled from Australia to serve as the principal expert witness at the trial of the alleged trespassers, who argue that their actions of civil disobedience were performed for a greater good.

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Defendants Diane Turco of Harwich, Sarah Thacher of East Dennis, Mary Conathan of Chatham and Susan Carpenter of South Dennis are using the "necessity" defense, which requires their attorney to prove there was an immediate danger and the action of trespassing was effective in addressing and abating the danger.

The four women, who range in age from 60 to 80 and call themselves "The Grandmothers," say they went onto the Pilgrim property to plant flowers. Their action came at the end of a Mother's Day rally intended to raise awareness of the dangers they say the plant poses to the public.

Instead of allowing Caldicott to testify Friday, Judge James Sullivan ordered her to undergo preliminary questioning so he could determine what direction her testimony would take.

The doctor told the court that while she has spoken and written on the dangers of nuclear power in general, she spent 20 years in the Boston area and has specific familiarity with the Plymouth nuclear plant.

"I've been concerned about Pilgrim for many years and have given lectures on this plant many times," she said. "This is an acute emergency. People on the Cape are at a severe risk."

Plymouth County Assistant District Attorney Amanda Fowle argued that Caldicott and future witnesses for the defense would show "potential hypothetical harm" rather than actual imminent harm.

Sullivan agreed. "She's telling the court what could happen and what the potential risks are," the judge said. "The necessity defense can't be based on speculative information. I have no choice but to preclude her testimony."

The judge told defense attorney Bruce Taub he may allow Caldicott to testify Wednesday "if you bring in other witnesses that make her testimony relative." He suggested nuclear engineers as possible expert witnesses, but then told Taub he could not add any witnesses to the existing list.

Taub intends to have state Sen. Daniel Wolf, D-Harwich, kick off Monday's testimony, followed by Dr. Richard Clapp, founding director of the Massachusetts Cancer Registry, and political scientist Joseph Gerson, who will testify on acts of civil disobedience to prompt social change.

Caldicott said later she was "very annoyed" at the judge's ruling. "He knew I'm an expert on childhood diseases and I could talk about that," said the doctor, who has been an instructor in pediatrics at Harvard Medical School and a staff member at Children's Hospital Medical Center in Boston.

"I don't think the law should be deciding the medical dangers of the nuclear plant," she said. "We who know medicine should be deciding."

"International studies show children living within 2 miles of a plant have double the incidence of leukemia, and that's almost certainly happening here," she said.

One of the alleged trespassers, Thacher, did testify Friday. The 80-year-old great-grandmother called the plant "an insult to our humanity and to our children."

Fowle asked Thacher why she went onto the Entergy-owned Pilgrim property. "I hoped to bring attention to it and get people as mad as hell about this unfeeling continuation of the poisoning of our atmosphere," Thacher answered. "My effort is for all the children in the world. They're all getting hammered."

During opening statements, Fowle said the prosecution had not been given adequate notice of the witnesses the defense would present.

She said Taub had not provided the list and the background material on the witnesses until Wednesday.

Taub apologized and said it was not intentional.

"This is a significant case," Sullivan warned. "The defendants are facing incarceration. It's important we do this the right way."

Turco, who founded the anti-Pilgrim group Cape Downwinders and who is the only defendant representing herself, agreed with the judge.

"It is serious, but it's serious because it's about public health and safety," Turco said. "Jail time is secondary."

Follow Christine Legere on Twitter: @chrislegereCCT.

Re: [NukeNet] Judge denies Caldicott testimony

Cape Cod Times video: Helen Caldicott at Pilgrim Nuclear Plant Trespassing trial

[ go to Re: CCT web page for video)

At 06:47 AM 10/18/2014 -0400, "Diane Turco" <tturco@comcast.net> wrote:  
><http://www.capecodonline.com/apps/pbcs.dll/article?AID=/20141018/NEWS/410180309>

>  
>Cape Cod Times article on the Grandmothers Trial!.Diane

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