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April 11, 2012

Mr. Lowell Gard
Chief Prosecutor
Municipal Court
City of Kansas City, MO
1101 Locust
Kansas City, MO 64106

Mr. Darryl Forté
Chief of Police
Kansas City, Mo Police Department
1125 Locust
Kansas City, MO 64106

(Also sent by e-mail)

Re: My non-violent civil resistance
At Kansas City Plant (the one under construction)
Highway 150 & Botts Road, KCMO
This Saturday, April 14, 2012, after 3:00 PM

Dear Chief Prosecutor Gard and Chief of Police Forté:

I anticipate allowing myself to be arrested on April 14, 2012, at the Kansas City Plant under construction at Highway 150 and Botts Road, some time after 3:00 PM.

This letter gives my reasoning and my affirmative defenses for my actions.

It is common knowledge that the Kansas City Plant, including the current one and the new one under construction, makes or procures 85% of the parts of a nuclear weapon, and that no nuclear materials are installed here. Without those 85% of the parts, a nuclear weapon could not operate – the triggering system, the guidance system, all of the interior and exterior parts. In effect, we make the gun, and the bullets are added later. In my mind, we are so deeply enmeshed in the construction of nuclear weapons that we cannot claim to be innocent of these weapons of mass destruction.

1. Nuclear Non-Proliferation Treaty (NPT): This Treaty pledges to reduce nuclear weapons with the goal of total elimination of all nuclear weapons. President Lyndon Johnson signed the NPT Treaty in 1968, and the United States Senate ratified the NPT Treaty in 1970. At this time, 189 nations have signed the NPT Treaty. Since the United State is a signatory of the NPT, I view the NPT Treaty as part of the law of this land. I view my actions as a private attorney general acting in the public interest to uphold the law of the land.

2. International reduction of nuclear weapons: I have seen figures that in the 1970s and 1980s, the USA and the USSR had 70,000 to 80,000 nuclear weapons. There has been a steady decline in nuclear weapons. But Philip Taubman, the author of The Partnership: Five Cold Warriors And Their Quest To Ban The Bomb, a Harper book, 2012, states that as this book went to press, there were still more than 22,000 nuclear warheads in nuclear arsenals around the world, more than 90% of them American or Russian, pp. 9-10. The new Strategic Arms Reduction Treaty (START) was signed on April 8, 2010, in Prague, and after ratification, entered into force on February 5, 2011. The new START limits the deployed nuclear warheads to 1,550 per America and Russia, covers new inspection and verification systems, but sets no limit on the number of operationally inactive stockpiled nuclear warheads in each side's inventory. More recently, President Obama asked the Pentagon to explore reduction of deployed nuclear warheads to a possible low of 300-400 deployed nuclear warheads, and Obama told a Russian leader that the U.S. may have more negotiating ability on nuclear weapons issues after the elections this fall. In December 2009, it was reported that the JASON Group of scientists, with access to classified nuclear weapons design information, found that the "lifetimes of today's nuclear warheads could be extended for decades, with no anticipated loss in confidence" that they would work as designed. In addition, I hear that top Democrat leaders are writing Obama, telling him to make deep cuts in our nuclear weapons and to take them off high alert. All of this suggests that a reduction to 300 deployed nuclear warheads is feasible to provide more than adequate protection. When I look at the work of the Kansas City Plant, which is developing new systems and enhanced use of current systems, and when I consider possible drastic reductions and freezes of the nuclear warhead force, then I am led to the conclusion that the work of the Kansas City Plant is totally unnecessary and in violation of international treaties. I am compelled in my small way to say "NO."

3. International Law: There is a body of international law that is being cited which refers to the United Nations Charter and the rights protected thereunder, which is a treaty to which the United States is a signatory. In the implementation of foreign policy, the Executive Branch has threatened use of nuclear weapons, and has a "first strike" policy in effect that is not only unlawful, but actually criminal. Under the 4th Hague Convention, various types of weaponry are absolutely prohibited under all circumstances, for example, no nation may use a weapon which causes unnecessary suffering to human beings. The use of poison weapons is flatly prohibited by the Hague Regulations, by the Geneva Protocol of 1925, and the U.S. Army Field Manual 27-10 on the Law of Land Warfare (1956). The United States is bound as a party to each of these. A nation may

not adopt methods or tactics of warfare that fail to distinguish between combatants and non-combatants. Because of the inevitable effects of the explosion of nuclear weapons, each of these rules prohibits its use. In the International Court of Justice Opinion, *Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996, the threat or use of nuclear weapons is binding on us, and is illegal and criminal under International Law. The Charter of the Nuremberg Tribunal made explicit that violations of the law of war are criminal and that individuals are punishable for committing war crimes. In addition, the Nuremberg Charter defined crimes against peace and crimes against humanity. The former basically consist of waging a war of aggression or a war in violation of a treaty or other international obligation. It is important to note that the Nuremberg Charter articulates inchoate crimes as well, such as planning or preparation and conspiracy to commit a crime against peace, a crime against humanity or a war crime. These provisions apply equally in times of formal peace as in times of war. The judgment of the Nuremberg International Military Tribunal meted out severe punishment against individuals who, acting in full compliance with domestic law but in disregard to the limitations of international law, had committed war crimes as defined in its Charter, 6 F.R.D. 69 (9148). That Charter has been enacted as a law of the United States, 59 Stat. 544 (1945), and see also U.S. War Crimes Act, 18 U.S.C. Section 2441. By implication, the Nuremberg judgment privileges all citizens of nations engaged in war crimes to act in a measured but effective way to prevent the continuing commissions of those crimes. The same privilege is recognized by means of Article 38 of the Statute of the International Court of Justice, "General Principles of Law Recognized by All Civilized Nations," which has been adopted as a Treaty by the United States. These materials are credited to Law Professor Francis A. Boyle, University of Illinois, at Champaign, Illinois, who holds both a Juris Doctor magna cum laude (1976) from Harvard Law School, as well as an A.M. (1978) and Ph.D. (1983) in Political Science from Harvard University, specializing in international law and politics. Professor Boyle has testified as an expert witness in various trials.

4. Civil Resistance under the First Amendment: I hereby state that I am exercising my right to "peaceably assemble, to petition my Government for the redress of grievance, to speak and to exercise my religious beliefs under the First Amendment." My life goal is to create a more peaceful world. When we can destroy all or significant life on this planet, and we continue to build these weapons of mass destruction, I must take action. I engage in peaceable assembly each week, I have petitioned my Government through local ballot initiatives, I have written letters to the editor and used other means to express my opinions, and these issues go to the core of my religious beliefs. In 1970, the Selective Service awarded me the designation as a conscientious objector to war, and I performed two years of alternative service. I see my current actions as a continuation of being a conscientious objector. Because of our (United States) continued spending of over Six Hundred Billion Dollars (\$600. Billion) per year on military expenditures, I must act to expose what I see as criminal or gross neglect by our government. I see my actions as moral and necessary actions under the First Amendment.

5. Defense of Others: In the realm of defense of justification, I am acting on behalf of all other inhabitants on this planet. I act on behalf of the workers at the Kansas City Plant who have been exposed to some of the nine hundred (900) chemicals used at the site. Some of the workers and their families attribute their deaths and illnesses to working in a toxic environment, without proper safeguards, and without proper medical treatments. I act on behalf of the one-half (1/2) of the world's population that lives on only \$1.00 or \$2.00 per day. President Dwight D. Eisenhower, in an April 16, 1953, speech before the American Society of Newspaper Editors, stated, "Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. This world in arms is not spending the sweat of its laborers, the genius of its scientists, the hope of its children. This is not a way of life at all in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron." I act on behalf of my children and their children.

6. Trespass upon us: The effect of the nuclear weapon parts made or procured at the Kansas City Plant have a profound effect upon us. Besides the death and illnesses inflicted on the workers there from contamination, the plant's end-products become weapons of mass destruction (WMDs), ready for our "first strike" threat, which is our current posture. These weapons are ones of catastrophic death and destruction. In my mind, this Kansas City Plant bears the infamy of the Nazi death camps of Auschwitz, Treblinka, Dachau and others. This Kansas City Plant haunts us or should haunt us.

In conclusion, I do my action without criminal intent, but with a deep spiritual intent and as an act of conscience, that we turn away from our destructive ways. I do not know if anyone else will join me in my action. There will be no destruction or resisting of arrest.

Respectfully,

Henry M. Stoeber