

# M Life Matters Journal

# Aimee's Quick Thoughts on US v. Handy

The Niger Crisis: A Coup That Could Turn Into a War

The Massacre at No Gun Ri: Korea's Little-known, Seldom-acknowledged Mỹ Lai

Burying Deceased Children with Human Dignity

### LETTER FROM THE EDITOR

Dear reader,

Thank you for picking up this magazine.

As I write to you I am currently incarcerated in the Alexandria County Jail, and so this is the first publication of *Life Matters Jour-*



*nal* in quite a while that I have not been able to directly oversee. I am immensely grateful for our Editor in Chief Maria Oswalt, and to each of our staff writers, for stepping up to create this issue and continue the work in my absence.

As you will read in this issue, my incarceration is the result of a nonviolent direct action that I participated in during October 2020. The goal of this action was to save lives and expose the horrors committed by Cesare Santangelo against vulnerable women and children.

My short time in jail so far has only strengthened my belief that it is each of our responsibility to do everything in our power to disrupt our modern status quo of violence, subjugation, and dehumanization.

As always, in this issue you will have the opportunity to read about the crucial peace and justice issues of our day. I hope that this magazine inspires you to taken action in whatever way you are able to advocate for, stand with, and defend the most marginalized among us.

For life.

### Herb Geraghty

This journal is dedicated to the aborted, the bombed, the executed, the euthanized, the abused, the raped, and all other victims of violence, whether that violence is legal or illegal.

We have been told by our society and our culture wars that those of us who oppose these acts of violence must be divided. We have been told to take a lukewarm, halfway attitude toward the victims of violence. We have been told to embrace some with love while endorsing the killing of others.

We reject that conventional attitude, whether it's called Left or Right, and instead embrace a consistent ethic of life toward all victims of violence. We are *Life Matters Journal*, and we are here because politics kills.

### Disclaimer

The views presented in this journal do not necessarily represent the views of all members, contributors, or donors. We exist to present a forum for discussion within the Consistent Life Ethic, to promote discourse and present an opportunity for peer-review and dialogue.

### CONTENTS

**CURRENT EVENTS:** Aimee's Quick Thoughts on *US v. Handy* 

**CURRENT EVENTS**: The Niger Crisis: A Coup

That Could Turn Into a War

**ESSAY**: The Massacre at No Gun Ri: Korea's Little-known, Seldom-acknowledged Mỹ Lai

**ESSAY:** Burying Deceased Children with Human Dignity

**ESSAY**: A Nightmare for Humanity: The Terrifying Story of Oppenheimer

**ESSAY**: Biden's Reversal on Cluster Bombs is Illegal and Inhumane

# Life Matters Journal

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6

7

9



## Aimee's Quick Thoughts on US v. Handy

By Aimee Murphy

hen Herb began working as an intern for us back in 2016, it was clear to me how passionate and how dedicated he was to ending violence and promoting human dignity. Since then, he has grown as a leader and developed as an activist, even stepping up to fill the role of Executive Director for our team at Rehumanize International in early 2021, when I needed to step back from work to take care of my health. He's been involved with other organizations in various social justice and human dignity spaces since as long as I've known him, and I always have appreciated the way that his advocacy challenges me. I am proud to call him one of my dearest friends.

For the past few weeks, I've spent many days in Washington, D.C., attending the long, arduous and often painful days of Herb's trial (okay, but it was seriously painful — those benches for court observers are not comfortable). I've been doing work on breaks, evenings, and weekends to make it work. My husband, Kyle, and I felt we needed to show up to be a kind presence of love and support for our friend (and Kaine, his fiancée) during what will likely be one of the most difficult times of his life. After sitting in that courtroom for days on end, I was baffled when Herb's life's work at RI was not admitted into evidence (supposedly because it might be "too prejudicial"). But through watching the same video and photo evidence as the jury, I was optimistic, honestly. I was hopeful that the jury would find Herb "not guilty," because what I'd seen in evidence during testimony seemed to me to clearly demonstrate that Herb participated in no such conspiracy or violations of the FACE Act — particularly not using force or physical obstruction.

So yesterday afternoon, I was honestly shocked when I heard the verdict: all defendants guilty on all counts, including the special findings on use of force and physical obstruction. I tried to keep my composure. Then, the judge made a ruling — it seemed that because the crimes were "violent felonies," she said she had no jurisdiction to prevent their incarceration before sentencing, if the government pushed for it. They did. I believe what I heard her then say was that they had to be "stepped back." Suddenly, without warning, a crowd of court marshals stood and began cuffing the defendants, with no time for them to say goodbye. The tough face I'd try to put on slipped instantly into a wave of tears as Herb got whisked away. It was traumatic. It felt unreal.

Honestly, I can tell you, our team thought we'd have more time to adjust to any changes that might need to be made on the off chance Herb was convicted. I already had very little trust in our justice system (have you read the portion of my book on torture in the justice system? On the death penalty? On police brutality?), and yet, I find myself blown away by the travesty of injustice I feel I've witnessed. It feels inhumane that those who would peacefully try to save lives of children doomed to death could be locked up for 11 years for those actions; and yet those who participate in the killing don't have their violence at all subject to such judicial scrutiny. It feels unjust. It feels cruel. It is so clear to me that we still have a long

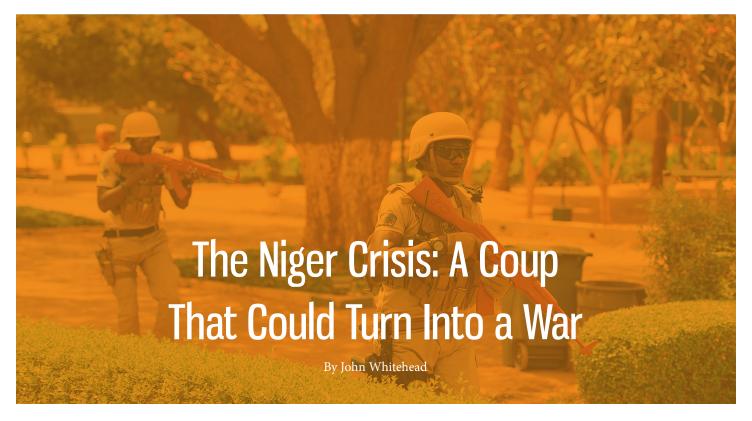
way to go to build a culture of peace and life, that there's so much work to do to change our culture and rehumanize this system.

Finally, it must be mentioned that until Herb is free, the board has moved to appoint me as Interim Executive Director. I'm sad that it is necessary, but I'm happy to take up the mantle again as the need arises. However, I'm not going to lie: it's going to be hard. I still have chronic pain, and there are (good!) changes happening in our family that require extra time and energy on my part. So please bear with me, and consider making a donation to support our work, so that we can together build a world beyond violence. And if you want to send kind words on to Herb, feel free to send me an email at aimee@rehumanizeintl.org, and I'll do my best to pass them on. Thank you, and may we be the change we wish to see in the world. May we be the peace, the kindness, the love, and the hope we wish to see, too.

It feels inhumane that those who would peacefully try to save lives of children doomed to death could be locked up for 11 years for those actions; and yet those who participate in the killing don't have their violence at all subject to such judicial scrutiny.







iger was thrown into a crisis this summer when the country's military overthrew its democratically elected president on July 26. This coup has prompted threats of intervention from other countries in the region, with different countries supporting either the overthrown president or the military. The crisis even risks leading to intervention by France or the United States.

A West African nation of about 25 million people, Niger has endured political upheaval before, but held successful democratic elections in recent years. Mohamed Bazoum was elected president of Niger in 2021.<sup>2</sup>

Niger also has deposits of oil and uranium and has been a partner of both France and the United States in combating insurgent groups in West Africa. Roughly 1,500 French troops and 1,100 American troops are stationed in Niger, which also serves as a base for US drones.<sup>3</sup>

The July 26 coup began when soldiers in Niamey, Niger's capital, placed President Bazoum under house arrest. The coup plotters, led by General Abdourahmane Tchiani, soon dissolved the government and announced their seizure of power. They also announced their intention to try Bazoum for "high treason" and "undermining the internal and external security of Niger." As of this writing, Bazoum is still alive and has even been able to communicate with international organizations and others while under house arrest.<sup>4</sup> Protests in the streets of Niamey were met by soldiers firing guns.<sup>5</sup>

France and the United States have responded to the coup by suspending their cooperation with Niger's military; US drone flights have stopped and US troops are restricted to their bases.<sup>6</sup> Both countries have also threatened cutting aid to Niger.<sup>7</sup>

The most dramatic response to the coup has been from other West African countries and the Economic Community of West African States (ECOWAS), a regional organization of 15 countries. ECOWAS, which has intervened in regional crises in the past, has imposed sanctions on Niger and threatened possible military action if President Bazoum is not restored to power.<sup>8</sup>

Following ECOWAS' lead, Nigeria's government has indicated a willingness to intervene in the crisis with military force. Several other nations in the region have made similar promises.9 Other West African regimes have a different view: Burkina Faso, Guinea, and Mali have indicated support for General Tchiani. Burkina Faso and Mali have even suggested they would consider foreign military intervention against Niger's new regime a declaration of war on them as well.<sup>10</sup>

Competing regional interventions in Niger would be dire enough. The Niger crisis might draw in still more actors, though. France or the United States might be tempted to intervene. One or both of these countries might intervene to protect their ability to continue military operations in Niger or to prevent Russia from gaining influence in the region. After a coup in Mali, members of the Wagner Group, the Russian paramilitary organization, were deployed to that country.<sup>11</sup> Western nations might intervene to prevent the same outcome in Niger.

The violent overthrow of a democracy is a grave injustice and tragedy. Restoring democratic government to Niger is a worthy goal. However, such a goal is best pursued nonviolently by the people of Niger. Nonviolent methods of resisting coups exist, and not all these methods involve the same risk as public demonstrations, such as those violently dispersed in Niamey. What is

crucial is non-cooperation with the coup-imposed regime, which can involve strikes, work slow-downs, or officials simply declining to provide support.<sup>12</sup>

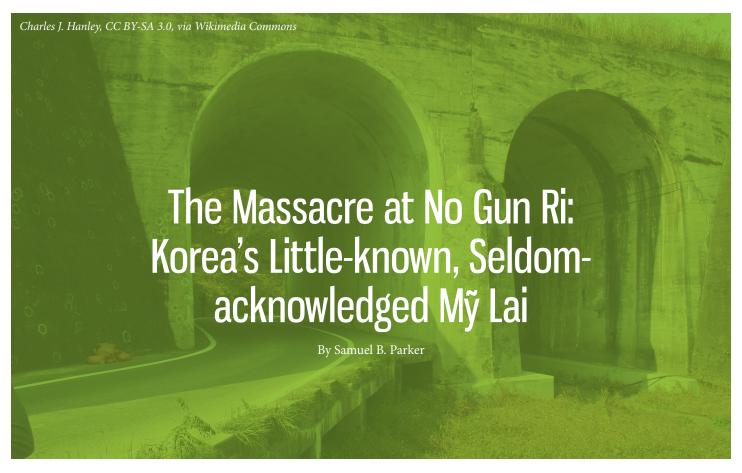
In contrast, military intervention, whether by nations in West Africa or elsewhere, will likely lead only to increased bloodshed. Intervention might even give greater legitimacy to General Tchiani, who could present himself as defending Niger from foreign enemies. Those of us living in countries that might intervene in Niger should be on guard against this danger. Niger should decide its own fate.

What is crucial is non-cooperation with the coup-imposed regime, which can involve strikes, work slow-downs, or officials simply declining to provide support.

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s war ravaged the Korean peninsula in the waning days of July and the early days of August 1950, an event — little-noticed and still largely unknown — unfolded that would undermine the integrity and efficacy of U.S. intervention in the conflict from the very start, and would reverberate for decades into the future. The No Gun Ri massacre — an archetypal tale in the annals of U.S. military exploits — was a horrific crime against humanity that somehow evaded public notice for many years, is still rarely recognized, and for which restitution has never been made.

Korea, which had been a protectorate of the Japanese Empire since 1910, gained its formal independence when Japan surrendered to Allied forces in the summer of 1945. But the nation was politically and geographically fractured by U.S. occupation of the

southern portion of the peninsula and the Soviet presence in the northern portion.

The Allied powers had agreed at the Potsdam Conference, held earlier in 1945, that, as a part of the ongoing effort to subdue Japan, the United States and the USSR would jointly seize control of opposite ends of Korea, with the eventual

goal of unifying and liberating the country after Japanese surrender.<sup>2</sup> But as the Cold War began in earnest and the Iron Curtain descended across Eastern Europe, hopes for the establishment of a

single Korean state quickly faded as relations between the United States and the USSR broke down.

Thus, Korea became the epicenter of a global confrontation and the frontline of a proxy war between two world powers. The U.S.-installed South Korean government and the Soviet-backed Communist regime in North Korea both claimed the legitimate right to rule the entire peninsula and insisted upon the invalidity of their counterparts. In June 1950, following years of clashes and skirmishes along the border, North Korean forces crossed the 38th parallel into South Korea, and the Korean War began.

The North Korean invasion, backed by the USSR and China, was initially swift and successful. The South Korean capital city of Seoul fell to North Korean troops in only a few days. Desperate to prevent the entire peninsula from becoming a Soviet strong-

hold, the U.S. intervened and, on July 1st, the first American soldiers entered Korea.

As towns and villages across the combat zone were devastated by the North Korean advance and allied resistance, hundreds of thousands of refugees fled south, passing through an extremely porous and unprepared U.S.-South

Korean front along the way.<sup>3</sup> When retreating U.S. and South Korean troops were harassed and attacked from the rear, military personnel began to suspect that North Korean guerrilla fighters were

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disguising themselves and infiltrating groups of refugees to secure safe passage through enemy lines.<sup>4</sup> In response, the Pentagon determined that any Koreans who remained in combat zones were to be regarded as "enemy agents." U.S. soldiers were instructed to fire upon civilians in these zones.

On July 26th, 1950, several hundred Korean refugees who were evacuating villages in the vicinity of No Gun Ri were stopped at a roadblock installed by U.S. forces. U.S. troops escorted the refugees to the adjacent railroad tracks. The refugees were suddenly attacked by U.S. aircraft, which, without warning or provocation, began to strafe and bomb the bridge from above.<sup>6</sup>

Panicking, the refugees scrambled down an embankment and sought the cover of the bridge. But as they sheltered under its arches, U.S. infantry with the 2nd Battalion, 7th U.S. Cavalry Regiment began firing at them. Now pinned down by aerial and ground assault, the refugees resorted to stacking the dead bodies of their families and friends to form a makeshift barricade underneath the bridge.<sup>7</sup>

The barrage persisted for over three days. The refugees were trapped without food, and were forced to drink water from a small stream that had filled with blood. Those who moved or attempted to escape were almost immediately shot and killed. One U.S. soldier, describing the slaughter, remarked that he and his peers were ordered to "fire on everything, kill 'em all," adding that he "didn't know if they were soldiers or what. Kids, there was kids out there, it didn't matter what it was, eight to 80, blind, crippled, or crazy, they shot 'em all."

In all, somewhere between 250 and 400 refugees were brutally slain during the No Gun Ri massacre, which only ended when U.S. troops withdrew from their position near the bridge on July 29th. Despite the maelstrom that its members had unleashed upon the refugees, the 2nd Battalion reported "no important contact" during the period between July 25th and July 29th, and no formal documentation of the incident by the 2nd Battalion has ever been discovered.<sup>9</sup>

Although officials at the Pentagon were at least vaguely aware of the incident, which was briefly and obscurely referenced in the New York Times a few months afterwards, there is no evidence that a formal investigation was launched into the event at the time. It received almost no media attention until decades later, when a 1999 story by the Associated Press uncovered numerous damning details, including testimony from U.S. military veterans who recounted explicit directives to shoot at civilians. Some veterans also recalled carrying out orders to blow up other bridges while civilians were still crossing them. In addition, the story contained a memo that supported the accounts of both soldiers and survivors at No Gun Ri; written by U.S. Air Force Col. Turner C. Rogers, it read, in part, "The army has requested that we strafe all civilian refugee parties." Turner noted that pilots had "complied...to date." In addition, the story complied... to date.

After almost 50 years of silence and denial, the U.S. government finally acknowledged the deaths of an "unknown number" of Korean civilians in a report, which subsequently described those deaths as "an unfortunate tragedy inherent to war and not a deliberate killing." Then-President Bill Clinton expressed his "regret" over the incident, but did not apologize. In a sheer masterclass on vaguery, buck-passing, and the use of the past exonerative tense,

the president sagely noted that "things happened which were wrong." And while the U.S. government offered to construct a memorial to the victims of the massacre, it refused to offer survivors or their relatives any compensation. No such payments have ever been made.

This summer marked the 73rd anniversary of the No Gun Ri massacre. In the nearly three-quarters of a century since, the U.S. government has never accepted responsibility for its actions. The passing of another year since the occurrence of this atrocity — another year in which its perpetrators have declined any and all forms of accountability — offers a perfect opportunity for reflection on a crucial fact: the casualties of war are seldom who we expect or believe them to be. Often, those casualties are people just like us.

And often, those casualties include our own humanity.

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# Burying Deceased Children with Human Dignity

By Grattan Brown, STD, and Fr. Steve Rice, D.Min

n 2020, about 1,000,000 pregnancies ended in the loss of a child in the United States. There were about 21,000 stillbirths and, depending on the data source, 620,000 (CDC), 930,160 (Guttmacher) or more induced (elective) abortions, totaling 700,000-1,000,000+ pregnancies.

What happened to the remains of those children? In early pregnancy loss, the embryonic body passes from the womb with the lining of the uterus and cannot be distinguished. But as a pregnancy continues, the developing child's body becomes more and more recognizable to the family and medical staff, who could prepare the body for burial.

They should have this opportunity, and in some places, they do. The Miscarriage Association in England, for example, reports that "most hospitals have sensitive disposal policies and your baby may be cremated or buried, perhaps along with the remains of other miscarried babies." Where this opportunity does not exist, the children's remains are often incinerated along with "medical waste," the human tissue removed during medical procedures. And in those places, some mothers and medical staff will inevitably recognize the indignity of treating children as waste.

This was what one Episcopal priest in Winston-Salem, North Carolina, Fr. Steve Rice, learned when he provided this opportunity.

Here is the story in Fr. Rice's own words:

### **Another Miscarriage**

One October afternoon in 2016, two friends called to share that, once again, they miscarried. Compounding the grief of these graduate students was the indignity of calling clinics to find the least expensive dilation and curettage procedure. Despite firm conviction that life begins at conception, they even called Planned Parenthood, which would not assist them because the baby had already died.

The couple eventually found someone to perform the procedure and buried their child at night in a seminary cemetery.

I decided that having no decent option to bury a child is intolerable, especially in the free, prosperous, and virtue-aspiring culture of the United States. So I decided to do something about it.

Using parish connections with one of the local hospitals, I later met with the hospital's deceased child affairs coordinator and a social worker to see if my friends' experience was typical. I was particularly interested to know if my parish could help facilitate burials for these children. The meeting revealed much more than I expected. At least in my state, the data on fetal demise was very limited, and state statutes were ambiguous regarding the hospital's responsibility in burying infants.

Most disturbingly, I learned that when mothers elect for "hospital

disposition," the child is incinerated along with other "medical waste." I understand that hospitals are not in the funeral home business, but incineration with other human tissue ignores the inherent dignity of those children. The deceased child affairs coordinator, the social worker, and, I was told, many of the nurses and hospital staff agreed with me. I left that meeting committed to ask my parish for a pledge to cover the cost of cremation and burial for any deceased children left unclaimed in the hospital, with the hope of providing a viable, dignified alternative to hospital disposition.

### The Community's Response

That pledge became a non-profit organization. The Society of St Joseph of Arimathea has facilitated the dignified cremation and/or burial of nearly 700 babies, with more than 500 of them buried in our cemetery. Our work covers four kinds of cases: 1) mothers of deceased full-term babies who cannot afford the cost of cremation, 2) deceased, unclaimed full-term babies, 3) miscarriage followed by dilation and curettage, and 4) hospital induced (elective) abortions. In all cases, including hospital abortions, the mothers consent to our participation.

Our work depends on the willing participation of hospital staff in the two largest hospitals in Winston-Salem. A member of my parish, Rebecca McLean, is a strong supporter of the Society and a certified nurse anesthetist. Before a dilation and curettage, she consults with the patient and presents, along with hospital disposition, the Society's offer to bury the child's remains. Rebecca estimates that, when presented with the choice, 80-85% of the mothers choose the Society and burial over incineration. A large percentage of those mothers later come to the cemetery for the burial. According to Rebecca, half of pre-operative holding room staff routinely and gratefully present the Society as an alternative to hospital disposition.

The results are in the stories of women served by our parish's Society. When a mother lost twins one Christmas week, the distraught floor nurse called my wife, Cherilyn Rice, who works at one of the hospitals as the perinatal and neonatal bereavement coordinator. The mother held her dead baby tightly, and the twin was yet to be delivered. She did not have financial resources for a funeral home and did not want hospital disposition. What that mother really wanted was some act that acknowledged the tiny baby in her arms as a person. Without really knowing what to ask for, she wanted someone to bury her child with dignity.

With the help of the Society, medical professionals like Cherilyn have become a bridge to connect mothers, their children, and their families with a parish community that sees the humanity in each of them.

Fr. Steve Rice is the rector of St. Timothy's Episcopal Church in Winston-Salem, North Carolina.

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# A Nightmare for Humanity: The Terrifying Story of Oppenheimer By John Whitehead

he life and career of J. Robert Oppenheimer was tailor-made for dramatization. A brilliant theoretical physicist who taught at the University of California-Berkeley, Oppenheimer is best known for serving in the 1940s as director of research at the US government laboratory at Los Alamos, New Mexico, that built the first atomic bombs. Oppenheimer oversaw the creation of the bomb exploded in the "Trinity" test and the bombs dropped on Hiroshima and Nagasaki.

Although one of the most famous scientists in the world, Oppenheimer's career suffered in the 1950s. A complicated mix of professional rivalry, Cold War-era concerns about Oppenheimer's Communist associations, and Oppenheimer's growing unease with the nuclear arms race led to him being quasi-blacklisted. He was stripped of his government security clearance and retreated from public life in his remaining years.

Oppenheimer played a pivotal role in building weapons that can destroy humanity. His life offers an irresistible natural metaphor for this self-destructive process: the tale of a scientist whose most impressive creation contributes to his downfall. Kai Bird and the late Martin J. Sherwin accordingly called their Oppenheimer biography *American Prometheus*, after the titan who stole fire from the gods and paid a terrible price.

This story has now received a cinematic dramatization in *Oppenheimer*, written and directed by Christopher Nolan, based on *American Prometheus*. The resulting movie is not for the faint-hearted — for two reasons.

Oppenheimer requires careful, sustained attention. Running to three hours, with perhaps over two dozen significant characters, the movie follows the complex, interlocking storylines of both the atomic bomb's creation and Oppenheimer's later disgrace (with detours to cover Oppenheimer's messy personal life). The dialogue is packed full of important information, with the first hour or so being mostly exposition. Further complicating matters is Nolan's penchant for jumping back and forth in time and withholding key details until revelatory moments later.

Despite these demands on the audience, *Oppenheimer* succeeds at conveying the horror and threat of nuclear weapons and does so with extraordinary power. That is the other aspect of the movie that makes it difficult viewing.

After a somewhat slow first act focused on the scientist's early life, the movie kicks into high gear once Oppenheimer (played by Cillian Murphy) is charged with overseeing the bomb's construc-

tion. Without delving deeply into the technical side of the construction, the movie provides enough information for viewers to grasp the basics and it generates thriller-like suspense as Oppenheimer and the other scientists involved approach the dreadful day of the bomb's creation.

The moral issues raised by nuclear weapons receive attention. The movie records how many physicists, such as I.I. Rabi (David Krumholtz) and Leo Szilard (Máté Haumann), expressed reservations about building the bombs or using them. It also shows how Oppenheimer dismissed those reservations and, unlike others, did not protest dropping atomic bombs on Japan. These dismissals receive their poetically apt reply when Oppenheimer's own concerns about a nuclear arms race with the Soviet Union and building a more powerful hydrogen bomb are later dismissed by colleagues and politicians.

The recreation of the July 1945 Trinity test of the first atomic bomb is terrifying. Nolan and his team's skillful use of visual effects and, more crucially, sound convey the culmination of Oppenheimer's work as something both awesome and monstrous. Similar techniques are used even more powerfully in a later scene when Oppenheimer contemplates the consequences of the Hiroshima and Nagasaki bombings.

Oppenheimer's blacklisting through the efforts of Atomic Energy Commission head Lewis Strauss (Robert Downey Jr.). However, the movie ultimately justifies this focus on the scientist's post-war troubles, using it to cross-examine Oppenheimer's actions and highlight his responsibility for the atomic bombings and the nuclear threat we all live with today.

Nolan saves his most memorable moment for the final scene, when the full significance for humanity of what Oppenheimer and his colleagues wrought so many years ago is revealed with night-marish imagery. I hope many people see and remember this conclusion, especially policymakers in Washington, Moscow, Beijing, and elsewhere.

Oppenheimer has been justly criticized for not giving greater attention to the Japanese victims of the atomic bombings and ignoring Americans harmed by the Trinity test's nuclear fallout.<sup>4</sup> The movie also regrettably presents, largely without considering alternative views, the conventional view that ending World War II with atomic bombs saved more lives overall.<sup>5</sup>

However, these problems should not obscure the value and

importance of *Oppenheimer*. Against all odds, one of the most prestigious directors alive has made a major Hollywood movie about the dangers of nuclear weapons. With Los Alamos slated to produce nuclear weapons again and nuclear war a real possibility today, a movie such as *Oppenheimer* is sorely needed.<sup>6</sup>

Peace activists should take advantage of the renewed attention to the nuclear threat. The Back from the Brink Campaign offers an array of educational and advocacy resources related to the movie.<sup>7</sup>

J. Robert Oppenheimer helped create a nightmare for humanity. It is time to wake up.

- 1. For the real history behind the movie, see Kai Bird and Martin J. Sherwin, *American Prometheus: The Triumph and Tragedy of J. Robert Oppenheimer* (New York: Vintage Books, 2006), 211-212, 297, 302-303.
- 2. *Ibid.*, 293-297, 299-300, 302-303.
- 3. Ibid., 416-419, 420-423.
- 4. Greg Mitchell, "Oppenheimer' Is a Good Film That Bolsters a Problematic Narrative," Mother Jones, July 21, 2023, <a href="https://bit.ly/43LZMQV">https://bit.ly/43LZMQV</a>; John Whitehead, "Unholy Trinity: The Terrible Consequences of the First Nuclear Test," Consistent Life Network blog, July 12, 2022, <a href="https://bit.ly/3Qn6YjC">https://bit.ly/3Qn6YjC</a>.
- 5. Mitchell, "Oppenheimer' Is a Good Film That Bolsters a Problematic Narrative."
- 6. W. J. Hennigan, "In the Lab Oppenheimer Built, the U.S. Is Building Nuclear Bomb Cores Again," *Time*, July 24, 2023, <a href="https://bit.ly/457F139">https://bit.ly/457F139</a>; Bulletin of the Atomic Scientists, "A Time of Unprecedented Danger: It Is 90 Seconds to Midnight," 2023 Doomsday Clock Statement, January 24, 2023, <a href="http://bit.ly/41FdrcG">http://bit.ly/41FdrcG</a>.
- 7. Back from the Brink Campaign, "Oppenheimer' Advocacy Resources," accessed July 31, 2023, https://bit.ly/3qancSg.







n Friday, July 7th, as the war in Ukraine neared its 500th day, the U.S. Department of Defense announced that the United States would send cluster munitions to the European nation in an effort to assist it in its bid to push Russian troops back across the border. The decision marks a dramatic reversal in position on the part of President Biden, who approved the weapons transfer last week despite the historical resistance of his administration to the distribution of cluster munitions.

That resistance existed for good reason.

Cluster munitions are explosive devices that contain dozens or even hundreds of submunitions — bombs with smaller bombs inside of them. According to the Cluster Munition Coalition,<sup>2</sup> cluster bombs "can saturate an area up to the size of several football fields. Anybody within the strike area... is very likely to be killed or seriously injured."

Cluster munitions are so dangerous and kill so indiscriminately that their production and use has been banned by 123 countries, which have coalesced around the Convention on Cluster Munitions. Among the many reasons for the wide prohibition of cluster munitions is their unfathomably high civilian death toll.

A 2022 report by the Landmine and Cluster Munition Monitor indicated that civilians accounted for a staggering 97% percent of cluster munition fatalities.<sup>3</sup> The report also estimated that, in incidents wherein the age groups of casualties could be determined, almost two-thirds of those casualties were children.

These figures are largely due to the imprecise and haphazard nature of cluster munition deployment, but a high failure rate exacerbates their already careless lethality.

A munition's failure rate measures the percentage of deployed explosives that fail to detonate when and how they are intended to. Last year, a study by the nonpartisan Congressional Research Service found that U.S.-manufactured cluster munitions have a failure rate between 10 and 30%. The International Committee of the Red Cross, meanwhile, placed that number closer to 40%. As a result, unseen and undetonated explosives often linger for decades, later

maiming or killing innocent men, women, and children who step on, drive over, or otherwise disrupt them.

Almost 50 years after the end of the Vietnam War, undetonated cluster bombs still riddle the hills, fields, and streets of Vietnam, Cambodia, and Laos. In Laos alone, 80 million cluster bombs initially did not explode: roughly 30% of the 260 million cluster munitions dropped by the United States across the country. Today, farmers are killed by them as they plow their fields and students are killed by them as they walk to school. Thanks to weapons like cluster munitions, the Vietnam War is still claiming lives nearly five decades beyond its conclusion.

For this reason, U.S. law bars the export of cluster munitions with a failure rate above 1%.<sup>7</sup> And yet, officials at the Pentagon have admitted that the very cluster munitions that the United States is offering Ukraine have a failure rate of at least 14%.<sup>8</sup>

That President Biden allowed the transfer of these weapons thus displays flagrant disregard for both U.S. law and human life.

Russia's use last year of cluster munitions drew the ire and intense criticism of the international community, including the United States.<sup>9</sup> At the time, the White House said that the use constituted a possible war crime.<sup>10</sup> In an extremely rapid and inexplicable about-face, that same White House has elected to implicate itself in such crimes.

The Biden administration described this as "a difficult decision." But it should not have been. It should have been an easy decision. The weapons that the United States is shipping to Ukraine kill noncombatants almost exclusively. They malfunction as much as a third of the time. They are derided and largely forbidden by the international community.

There is no excuse — not one — for their deployment.

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- $2. \ "What Is a Cluster Bomb?" \ Cluster Munition Coalition. \ \underline{http://www.stop-clustermunitions.org/en-gb/cluster-bombs/what-is-a-cluster-bomb.aspx$
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