

A Brief Memory of (and Thanks to) Ramsey Clark (December 18, 1927 - April 9, 2021)

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Early on the morning of November 16, 2010 in front of the U.S. Federal District Courthouse in Tacoma, Washington, a large throng had gathered to vigil before the motions hearing for five Plowshares activists known as the Disarm Now Plowshares. Up the sidewalk I saw one of the defendants, Sr. Anne Montgomery walking toward us with Former US Attorney General William Ramsey Clark.

Clark had come to testify on behalf of the defendants who had been charged with a variety of offenses, while their only intention was to prevent the most ghastly crime possible – a full scale nuclear war.

The former attorney general appeared on behalf of Bill “Bix” Bichsel, SJ, Susan Crane, Lynne Greenwald, Steve Kelly, SJ, and Anne Montgomery, RSCJ, who all faced charges of Conspiracy, Trespass, Destruction of Property on a Naval Installation and Depredation of Government Property for their November 2, 2009 Plowshares action. They had entered the U.S. Navy’s nuclear weapons storage depot at Bangor, Washington to symbolically disarm the nuclear weapons stored there, and expose the illegality of the government’s continuing preparations for nuclear war.

Later, in the courtroom, Judge Benjamin Settle allowed testimony from Clark, who responded to questions from Disarm Now Plowshares co-defendants. When asked by Anne Montgomery if the plowshares activists were justified to enter the restricted area of the U.S. Naval Base, Clark said that they “had a duty to prevent harm, they were justified, and even required to prevent harm.” Clark was speaking in the context of the Plowshares activists entering the base, in which nuclear weapons are stored, to expose the illegality of the government’s actions in preparing for nuclear war.

When asked by Susan Crane if Trident nuclear warheads are legal, Clark said “No,” and explained that the Supreme Court has ruled that international law is binding under the U.S. Constitution. Nuclear weapons are unlawful under the Nuclear Nonproliferation Treaty (NPT) because of the agreement of the nuclear powers to eliminate them. Clark was in the Justice Department when the NPT was drafted. “Had we abided by the NPT, we would be a nuclear free world. It’s hard to believe we’ve come to this stage,” Clark said. The U.S. has ignored its

obligations under the NPT, and now has enough warheads to destroy the planet.

Clark quoted Hugo Grotius, who wrote in his book “Of The Law of War And Peace” in the 17th century that, “The care to preserve society that is the source of all law.” Essentially, the law is designed to preserve society, and this theme continued to grow over centuries through international treaties (such as the NPT).

“Possession of the bomb is a crime. Just like it’s illegal to have a switchblade or concealed weapon, the nuclear weapons are illegal,” Clark said. He explained that 99 percent of the deaths in the Hiroshima bombing were non-military, and therefore extraordinarily disproportional. Possessing thousands of nuclear weapons, each one many times more powerful than the Hiroshima bomb, and which do not discriminate between combatants and civilians, is definitely a crime.

Clark concluded that Plowshares activists are opposed to all violence, and particularly nuclear weapons, which are “the ultimate human degradation.”

Among the documents considered by the Judge in the Disarm Now Plowshares case was a motion for dismissal in which the co-defendants concluded that, “Because this case involves unjust and illegal weapons of mass destruction, the use of which is a war crime under US and international law, and defendants actions were taken to protect a greater good and much higher law than the laws they are accused of violating, this case should be dismissed immediately.” Clark spoke to the heart of this issue and elucidated the duty of citizens to act when their government fails to follow the rule of law. The five Disarm Now co-defendants firmly believed that there was sufficient legal doctrine substantiating their invocation of the necessity defense, and that the “Defendants’ actions are just and not at all illegal,” and therefore the case should be immediately dismissed.

As with most other Federal Plowshares trials, the judge dismissed both motions by the defendants to dismiss charges, and the trial went forward. Ultimately, the jury found the defendants “guilty” of trespass, felony damage to federal property, felony injury to property, and felony conspiracy to damage property after a trial in which the defendants were not allowed to mount anything resembling a reasonable defense.

Clark testified on behalf of the [Transform Now Plowshares](#) in 2013, and led the defense team for Fr. Philip Berrigan and the Harrisburg Seven in 1971.

As for Clark’s participation in the Disarm Now Plowshares trial, it was a fine example of speaking one’s truth to power, and representing those with little or no voice or power. Clark’s life is an example of an individual who evolved over a full lifetime; an imperfect human being who strived to follow the rule and intent of the law, and to criticize his country when necessary, saying that a citizen’s “highest obligation” was to speak up when his government had violated its own principles and “not point the finger at someone else.”

The New York Times has published a detailed [obituary](#) that chronicles Clark’s many legal exploits on behalf of the victims of abuse of power by the US government. [Wikipedia](#) also lists a large number of people Clark defended in the years after he left government service.

Thank you, Ramsey, for representing those our nation has abused, neglected and usurped in its quest for power and hegemony.

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Featured image: Ramsey Clark and Sr. Anne Montgomery in front of the Tacoma Federal Courthouse on November 16, 2010 (by Leonard Eiger)

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