

# How the World Was Saved

**Exclusive:** A half-century ago in the Cuban Missile Crisis, the world teetered on the brink of annihilation, pushed by a mix of nuclear adventurism, misunderstanding and fear. *The Armageddon Letters* compiles the messages that defined and defused the crisis, writes Jim DiEugenio.

By Jim DiEugenio

In 2009, Professors James Blight and Janet Yang were part of the team that gave us the documentary film and book *Virtual JFK*. Both the film and book explored the issue of whether or not, if President Kennedy had lived, the Vietnam War would have turned into the monumental disaster it did under President Johnson.

In other words, did President Johnson break with Kennedy's Vietnam policy after the latter's murder in Dallas in 1963? The two works, especially the book, were extremely valuable contributions to the scholarship in this field. The book was the oral record of a two-day conference between both scholars and actual policymakers of the era, e.g. Johnson's aide Bill Moyers.



After reviewing briefing books with the latest declassified documents on the subject, a vote was taken on the question. Half the respondents said Kennedy would not have escalated and would have withdrawn from Vietnam. Thirty per cent said he would have escalated as did Johnson, and 20 percent said it was too difficult to state an answer. (*Virtual JFK*, p. 210)

If one understands the ways of academia, this was a real success in the field. Because if such a vote had been taken prior to the 1992 publication of John Newman's milestone book, *JFK and Vietnam*, the likely result would have been

perhaps 10 percent for a Kennedy withdrawal and 90 percent for there being no change by Johnson in Kennedy's policy.

The Newman volume began the sea change that was culminated by *Virtual JFK*. And this is all to the good because the declassified records align with the vote tally of the book.

This year is the 50<sup>th</sup> anniversary of the Cuban Missile Crisis, the event that Blight and Yang have literally spent decades studying. Actually they have gone beyond just studying it. The married couple has taken part in a living, breathing field inquiry. They have pursued declassified records, and interviewed personages all over the world.

They even have promoted conferences on the subject with the people who were involved in the 1962 event. They have done that at least four times: in Antigua, Havana, Moscow and Florida. Therefore, they have been able to listen in person to all three voices of the fateful triangle that produced the crisis: Cubans, Russians and Americans.

### **McNamara's Shock**

How important has the work of creating these conferences been? Robert McNamara, Kennedy's Secretary of Defense, believed in them so much that he attended every one of them until his death in 2009. At more than one of them, there have been revelations that changed the picture we had of the crisis.

For instance, the intelligence the CIA had on the actual missiles in Cuba has been proven to be inaccurate. The Agency could not figure out exactly how many missiles had been transported through the blockade, or how many had operable warheads during the 13 days of the October 1962 crisis. (Blight and Yang, pgs. 257, 275)

This uncertainty encouraged hawks in Kennedy's cabinet, like Paul Nitze, to try to persuade the president to invade Cuba. Afterwards, Nitze would say that the colossal dangers of the Missile Crisis were exaggerated, existing mostly in McNamara's head. (Ibid, p. 277)

In 1992, at a Blight/Lang conference in Havana, Nitze was proven to be completely and utterly wrong. For the first time Soviet Gen. Anatoly Gribkov revealed that *all* the missiles en route to Cuba had been transported onto the island *before* the blockade went up. (ibid, p. 257)

Gribkov had been the military architect of the deployment. As part of his opening remarks he said that the Russians had deployed 162 missiles in Cuba before the blockade was constructed. Gribkov's deployment included not just

medium- and long-range missiles targeting American cities. It also included two types of what have been traditionally termed "tactical nuclear weapons." These were cruise missiles with a range of about 90 miles, and ground-to-ground Luna missiles. The latter were of the 25-30 mile range.

Gribkov also stated that, in his judgment, the Russian commander on the island, Gen. Issa Pliyev, would have used them if Kennedy had listened to Nitze and launched an amphibious assault on the island. If that had happened, the entire American invasion force would have likely been incinerated. This would have undoubtedly led to an American nuclear strike against the island.

Whatever missiles survived on the island would have been launched against the United States. And this strike would likely have been coupled with a Russian counterstrike. Finally, in the last Doomsday Act, America would have launched against the USSR. Civilization, as we know it, would have ended.

McNamara was in attendance at this 1992 meeting. When he heard this information about the tactical nukes and Pliyev's operational decision, he was stunned. He ripped off his translating headset and started waving his arms in disbelief. (ibid, p. 279) As the man who would have ordered that amphibious assault, he obviously was unaware that it would have been the last order he, or anyone else, ever gave.

One of the reasons that Blight and Yang have worked so hard to render as much information as possible on the Missile Crisis is their long relationship with the late Robert McNamara. That relationship began back in 1985. It ended in 2005 when McNamara gave his last public talk about the crisis at Blight's then place of employment, Brown University. (Blight and Yang, pgs. 3-6)

### **Anti-Nuclear Message**

In the twilight of his life, McNamara, like Fidel Castro, had taken the crisis literally upon his shoulders as his life's cause for "abolishing nuclear weapons before they abolish you." (ibid, p. 5) At this last appearance, McNamara's learning curve on the crisis had taught him just how dangerous hawks like Nitze were in Kennedy's ExComm. (ExComm is the term used to describe the group of Cabinet members and advisers Kennedy gathered around him for advice during the crisis.)

McNamara warned his young audience that they were lucky to be alive today. For, through Gribkov's stunning revelations, it was now apparent that if President Kennedy had made one wrong move, "the world would have been destroyed instantly or made unlivable in October 1962. And something like it could happen today, tonight, next year." (ibid)

This is the warning that the book, *The Armageddon Letters*, opens with, a call from the grave by McNamara. The book closes with a similar warning, except it's from someone on the other side of the conflict, someone who is still alive. After Fidel Castro's near fatal illness of 2007, he stepped down from his presidential office. Today, like McNamara, after living through the Missile Crisis, his life's cause is to rid the world of nuclear weapons.

With his son Fidelito he spends much time as a blogger against nuclear weapons, spreading the word of Albert Einstein about the horrors that nuclear explosions could render to the atmosphere and how this could lead to nuclear winter. Castro biggest worry in this regard is the Middle East. Castro thinks this is the danger spot today for a repeat of October of 1962: "That is where some nuclear catastrophe can begin. Obama or Netanyahu or Ahmadinejad might screw up or get confused and then, who can believe that the war would not go nuclear?" (ibid, p. 237)

Between these two quite moving warnings, Blight and Yang have done something that serves as the capstone to their work in this field. They have assembled all the known correspondence between the three principals during the Missile Crisis. That is the letters from both Castro and Kennedy to Nikita Khrushchev, and those from the Russian Premier to both men.

Interspersed with these first-person accounts, the book fills in what happened as a result of the actions in the letters; and also, and perhaps most importantly, what occurred afterwards, in 1963-64. A point that too many commentators ignore.

As many commentators have written, there were two reasons that Kennedy reacted as he did when the installation of the missiles was confirmed by U-2 photography. First, the Russians continually lied about what their intentions were, and also about the actual nature of the weapons.

As early as April 22, 1961, Khrushchev wrote to Kennedy, "We have no bases in Cuba, and we do not intend to establish any." (ibid, p. 49) That was just five days after the U.S.-backed Bay of Pigs invasion of Cuba and three days after the invasion failed. However, 16 months later, Kennedy was reading reports that a large, multi-site missile installation was under construction and that hundreds of Soviet managers and workers were on the island working on them.

Further, that part of this installation included SAM sites, that is, surface-to-air missiles. Kennedy concluded that the purpose of these would be to protect offensive missiles, i.e., those meant to attack the United States. It was these types of weapons that Kennedy had repeatedly warned the Russians and Cubans about.

## JFK's Warning

Kennedy did not want Cuba to become a forward staging base for an advance attack by the Soviets on America. Therefore, on Sept. 4, 1962, Kennedy made a speech warning Khrushchev about this in public. But he also told his brother Robert to warn Soviet ambassador Anatoly Dobrynin that offensive missiles would not be tolerated in Cuba.

What the book makes clear is this: Dobrynin had been deliberately cut out of the loop. Khrushchev and Soviet Foreign Minister Andrei Gromyko did not inform Dobrynin about the nuclear installation prior to it occurring. This was part of a systematic plan to conceal in advance, and then to lie about the installation once it was achieved. (p. 254)

On Oct. 17, 1962, when Kennedy asked Gromyko face-to-face about the installation, and Gromyko lied, Kennedy understood the size and scale of the gamble Khrushchev was taking. In one stroke, the Russians would close the missile gap and assemble a first-strike force in Cuba.

Kennedy's corollary to this, one that is manifest throughout the transcripts of the ExComm meetings, is that Khrushchev's real goal was to announce the huge installation and then negotiate a deal: Russia out of Cuba for a surrender of West Berlin to East Germany. (See *The Kennedy Tapes*, edited by Ernest May and Philip Zelikow, pgs. 678-79, 691)

In fact, in Khrushchev's very first letter to Kennedy Nov. 9, 1960 he concludes with his desire "to settle the German issue" at the earliest date. (Blight and Lang, p. 40)

As the book makes clear, the Cubans did not agree with this secrecy and lying. Both Castro and Che Guevara predicted that if the secret mission was exposed Kennedy would suspect the worst. (Blight and Lang, p. 60) This disagreement among the communist leaders implicitly relates to the size and scale of the installation.

If, for example, a mutual defense treaty had been announced and the Russians stated they were only shipping a limited amount of defensive tactical atomic weapons into Cuba, Kennedy would have had a hard time resisting the deployment. After all, both he and President Dwight Eisenhower had approved the Bay of Pigs invasion of Cuba in 1961.

What made Kennedy and Soviet specialist Llewellyn Thompson suspicious of the Berlin motive was the presence of the nuclear triad the Russians had assembled. For *in addition* to the medium- and long-range missiles, the Soviets had also given the Cubans IL-28 nuclear bombers *plus* submarines that carried nuclear

torpedoes. This arsenal was simply too huge and lethal to be simply a defense against another invasion.

### **Soviet Deceit**

But as we see by reading the correspondence, through all of September and well into the October crisis, Khrushchev refuses to acknowledge that the missiles are there for offensive purposes. As Castro and Che Guevara predicted, this simply stiffened Kennedy's resolve.

As the authors write, Kennedy grew angry and resentful about all the lying, especially at Gromyko's, since Kennedy figured (correctly) that the foreign minister had to have known the full size and scope of the installation. Kennedy felt betrayed by the Russian premier who had first congratulated him upon his election victory and with whom he had discussed plans for making Cuba part of an overall plan for peaceful coexistence between the East and West. (Blight and Lang, p. 48)

Therefore, in Kennedy's first letter to Khrushchev after the ExComm was convened, Kennedy told the premier that he always feared that Khrushchev would not comprehend the depth of his resolve on the issue of Berlin: "I stated that an attempt to force abandonment of our responsibilities and commitments in Berlin would constitute" an "action on your part which in a major way disturbed the existing overall balance of power in the world." (Kennedy letter of 10/22/63)

Kennedy then reminded Khrushchev that he had already warned him about any such deployment the month before. At this point, not knowing that all the missiles had already been delivered, the ExComm decided upon its strategy of the blockade. If that did not work, Kennedy had moved aircraft carriers into the Caribbean and a 150, 000-man army into Florida.

But Kennedy was quite aware that any kind of miscommunication or mistake could provide a trigger for Armageddon. He therefore decided to move the blockade line back from 800 to 500 miles off the coast of Cuba. (Blight and Lang, p. 90) He also ordered low-level U-2 over-flights of Cuba to determine when the missiles had become operational. (ibid, p. 91)

On Oct. 23, Kennedy penned a letter to Khrushchev accusing him of secretly delivering nuclear missiles into Cuba. He then alerted him as to when the blockade would go into effect and warned him not to try and circumvent it.

On the deliverance of this letter, Khrushchev was finally convinced that Kennedy had fully discovered the scope of the installation. He then became enraged at General Pliyev, for he found out that the Russian commander had not camouflaged

the construction sites to prevent their aerial discovery. (ibid, p. 92)

Pliyev replied that the sites would now be camouflaged to disguise the progress of the construction. But Khrushchev now realized that the warnings to him by Castro and Che Guevara were well-founded, for he had left himself no fallback position.

Therefore, Khrushchev ordered all missiles to be fueled and readied; all pilots to stand by at their nuclear bombers. He even issued orders to run the blockade. A few hours later, knowing that all the missiles were on the island, he changed his mind and told the Russian ships to stop at the quarantine line. There was no need to challenge it. In fact, as Blight and Lang make clear, the last ship carrying the nuclear warheads into Cuba had just avoided the construction of the blockade by a few hours. (ibid, p. 93)

### **Popular Misconceptions**

This is a central point of misunderstanding about the crisis. In popular renditions of the event in the television film *The Missiles of October*, and the feature film *Thirteen Days* the moment on Oct. 25 when the Russian ships stopped at the quarantine line is depicted as a culminating victory for the United States.

For the reasons stated above, this is not historically accurate. The missiles were already on the island, as were the warheads. And then, Khrushchev ordered Pliyev to camouflage the missile sites. Therefore, the U-2 flights could not really detect when the missiles were ready to be set in the silos and launched. This is an important point, for some members of the ExComm had determined that the setting of the missiles in the silos was the point of no return. According to that view, America would have to send an air strike to preempt the launches. In fact, McNamara was the first to advocate this position. (May and Zelikow, p. 57)

At this point in the crisis, President Kennedy and his brother began to enact a tactic to impress upon Khrushchev just how desperate the situation was, even after the Russians ships had stopped. In his letter of Oct. 25, Kennedy hinted to the Russians there were forces inside the ExComm and Pentagon that he might not be able to control much longer. He coupled this with the fact that since Khrushchev had lied to him, this had made Kennedy look foolish in their eyes. (Blight and Lang, p. 98)

At around this time, Kennedy authorized his brother to visit Ambassador Dobrynin to extend an offer that JFK had been talking about for at least two days: An exchange of the American Jupiter missiles in Turkey for the Russian missiles in

Cuba. Bobby Kennedy also subtly insinuated that his brother would not be able to hold off the ExComm hawks much longer. Complicating this was the fact that the Cubans were now firing anti-aircraft missiles at the American overflights.

This message seems to have worked. For upon receipt of Kennedy's letter, Khrushchev began to formulate an exchange: he would pull the missiles out of Cuba. In return, Kennedy would make a no-invasion pledge of the island, plus withdraw American missiles from Turkey. (Blight and Yang, p. 101)

After a brief discussion with Gromyko, Khrushchev called in his stenographer Nedezhda Petrovna and dictated the long letter in which he outlined a solution to the crisis. This particular letter only included a demand for a no-invasion pledge. Incredibly, even at this late date, Khrushchev was still saying that Kennedy was wrong about the offensive missiles in Cuba. And the Soviet leader tried to compare the medium- and long-range missiles, which could fly as far as 2,400 miles and deliver an explosion eight times as powerful as Hiroshima, with a cannon. (Khrushchev's letter to Kennedy of Oct. 26, 1962)

But Khrushchev also revealed to Kennedy that the reason he decided to obey the blockade was because the missiles were already inside Cuba. In this particular letter, the demands for removal of the Jupiters was not mentioned. That night Khrushchev did not leave the Kremlin. (Blight and Lang, p. 107) The reason was that he did not want to miss any reply by Kennedy.

### **The Key Trade**

The next day, after getting an intelligence report about Kennedy's willingness to consider a trade of the missiles, he summoned Gromyko again. He now asked that an amended version of the first letter be sent, adding a request for the missile exchange as a part of the negotiations. (ibid, p. 108) Khrushchev also heard about this from Dobrynin through RFK.

That afternoon, Oct. 27, Defense Minister Rodion Malinovsky spoke to the Presidium. He said that all the warheads had now been mounted on the ICBM's and were ready to be launched. (ibid, p. 109) Recall, this was two days after the Russians had agreed to abide by the blockade.

Therefore, in reality, the blockade had worked only as a cooling-down measure. In practical terms, it had almost no effect. The Russians had their first strike in place and ready to deliver. Malinovsky then went on to game plan how the nuclear exchange would work. He gave special attention to how the Soviets could target American allies in Europe.

Clearly irritated at this kind of talk, Khrushchev interrupted to ask him if Pliyev understood that no one could order the launching of the missiles in Cuba



except him. Malinovsky reassured him that this was the case. (ibid)

But at that moment, something unforeseen occurred. Due to a misunderstanding in orders, Castro was allowed to use the Russian installed SAM's to effect the only fatality by enemy fire of the crisis. This was the shooting down of Rudolf Anderson, America's best U-2 pilot, over Banes, Cuba. Khrushchev feared this would send a terrible message to Kennedy that the U.S. president might read it as a sign that the Russians were behind it as a prelude to an air war over Cuba.

In fact, when news of this event was delivered to Kennedy, the hawks in the ExComm did use it to press him into an air strike against the SAM's, for there was a plan in place to do just that in case this happened. By then, even McNamara had grown hawkish. He moved to take out the SAM site at Banes and then begin an air war over Cuba. (May and Zelikow, pgs. 571, 575)

But Kennedy now had Khrushchev's second letter. After listening to these pleas for retaliation, JFK turned the discussion around to formulating a reply to this new letter and how to approach the added request for the removal of the Jupiters. Kennedy, who had rejected an air war at the beginning of the crisis, was rejecting one near the end.

In fact, this second letter was essentially what Kennedy wanted to hear. RFK had assured Dobrynin that the Jupiters would be removed after negotiations with Turkey. And Kennedy was willing to take the no-invasion pledge.

### **Continuing Crisis**

But as Blight and Lang demonstrate, this was still not the end of the crisis, because Khrushchev had not negotiated the agreement with Castro's input. And Fidel had actually proposed the day before, to the Russian representative Aleksander Alekseev, that he was willing to launch a preemptive first strike at America to prevent any invasion. (Blight and Yang, p. 116)

When Khrushchev got Castro's request, plus the news that the Russians had permitted Castro to use their radar equipment to shoot down Anderson, he was convinced that matters were now slipping beyond his control. He relayed orders that, under no circumstances, was any Russian equipment to be used to fire at any American plane flying over Cuba. He also ordered the missiles to be removed from the silos.

Khrushchev did not trust Fidel Castro, who he considered immature and suicidal, to take part in the negotiations, or even have knowledge of them. At this point, Khrushchev was intent on convincing Kennedy that the President's tentative positive reply to Khrushchev's offer, which was also sent on Oct. 27, was amenable to him.

Kennedy indeed was eager to end the crisis. So much so that he gave instructions to Secretary of State Dean Rusk to have the United Nations announce a trade for the Jupiters if the Russians needed public assurance for it. (ibid, p. 134) This turned out to be unnecessary. Robert Kennedy assured Dobrynin the Jupiters would be removed, and they were. (ibid, p. 136) The deal was in place and announced by Moscow on Oct. 28.

But there was still turbulence to be met on both sides. Air Force Gen. Curtis LeMay was pushing for an air attack since he believed that the missiles would become fully operational on Oct. 29. Therefore, he thought that they could be knocked out before then without a counterattack from the island. (ibid, p. 141)

With what we now know, this shows just how poor the intelligence was on the American side. Kennedy always felt both admiration and pity for McNamara for dealing with these Pentagon hawks during the crisis.

On the island, Castro felt betrayed by his Russian allies and abused by the Americans. Khrushchev had promised Kennedy on-site inspection to see if all the nuclear weapons had been removed, including the bombers and submarines. But Castro would countenance no inspectors in Cuba no matter who they were.

And when United Nations Chairman U Thant arrived, Castro made this clear to him. Castro even sent an ultimatum to the UN with five demands to be met before he would even consider inspection. (ibid, p. 148) Because of this, the blockade continued for weeks around Cuba. Castro was so recalcitrant that the Russians sent one of their finest diplomats, Anastas Mikoyan, to Cuba to make sure he would not scuttle the deal. (ibid, p. 178)

Kennedy and Khrushchev finally worked out an arrangement in which the ships carrying back the weapons would be checked by helicopter at sea. This made the crisis drag on well into November.

Mikoyan's mission was not very successful. He managed to convince Castro not to resist the removal of the IL-28 bombers. But that was about it. In fact, the veteran diplomat was surprised at the depth of resentment Castro held toward the Russians.

For example, Castro complained to U Thant that he only heard about the final agreement in a radio broadcast from Miami. And during the process of the Soviet withdrawal, Castro was forbidden to use anti-aircraft guns against over-flights. By Nov. 15, he refused to cooperate with that particular policy any longer. (Letter from Castro to U Thant of Nov. 15, 1962)

## **Divided Allies**

The authors understand that it was this split between Havana and Moscow that allowed the crisis to end up with a totally unexpected turn, one that none of the main actors could have predicted. In the last chapter of the book, the authors explain that Castro had become so suspicious of Russian assurances that he tried for a normalization of relations with the United States.

This initiative began about a month after the removal of the last missiles from Cuba. When Kennedy first got news about Castro's interest in a rapprochement, he was also quite interested. And as several authors have described, a fascinating and intricate backchannel was then created to avoid the communications from going public. Both sides understood that, if that occurred, it could be fatal to their progress.

On Kennedy's side the couriers were ABC reporter Lisa Howard, American diplomat William Attwood, and French journalist Jean Daniel. In just 11 months, Kennedy and Castro were talking about sending Attwood into Mexico in order to fly to Cuba to begin preliminary discussions for a *détente*. (James DiEugenio, *Destiny Betrayed*, Second Edition, p. 74)

The last stage of the discussions consisted of a long communiqué from Kennedy in which he actually said that he was in agreement with Castro and Che Guevara's ideas about the Batista regime which preceded the Cuban revolution. (ibid, p. 17) Kennedy went on to say that he understood the terrible exploitation, colonization and humiliation the history of Cuba represented to its citizens. He also understood that America had played a significant role in all this.

The problem now was that Cuba, because of its Soviet ties, had become part of the Cold War and this had led to the Missile Crisis. Kennedy felt that Khrushchev understood this aspect of the tensions. The U.S. president wanted to know if Castro did. If so, they could proceed.

When this message was personally delivered to Castro through Daniel, Fidel was overjoyed. He said, "Suddenly, a president arrives on the scene who tries to support the interest of another class." Elated, Castro spent the better part of three days with Daniel. He told him that Kennedy would now go down in history as the greatest president since Lincoln. (ibid, p. 75)

On the third day, Castro got the news that Kennedy had been shot in Dallas. He hung up the phone and said over and over, "This is bad news this is bad news this is bad news." A few moments later a radio broadcast stated that Kennedy was dead.

Castro stood up and said, "Everything is changed. Everything is going to change." He was correct. This was the end of the last and best hope for

normalization of relations between Castro's regime and the United States. Some observers, like Attwood and the late Arthur Schlesinger, suspect that the fact that the CIA was monitoring the backchannel may have led to Kennedy's death.

### **Lost Hope**

But this was not the only significant aftereffect that Blight and Yang note. Both Kennedy and Khrushchev realized how close the world had come to nuclear war. They had been seared by the experience. The leaders attempted to attain closer relations between the two countries. A hot line was established to avoid crisis communication by letter. A test ban treaty was worked out to limit development of more nuclear missiles. And work was begun on serious arms limitations talks.

In the summer of 1963, Kennedy alerted the world to his intent with his famous American University speech. There he announced that a *détente* with Russia had to be achieved or we would run the risk of another nuclear crisis.

As long as Kennedy was alive, this goal was in sight and Khrushchev was safe. After Kennedy was killed, Khrushchev wept, for he understood that the Kennedy-Khrushchev plan for peaceful coexistence was dead, too. (Blight and Lang, p. 230)

Robert and Jackie Kennedy also understood it. In November 1963, through special diplomat William Walton, the surviving Kennedys sent a message to Moscow telling Khrushchev that their plans for peace would now be put on hold. The suspicion was that President Kennedy had been killed by a large rightwing conspiracy and Lyndon Johnson was much too close to big business interests to pursue the ideal of reversing the arms race and seeking a meaningful peace.

Bobby Kennedy resigned as Attorney General in 1964 and later ran for the U.S. Senate from New York. From that office, he mounted a run for the presidency in 1968 after Johnson, deeply scarred by the Vietnam War, announced that he would not seek reelection. If RFK had won if he had not been assassinated, too the Kennedy-Khrushchev vision might have resumed. (David Talbot, *Brothers*, pgs. 32-33)

The problem from the Soviet side was that once JFK was dead, Khrushchev was vulnerable to the likes of Leonid Brezhnev, who had looked upon his venture in Cuba with nothing but scorn. (Blight and Lang, p. 191) In fact, the charges that caused Khrushchev's demise were drawn up by Dmitri Polyansky, a member of the Presidium and an ally of Brezhnev's who became his deputy after Khrushchev's overthrow. Some of the Brezhnev-Polyansky charges specifically named Khrushchev's "hare-brained scheme" in Cuba which had brought the world to the

brink of catastrophe. (ibid, pgs. 221, 274)

By adding this coda, by showing how enemies in both countries may have brought down both men while they were trying to cure some of the failings that caused the crisis, Blight and Yang step outside the box, since most traditional historians will not come close to such subjects. They did the same with *Virtual JFK*. They deserve praise for having the courage and honesty to do so.

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## The Bigger Question about Libya

The ginned-up fury over what Ambassador to the UN Susan Rice said about the Benghazi attack on TV shows obscures a bigger question, whether the U.S.-backed overthrow of Muammar Gaddafi was smart policy. Libya remains a country in turmoil amid growing doubts about U.S. trustworthiness, says ex-CIA analyst Paul R. Pillar.

By Paul R. Pillar

The political inanity about what was said or not said in the first hours and days after the incident in Benghazi that killed Ambassador Christopher Stevens continues, and it continues to move farther away from anything of importance to U.S. policy and U.S. interests. With the fixation on minutiae about the editing of some preliminary talking points, it moves farther away even from anything that makes sense in terms of competitive politics.

Even if the Obama administration had wanted to manipulate a public version of the Libyan events to help re-elect the president, how would any manipulation on this matter have done that? When has the Obama administration ever contended that international terrorism is *nota* major security problem (bin Laden or no bin Laden)? Such a contention would only make it all the harder for the administration to justify and explain those drone strikes and how they have become increasingly frequent under Mr. Obama.

It appears that preemptive opposition to a possible nominee for secretary of state is now part of what is sustaining the momentum of what began as a tactic in an election campaign. Please let us focus instead on how in terms of attributes and experience this person would or would not be qualified to be secretary of state, rather than how she handled her talking points on talk shows

one Sunday.

Perhaps something else that helps to make this supposed issue credible is an underlying assumption that the foreign intervention that helped to overthrow Muammar Gaddafi, and in which the United States participated, was a good thing and left something approaching a stable situation in Libya.

If that assumption were true, then maybe it would make sense to dwell a bit, when violence nonetheless occurs, on the relative influence of things such as Islamophobic films and the machinations of extremist groups.

But if instead what was left in Libya is a highly unstable and chronically violent situation in which the plans of terrorist groups, the uncontrolled activities of multiple militias, the inability of governing authorities to secure their own territory, and mass resentment against certain things associated with the United States all get mixed together in a constantly bubbling lethal brew, then any such dwelling is almost pointless.

It is the latter situation that in fact describes much of Libya, including Benghazi, today. As Kareem Fahim reports in the *New York Times*, Ambassador Stevens was only one of about three dozen public servants who have been killed in Benghazi alone over the last year and a half. The government is weaker than the militias, and even militias that have been relied upon as ersatz public security forces are unwilling to go after the likes of Ansar al-Shariah, a group accused of involvement in the attack that killed Stevens.

I have discussed before how one of the largest entries on the balance sheet of the intervention to overthrow Gaddafi is the disincentive it created for other regimes who otherwise might have been willing to reach agreements on weapons programs, terrorism, or other important issues but now are less likely to make a deal because they have a vivid demonstration of U.S. untrustworthiness.

Other parts of the balance sheet concern the instability of what was left behind in the country where the intervention occurred. Some in Washington who still believe the intervention in Libya was a good idea are hesitant to intervene in Syria because the United States avoided American casualties in Libya but maybe the same could not be said of an intervention in Syria.

Immediate American casualties are certainly a good reason for hesitation, but not the only reason. Sometimes what appears to be the avoidance of casualties is only the delaying of casualties. Christopher Stevens and the other Americans who died with him represent that.

Instead of all the business about preparation of talking points and demeanor on talk shows, the most important question about events in Libya is: was the

intervention there worthwhile, and what are the implications for dealing with problem countries elsewhere in the Middle East?

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## Vermont Nuke Case Cites Risks

Aging nuclear power plants present increasing risks to the U.S. environment, because of possible catastrophic events like the one that hit Fukushima, Japan, and storage problems with nuclear waste. A trespassing case in Vermont raised some of these questions, reports William Boardman.

By William Boardman

The Vermont justice system may have wanted just another routine jury trial on charges of criminal trespass, but for the accused six grandmothers the day-long trial was also an opportunity to bear witness, each in her own polite way, that they had acted out of conscience to protect themselves and others against the dangers of an aging nuclear power plant in particular and against the general danger of nuclear power to the planet.

That's the rather strange context for a day-long trial in Windham County Superior Court in Brattleboro, Vermont, on Nov. 27, when six Massachusetts women, aged 64-93, faced possible jail time and fines up to \$500, if convicted, for padlocking shut the gate to the [Vermont Yankee](#) nuclear power [plant](#) and then chaining themselves to that gate on Aug. 30, 2011.

The women, who have been arrested often in at least 21 other protests against Vermont Yankee since 2006, freely admitted these alleged acts, denied they were trespass, and welcomed the opportunity to explain why they acted.

Superior Judge John Wesley interpreted the women's position to be an assertion of the "necessity defense" and ruled that that defense was not allowed. But he also took notice that the women were representing themselves, without attorneys, and that as *pro se* parties they would have unusual leeway in their testimony.

The resulting courtroom scene was only part legal proceeding. It was also part political theatre, part group therapy, and part something of a spiritual teach-

in, with an audience of dozens of supporters for the women who are part of the Shut It Down Affinity Group, a bi-state association of activists focused on Vermont Yankee.

One of the supporters, Dusty Miller, described her response to the trial of what she called "actions motivated by conscience": "Yesterday, I spent the day in a Brattleboro courtroom, witnessing the trial of six white-haired grandmothers who were charged with trespassing at the gates of Vermont Yankee.

"Yesterday, I was repeatedly moved to tears. I was inspired and challenged by the actions and the courage of the women I was there to support. Most important, I felt hope again, hope that ordinary citizens can take a stand against corporate powers who pollute our earth and water with impunity."

### **Checked Safety Record**

Vermont Yankee is located on the Connecticut River in southeast Vermont, close to both the New Hampshire and Massachusetts borders. There has been regional grassroots resistance to the plant since before it opened in 1972.

That resistance has increased significantly in recent years as Vermont's governor, attorney general, and legislature have all joined in the effort to close the plant. Vermont Yankee's safety record has been uneven and deteriorating, including releases of radioactive tritium that has reached the Connecticut River.

Even Vermont law enforcement, particularly the Windham County State's Attorney (county prosecutor) whose jurisdiction includes Vermont Yankee, has taken a soft approach to protesters at the site arresting hundreds of people in recent years, often including these women, but prosecuting none until this case.

When the six grandmothers set out from Massachusetts on Aug. 30, 2011, 15 months ago, they were aware that Tropical Storm Irene had passed through New England and that it hadn't had much impact where they lived. In retrospect, one of them, Mary Kehler, 64, of Colrain, said they would have re-scheduled their long-planned protest if they had realized how hard parts of Vermont had been hit by Irene.

Not knowing, they proceeded with their plan to block Vermont Yankee's main gate with non-violent civil disobedience, chaining themselves to the gate and shutting it down until they were arrested, while causing only minor disruption to the plant's operation.

This was not the first time any of them had been arrested at Vermont Yankee. They have demonstrated there several times since, most recently on Oct.



17, when police arrested 12, including four of the defendants.

The Shut It Down Six include a professor, social worker, mediator and psychologist, and each woman told her story in her own way as well as in coordination with others. Given great latitude by the judge, the women's testimony drew frequent objections from the state, some of which were upheld, some not.

Deputy state's attorney Steven Brown prosecuted the charges on behalf of the State of Vermont and kept his presentation narrowly focused on the facts, which were undisputed.

### **Barred Necessity Defense**

While Judge Wesley denied the women the right to argue a necessity defense that they had not formally asked for, he allowed them to testify expansively, between objections, so that the jury of four men and eight women ended up hearing testimony that partly supported a necessity defense without actually clarifying it directly. In essence the necessity defense involves the admission of a crime, but argues that the crime was necessary to avoid a greater crime or a greater harm.

Perhaps the best-known use of "necessity" in Vermont is the 1984 case of the "Winooski 44," in which opponents of arms sales to the Nicaraguan Contras staged a three-day sit-in that obstructed Republican Sen. Robert Stafford's office.

Twenty-six people were arrested on trespass charges in March and at their November trial they presented a necessity defense, complete with expert witnesses including historian Howard Zinn and former U.S. Attorney General Ramsey Clark. The jury acquitted all 26 defendants and the state did not appeal.

In the Winooski 44 case, the trespass at the senator's office was justified by defendants as making it more difficult for him to support the Reagan administration's covert and illegal war in Nicaragua.

By comparison, the Shut It Down Six argued that they were trespassing in order protect themselves and their neighbors downstream, and sometimes downwind, from Vermont Yankee which continues to generate lethal radioactive waste as long as it remains open.

Judge Wesley, in ruling against a necessity defense, cited a 1979 Vermont Supreme Court case, *State of Vermont v. John Warshow et al.*, which stemmed from an earlier protest at Vermont Yankee.

That case comprises three distinct opinions from the court's five justices, with

the majority upholding the trial court's denial of the necessity defense primarily because the defendants had not shown any example of an "imminent danger classified as an emergency sufficient to justify criminal activity." But Justice Frederick Billings, in dissent, wrote that defendants had warned that re-starting Vermont Yankee would lead to an immediate meltdown. Someone got it wrong.

Any case with this great a discrepancy in perceived facts generally goes to a jury. As Chief Justice Paul Reiber wrote in a more recent dissent in a drug case, "Ultimately, this is a case in which the necessity defense should be heard by a jury. Indeed, it is a case where defendant's actions cannot be explained in any way other than through a presentation of the necessity defense.

"Ascertaining the 'ultimate truth or falsity' of defendant's necessity defense is 'the principal mission of the jury,' and the trial court should have squarely presented the defense to the jury so that they could 'confront it, consider it, and resolve its truth or falsity by their verdict.'" State v. Brisson, 119 Vt. 48, 53, 117 A.2d 255, 257-58 (1955)

## **A Full Courtroom**

It is not clear that the Shut It Down Six could have met the test for a necessity defense, had they had to address it formally. But they didn't request it, though they mentioned it and referred to *Warshow*, and the judge denied it, while still allowing much of their testimony, so the jury still heard enough evidence to consider it, although the judge instructed them not to.

Regardless of whatever legal confusion there may have been, as one observer put it, "the whole atmosphere in the court room at least until the closing arguments and sentencing was of mutual respect and kindness; there was a good deal of humor as well."

During the trial, Frances Crowe, a 93-year-old Quaker from Northampton, started to discuss the inherent danger of the crowded spent fuel pools at Vermont Yankee. Prosecutor Brown objected and Judge Wesley ordered her to stop. One observer noticed what she thought was a pattern, that the judge would allow no discussion of fuel rods, tornados, or Fukushima.

At one point, Harriet Nestel, 73, of Athol, commented about Vermont's efforts to control the behavior of the plant's owner, Entergy Corporation of Louisiana: "They are operating illegally. They are the trespassers, and we are the enforcers of the state's will." She could not make the further argument that her crime of trespassing was a lesser harm than the continued illegal operation

of Vermont Yankee.

At another point, reinforcing his ruling against any necessity defense, Judge Wesley said, "This trial is not about the legality of Vermont Yankee's continued operation."

Although the women said their activism had intensified since the meltdowns at the Fukushima plant in Japan in March 2011, they couldn't present evidence that those four failed reactors in Japan have the same generic General Electric design as Vermont Yankee's reactor.

Nor could the women introduce evidence that Vermont Yankee, by virtue of its riverside site, is one of 34 American plants that the Nuclear Regulatory Commission (NRC) specifically considers at risk of flooding due to upstream dam failure. The NRC suppressed a report with those findings until a whistleblower recently released them, indicating that Vermont Yankee is a potential American Fukushima.

According to NRC risk engineers, although the likelihood of an upstream dam failure may be low, if there is a dam failure, then the likelihood of a melt-down at the downstream nuclear plant is close to certainty.

### **A Tropical Storm**

During the trial, Prosecutor Brown stayed tightly focused on the trespass itself, mostly avoiding motivation and context. But after the jury returned with a guilty verdict and it was time for sentencing, Brown argued for a suspended sentence of 30-45 days, on the condition of no further protests and the completion of 100 hours of public service.

He justified the difference between this request and the hundreds of similar cases that were not prosecuted by blaming the six women for taking law-enforcement personnel away from post-Irene response.

As the Rutland Herald's Susan Smallheer reported it: "The case was unusual because it was prosecuted, while hundreds of other, identical cases have gone unprosecuted.

But after the women were convicted, and set for sentencing, Windham County Deputy State's Attorney Steve Brown said the women's timing, and the fact that they pulled away needed resources from the police response to Tropical Storm Irene, needed to be computed into their sentence.

"Windham County prosecutors have, for the last 12 years or so, routinely declined to prosecute any protester cases, saying it was a misuse of limited court resources."

The evidence had shown that these women were well known to local authorities and that they required no special police handling. Brown did not establish that any personnel were actually needed elsewhere when they were arresting the Shut It Down Six, he did not establish how many personnel were needed for the arrests, or whether the women could have been left chained to the fence until it was convenient for police to collect them.

Because he took no questions afterwards, prosecutor Brown could not be asked whether this case constituted selective prosecution. Associated Press reporter Dave Gram raised this issue with the prosecutor's office pre-trial, but got no explanation.

Nor apparently did the judge inquire as to why these women were prosecuted when hundreds of other protesters similarly situated legally, had all had their charges dropped even some of these defendants on other occasions.

For their part, the Shut It Down Six rejected community service, arguing that trying to shut down Vermont Yankee was itself community service. At least some of them invited Judge Wesley to send them to jail. The judge refused.

### **Justice on Nuclear Risk**

During the trial, as Dusty Miller wrote later: "Paki Wieland asked Vernon police Chief Mary Beth Hebert if, after the many times she had been called to Vermont Yankee to arrest these aging activists, 'do you see us as unrepentant recidivists or persistent women?'"

"Officer Hebert smiled warmly, answering in an unmistakably affectionate tone 'you are persistent!' As the women masterfully conducted their own defense, spectators in the court room heard from police officers – and even VY's head of security – that the protestors had been consistently respectful and non-violent. Here was another lesson in the patience and courage it takes to act from conscience."

Also during the trial, as the Brattleboro Reformer's Mike Faher reported, Brown had intervened on the women's behalf and "pointed out that it was allowable for the women to ask each other questions as cross-examination. [Judge] Wesley agreed and praised Brown's ethics, and the courtroom audience erupted in applause."

In addition to Crowe, Kehler, and Nestel, the other defendants were Nancy First, 82, and Paki Wieland, 68, both of Northampton, and Ellen Graves of West Springfield. The Shut It Down Six have 30 days from the verdict to appeal.

As the judge thanked the jury for struggling with the case, he commented: "This

has been a difficult trial with difficult issues of conscience” – even if he hadn’t allowed the Shut It Down Six to argue those issues conscientiously. The judge also commented that: “There are certain criminal behaviors for which the criminal justice system is a pretty crude instrument.”

For all its relevance to serious, intractable public issues, substantive media coverage of this trial was largely limited to the Rutland Herald’s Susan Smallheer and the Brattleboro Reformer’s Mike Faher. A brief Associated Press report with little context or detail was picked up by news media around the country

What the rest of the country learned was that the judge fined the women \$350 each for trespassing. What the rest of the country did not learn was that the Shut It Down Six told a reporter they wouldn’t pay the fine, and that the prosecutor said that if they didn’t pay, the matter would be turned over to a collection agency.

**William Boardman lives in Vermont, where he has produced political satire for public radio and served as a lay judge.**

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