

UNLAWFUL!

**Former Attorney
General Ramsey Clark
declares Y12's bomb
making "a criminal
enterprise."**

ALSO INSIDE

**Spending for bombs, UPF growing
NNSA attacks First Amendment
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April Action report
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Sunday Vigils continue**

The April Action for Disarmament in Oak Ridge



It was a good day for hope. NNSA efforts to keep us off the Y12 site and relentless police harassment did not interrupt our nonviolent demonstration for nuclear abolition—we marched, heard music, watched theater, marched some more, and stood in silent protest at the bomb plant.

I to r, starting with top row: Death stalks the march, Daav and Ellen are undeterred; Megan Rice addresses the rally with her partners in justice. Larry Coleman leads the march through Bissell Park; Gathered on the hillside for our program; Erik and Dennie hold letters to be signed. Drama: the UPF promises to deliver death worldwide—but it's transformed! More drama: Utsumi arrested for crossing the street on the WALK sign; The march arrives at Y12. The fence fails—protesters gather across the street; Waiting at the Anderson County Jail for Bill, Utsumi, and Larry.



The sky's the limit on UPF spending

.....
**Spending for
Nuclear Weapons up
13% in Obama Budget**
.....

**Dismantlement
funding cut again.**

the MOX plant at Savannah River, SC; and the National Ignition Facility at Lawrence Livermore (CA). Each of these projects has blown its budget to smithereens, continues to suck half a billion dollars a year from the federal budget, and pushes its completion date forward into infinity. The Government Accountability Office reiterated its condemnation of NNSA management again in testimony before Congress—but no one seems to be listening.

One way you can tell a project is in trouble is when they change its name. The Uranium Processing Facility gets a name makeover in the budget this year; it is now the Uranium Capabilities Replacement Project. Does that sound like a bomb plant?

Don't look for anything except obfuscation from the NNSA either. When a local TV station approached NNSA for a comment following OREPA's April Action, NNSA spokesman Steven Wyatt spoke proudly of the UPF's dismantlement mission, the words appearing on the screen alongside his picture as if they were true. But Mr. Wyatt was lying. He knows the dismantlement part of the UPF has been stripped out of the project, sacrificed to the rush to move production operations out of Building 9212. Dismantlement is now part of the "deferred scope," and will not be included in the UPF.

How much will the UPF cost, finally? The budget nails the number down this way: "Total Project Cost (TPC)...is still to be fully determined."

The total NNSA budget request for weap-

YES, VIRGINIA, THERE IS A SANTA CLAUS. He lives in the White House, and he's giving the National Nuclear Security Administration a big, fat gift even though they have been very, very naughty. Apparently, Santobama lost his list, because when the budget came out in early April, the UPF line read "327 million dollars."

Most of that will be spent on design, it turns out, even though the design team has already burned through \$600 million. Reading further down in the budget, you find this tidbit:

"[C]hanges have resulted in an increase in projected design costs from \$566,192,000 as shown in the FY 2013 request, to \$1,164,000,000." [FY 2014 Congressional Budget, WA-213; thanks to Jay Coghlan at Nukewatch New Mexico]

Yes, you read that right. The once-upon-a-time total cost of the UPF was supposed to be \$1.5 billion. Now the design alone will be nearly that much.

This puts the UPF right on track to follow the NNSA pattern for major construction projects—like the Waste Treatment Facility at Hanford, WA;

ons programs for next year is \$7.87 billion, a 13% increase above the sequester budget for FY 2013.

Inept Management

In February, the Defense Nuclear Facilities Safety Board received a report from NNSA (promised in October, 2012) with the results of the investigation into the UPF space/fit design fiasco. The investigation was conducted by NNSA, and it identified seven "root causes" for the \$500 million mistake. All seven root causes can be captured in one phrase: management failure.

Remarkably, though, no one has been held accountable. It is as though the half billion dollars was flushed down the toilet—just gone, like drugs in a police raid, NNSA officials standing around with empty hands saying, "What? What? Are you looking for something? What? Don't look at me."

When the Transform Now Plowshares action happened last July, it cost the government \$15 million to rethink and re-train security. Several heads rolled, upper management personnel were reassigned, Congress held hearings, at least three investigations took place, the security contractor was demoted and then replaced, and eventually the managing contractor, B&W Y12, lost its contract.

When the UPF design fiasco was revealed last October, the curiosity of Congress disappeared. No hearings, no investigations, no testimony. Offers of head-shaking confidence from Senator Alexander, sort of a "Well, these things happen," response.

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They do happen, in NNSA land. But in the real world, half a billion dollars is a lot of school lunches or teacher raises. Congress should take notice—the critique of the Government Accountability Office is spot on. Any fiscally responsible elected official should demand accountability and a new system of oversight before giving the NNSA one more penny to flush.

OREPA is on record calling for the dissolution of the NNSA, and we stand by that call.

Safety and Security: Above Ground

What are they spending all that money on? Not security. The UPF is still being designed as an above-ground facility, in a valley tucked between high, heavily wooded ridges. It will be as vulnerable to attack as the HEUMF was last July 28 when an 82 year-old nun and two middle-aged men with no assault training or heavy arms walked

When OREPA was in Washington, DC last week we talked with staff from a number of Tennessee's congressional delegations. Almost without exception, they appeared quite interested in keeping the money flowing to the UPF, no questions asked.

That last part is critical when it comes to the design of the UPF. After spending half a billion dollars, the design team has gone back to the drawing board. This time, they should ask the fundamental question about the nexus of safety and security: Is an above-ground facility inherently more vulnerable to attack than a below-ground facility? The answer is yes. The next question flows easily: can we make an above ground facility safe and secure? The answer is just as obviously no.

These same concerns, and the same conclusions, were raised during the design phase of the Highly Enriched Uranium Materials Facility, the warehouse for weapons grade uranium in Oak Ridge. They were dismissed at the time because it was too difficult to imag-

ine an actual assault on the HEUMF.

Two things are different with the UPF, and both point to the need to put the UPF below ground. One: the UPF is not a warehouse storing weapons materials, it is an active weapons production

The other difference: the idea of an assault has moved from speculative to historical. The Transform Now Plowshares action brought weapons of hope and light; they launched a moral assault on US nuclear policy—the implications

Take Action

YOU CAN ACT NOW TO STOP THE UPF, without cutting fences. Congress is hashing out the federal budget right now. Here are the questions to ask, again and again, until you get an answer.

- What is being done about NNSA management failures at Oak Ridge? When will Congress hold hearings on the \$500 million UPF design fiasco?

- Why is Congress continuing to shovel money—\$327 million this year—at the UPF without knowing the final pricetag?

- Why are obvious security and safety vulnerabilities being designed into the UPF? Why is it an above ground facility when it would clearly be safer and more secure if built below grade?

- Why, if space is a problem, is the UPF being designed to have a 700% excess annual production capacity (80 warheads/year instead of 5-10)?

- Why is Congress not insisting the UPF include dismantlement operations? Why are production operations being prioritized over dismantlement when the nation's capacity needs in the future will be just the opposite—we'll need more dismantlement capacity and less production capacity?

- Why is NNSA continuing to publicly misrepresent the UPF in news statements, saying it will be a dismantlement facility when dismantlement operations are being "deferred" for 20-30 years and are no longer in the scope of the UPF?

How you ask these questions is up to you. We suggest using every tool in the toolbox—visit offices and talk to staff. Write letters (mail to the local office gets through quicker). Send emails, they're even quicker. Write to your newspaper and ask these questions out loud—this is very important and very effective; it helps educate your member of Congress and the broader public.

Megan Rice, Greg Boertje-Obed and Michael Walli have opened the door to a public conversation; they have risked going to jail for many years.

Taking action now is a way to honor their action and their sacrifice and to stand with them in the long line of conscientious citizens who refuse to remain silent when the government goes off the rails.

facility. This makes it a more attractive target for anyone wanting to cripple US weapons production capacity as well as a more dramatic symbolic target. An assault on the UPF, where highly enriched uranium is being used in a variety of operations, would also have more dramatic safety and environmental impacts on workers and the surrounding population.

for the UPF design can not be ignored. Had the Plowshares activists been bent on destruction rather than transformation, the consequences would have been irreparable and long-lasting.

NNSA must do everything it possibly can to prevent such an outcome in the future. Security demands the UPF be re-designed.

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The newsletter of the Oak Ridge Environmental Peace Alliance is available on line at www.orepa.org. You can ask to be added to OREPA's mailing list by email [orep@earthlink.net] or by writing to OREPA, P O Box 5743, Oak Ridge, TN 37831.

The Oak Ridge Environmental Peace Alliance is a 501(c)(3) non-profit organization. We rely on contributions from our members to fund our work together. All contributions are tax deductible. You can donate on-line at www.orepa.org or send a check to OREPA, P O Box 5743, Oak Ridge, TN 37831. No funds will be spent on ice cream.

You can't have bombs and freedom, too...

The Transform Now Plowshares action last July rattled the National Nuclear Security Administration. They shut down Y12 for two weeks to do security training. Faulty equipment was repaired, people were fired, investigations were launched and money was spent. They did everything they could except actually fix the hole in the fence the Plowshares activists had cut to get into the plant. They missed that until OREPA, assisted by Greg Boertje-Obed, pointed it out to them.



It was not until the end of March—eight months after the TNP incursion—that NNSA got around to taking decisive action to make Y12 *really* secure. They took a page from the old Soviet KGB playbook—when all else fails, shut up your critics.

Ten days before OREPA's April 6 Action for Disarmament NNSA went public with their plan, as bold as it was unconstitutional. What first appeared



to be just a press statement on paper was soon revealed to be a blanket of shame the NNSA was drawing over itself.

The irony was delicious, but the effect was also serious. For years, OREPA and others have been admonished by judges from the bench, people driving by, and even some in meetings—“Those bombs you want to get rid of are the whole reason you have the right to go out there and protest.”

Not any more.



Enjoying a rousing rendition of Don't Fence Me Out at the Sunday vigil.

On March 28 NNSA announced it would put up a temporary fence at a cost of \$95,000 to keep OREPA from gathering in front of the bomb plant as we have done more than 700 times over the last 25 years. Freedom of speech and freedom of assembly wiped away in one motion. The fence (it actually cost \$41,000!) would keep people off the site until a more permanent, \$150,000 fence could be built.

We imagined an eight foot tall chain link fence with barbed wire at the top—after all, the fence is to keep people out, right? Because, NNSA said, the purpose of the fence is to enhance security.

But no, the temporary fence is a string of bike racks. The permanent fence will be three-strand barbed wire. The entire fence extends the perimeter of Y12 about sixty yards. It adds not one tiny speck of security, not even the pretend security so popular in Oak Ridge these days.



Our rights are important

OREPA decided to challenge the new fence in court, and scrambled to find some attorneys who could help. The ACLU answering machine said, “Use our on-line form and we'll get back to you within 4-6 weeks.” A couple of helpful lawyers made suggestions—but time was tight and schedules tighter.

Finally, on Monday, John Eldridge and Francis Lloyd called; within an hour John had his clerk researching first amendment law; by Tuesday we were working through a draft of a Temporary Restraining Order; by Wednesday afternoon, we had filed. Eighteen plaintiffs had joined OREPA in requesting removal of the fence.

On Thursday we learned a judge from Chattanooga would hear our case on Friday afternoon, and nearly thirty people waited in the courtroom.

We didn't get very far. Turns out it's hard to sue the federal government. And while the judge noted that our case was

a pretty good one, he said he could not accept jurisdiction over the case based on our citations. Not a loss, but not a win either.

The fence stayed up.

We held our action anyway, and since then have held Sunday vigils as well. We're on the far side of the road where the terrain is rough and soggy. It's not as safe—people have to park and walk along a narrow shoulder of the road.



NNSA said we could continue to have our rallies and vigils on their terms, in front of the New Hope Center farther down the road. We could request a permit for each event, possibly buy liability insurance, and we would be inside their fence—they would control our coming and going. People would have to cross the blue line to get to the designated “free” speech area, so we would, legally, be trespassing—a point they could enforce arbitrarily at any time.

Of course, speech is not free, and neither is assembly, if the government exercises complete control, including



the power to allow or deny, the power of access and exit, and charge whatever fees it chooses.

NNSA's KGB tactics will not succeed. They waste money, trivialize real security concerns, mock the first amendment; and attempt to deny reality—as long as NNSA makes weapons of mass destruction in Oak Ridge, OREPA will be there to say “No.”

Oak Ridge police resort to unprecedented harassment and bullying

IT'S A NEW DAY in Oak Ridge.

In the old days—for the last twenty-four years—the police maintained a position of neutrality on the building of nuclear weapons in Oak Ridge. As then-Captain Bill Moehl said, “Whether I agree with you or disagree with you doesn’t matter. My job is public safety, yours, theirs and everybody’s. We’re not here to protect the bomb plant. We respond to calls. If they call us, we go, just like we would if WalMart called.”

That’s what professional policing looks like, and though there were occasions when individual officers were overtly unsympathetic, for the most part the force followed the leadership, and for every unhappy officer there were others who were polite and respectful.

On Saturday, April 6, the old days went out the window. The chief of police was hostile from the outset, announcing that bamboo poles leaning against a stone wall were “defacing city property,” and would result in someone being arrested. “Zero tolerance,” he declared.

Many on the force followed his lead. In the past, police assisted marchers as they moved from Bissell Park to Y12; we reviewed the route in advance, and at busy crossings, police stopped traffic on side streets to facilitate a safe and efficient crossing.

This year, police did not return calls in advance of the march until late Friday afternoon. They made no promise of assistance—and offered none. Instead, they arrested three walkers for moving off the sidewalk. In the most egregious arrests, Utsumi-shonin and Larry Coleman, who were leading the march, were arrested for “impeding the flow of traffic.” They were taken to Anderson County jail, fingerprinted, and held for five hours before they were released after posting hundreds of dollars in bond.

Never mind that there is no such thing as “impeding” the flow of traffic or that *impeding* the flow of traffic, means driving too slowly. And never mind that Utsumi and Larry were never

off the sidewalk or out of the crosswalk. Their crime, apparently, was waiting for the WALK signal before leading the march across the street.

Eventually, it reached the point of harassment. Erik Johnson’s van was towed and broken into—he had a gasoline can in the front of the car for the generator. Oak Ridge dispatched the bomb squad to remotely disable the “bomb.” Cost to Erik: \$160. Others vehicles were also towed. Shelley Wascom, driving the “sag wagon” at the rear of the march was stopped by police and questioned for the crime of “driving by here too often.”

At the conclusion of the march, we were not able to pick people up to return to their cars. We asked people to walk back a mile to the nearest parking lot, the Panera restaurant, where some of us had eaten lunch. Todd Shelton

went inside and asked if they minded if we shuttled people back. No, they said, that’s fine.

But no sooner did we begin to gather than Police Chief Akagi drove into the parking lot, threatening to arrest everyone there for trespassing, even 90-year-old Leonard Stark. Todd pointed out we had permission, and Chief Akagi made a beeline for Panera. He disappeared inside and returned a minute later to declare our permission had been rescinded and people would be arrested if they failed to move on.

The use of false threats under color of law to intimidate people is pernicious; it undermines respect for the law in general and it demeans those who do it as well as those on the receiving end.

Chief Akagi later told reporters it was a good day and praised the professionalism of his force. In fact, a number of officers were professional in their behavior and courteous in their interactions with protesters. The chief was not among them. An Anderson County deputy who transported Utsumi and Larry to the county jail even apologized. Others were clearly uncomfortable with the new rules.



Sunday vigil #701 with friends from Pleasant Hill

Chief Akagi declared with satisfaction that Oak Ridge police were closely coordinating their activities with security at Y12. Oak Ridge police have been summoned several times recently to harass peaceful Sunday vigilers, threatening arrest if people do not provide identification.

Gandhi taught us to find the humanity in every person and to preserve it—each of us has a piece of the truth we will need if we are ever to have the whole truth. In order to create an atmosphere where that wholeness can be realized, we must all speak the truth; we must name violence when it happens and we must take responsibility for our actions.

For twenty-five years, OREPA has held events in Oak Ridge at Y12. We have demonstrated, vigiled and gathered more than 700 times. Thousands of people have gathered there. Never once has an event been marred by violence; never once has an OREPA member used any force other than the force of words and moral suasion; never have we exerted any power other than the power of truth.

We will continue to behave in this principled way. We will not be intimidated nor will we be silenced. We will not be provoked to violence, nor will we be distracted from our primary goal: to stop nuclear weapons production at Y12 and to preserve the planet for future generations.

It remains to be seen whether NNSA and the Oak Ridge police evaluate the effectiveness of their new bullying policy. Attendance is up at Sunday vigils, interest in OREPA’s work has never been higher. That’s how nonviolence works—try to crush it, and it grows stronger.

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NNSA v. NONVIOLENCE



How it works is a mystery. Or, if you prefer Gandhi's terms, a miracle.

You can't easily explain the power of nonviolence, but you know it when you feel it. The curious thing is it seems to be evident only to those who practice it. If Bull Connor had realized turning the dogs and fire hoses on unarmed men, women and children was going to galvanize public sentiment against the brutality of racist institutions across the country, he would likely never have done it.

But he didn't see it coming, because those who wield power through violence or the threat of violence see everything through that lens. When Oak Ridge city police chief James Akagi decided to come down hard on the non-violent demonstrators he was following an age-old script. Get tough on them, make them miserable, and they'll think twice about coming back.

That's how violence works.

Nonviolence works the opposite. I first felt it at a Pentagon blockade in the 1980's. We were at the edge of the blockade, where the row of seated protesters was only three or four deep instead of eight or nine in the middle. So when an employee came up the walk, she was motioned to the edge and police would grab us, lift us and pile us on top of one another, shoving a knee into our backs to hold us down until the nicely dressed Pentagon (or contractor) employee had passed.

Every time we unplied, our supporters standing thirty yards away made eye contact. They had seen it and they were worried. "Are you all right?" they mouthed. We smiled and nodded. "All right?" I thought. "I'm better than all right." To others it looked like every episode was weakening us; to us it was just the opposite—we unplied and locked arms with our neighbors and exchanged smiles as we felt the power surge through the line and through our hearts.

You can't beat nonviolence with clubs. Or with intimidation. Or with false arrests. In fact, you can't beat it at all. If there is a contest, it ends when we all win, when the power of nonviolence embraces us all.

Nonviolence,
when it be-
comes active,
travels with
extraordinary
velocity, and
then it becomes
a miracle.

- Gandhi

Plowshares Update: Government drops charge; Ramsey Clark testifies

SINCE ENTERING the Y12 Nuclear Weapons Complex in July of 2012, Greg Boertje-Obed, Megan Rice and Michael Walli have faced four separate charges ranging from trespass to sabotage. In November, the government dropped the trespass charge. On April 25, the government dismissed a second count which charged Greg, Michael and Megan with "willfully and maliciously" destroying, injuring or attempting to destroy and injure federal property at Y12. The charge carried a possible sentence of five years in prison.

With this dismissal, two charges remain: 1] one count charging damage to federal property in excess of \$1,000 which carries a maximum ten year sentence; and 2] one count under the sabotage act charging intent to injure the national defense of the United States which carries a maximum 20 year sentence.

The dismissal came just two days after Ramsey Clark testified that nuclear weapons production operations at Y12 are "unlawful" and in violation of the US commitment to disarm in the Nonproliferation Treaty, signed when Clark was Attorney General of the United States. Clark pointed out the nuclear weapons are illegal under US military code because they are indiscriminate and cannot be controlled. "It will destroy everything in its path. You will destroy lives that are protected by the rules of war." Later, Clark responded to a question from Bill Quigley with the stark truth: "The life of the planet is at risk from this one plant here in Tennessee."

The hearing had many moments of clarity as Ramsey Clark stubbornly clung to the truth. The judge tried to make Clark's testimony about international law, but Clark kept returning to the Nonproliferation Treaty: "It's the single most important treaty we've ever had.

"But if a treaty and a law passed by Congress conflict..." the judge postulated. "The treaty would prevail," said Clark. "It's in the Constitution. It's the supreme law of the land."

When Assistant District Attorney Jeffrey Theodore tried to rule out the Nuremberg code, he argued the code only applied to people who were required to do unlawful things by their government. "But they [the TNP three] were not compelled."

"That's the admirable thing," answered Clark. "Somebody had to act, and they did."

Quigley asked if the Plowshares activists were justified. Clark said, "They were justified. There is a long history of justifying minor infractions to prevent grave injury. The only requirement is courage. If they had to cut through a fence, so be it. It was a minor infraction to prevent calamity."

A fuller account of Clark's testimony can be found on OREPA's website: www.orepa.org.

Jury selection for the Transform Now Plowshares case is scheduled for 1:00pm on Monday, May 6 in Knoxville, Tennessee. The trial is scheduled to begin on Tuesday, May 7, 2013 before Judge Amul Thapar.

The defendants are awaiting a ruling from Thapar, due within a week, determining what testimony, if any, will be withheld from the jury during the trial. Judge Thapar received written testimony from several other experts, including Col. Ann Wright (USAF, ret) Dr. Ira Helfland (past president of Physicians for Social Responsibility) and Bishop Thomas Gumbleton of the Archdiocese of Detroit.

Updates during the trial will be posted on OREPA's web site. Information can also be found at transformnowplowshares.wordpress.com.

OREPA takes “No UPF!” to Washington, DC

WASHINGTON, DC is a big town, and sometimes it seems to be filled with a lot of people who like to talk more than they like to listen. But when OREPA members Dennie Kelley, Caroline Best, Larry and Betty Coleman, Rick Brown, Mary Dennis Lentsch, along with Ralph Hutchison and two Michigan OREPA people, Kim Bergier and Elaine Englehart, headed off to the big city, we were determined to at least get a word in edgewise.



We got in a lot of words, and a lot of walking. Caroline Best found us a lovely little rental home—space for ten and bathrooms for two!—we were cozy; Ed Best got up first thing every morning to make the coffee for us and run errands.

The occasion was the twenty-fifth annual Alliance for Nuclear Accountability DC Days. Folks gathered from around the country for a day of training and three days of meetings—with members of Congress and their staff, members of the Administration, and a few extra oversight agencies. Our message was coordinated and clear—no money for the Uranium Processing Facility, no money for the B61 Life Extension Program, investment in dismantlement, and responsible clean up and storage of nuclear waste.

OREPA's Tennessee delegation met with aides to Senators Alexander and Corker as well as Representatives

Duncan, Fleischmann and Cooper. We also joined in visits to other key committee members in the House and Senate.

The week began with a Saturday ride on the Megabus; we found our house after a two mile trek from Union Station, a walk that set the tone for the rest of the week.

Sunday was devoted to a day-long training, complete with fact sheets, to get everyone on the same page. OREPA's coordinator, Ralph Hutchison, co-led the workshop on nuclear weapons. By the end of the day, we had learned a bunch, practiced in role plays, and signed up for meetings stretching across the next three days. It was all we could do to meet up with Ed at Sticky Rice for dinner—fortunately, the food revived us enough to get us to Rita's so Mary Dennis could have her ice cream!

“Traveling and staying together in a smallish house provided great opportunities to bond!” said Caroline Best. Betty Coleman added, “I would not have wanted to do DC days without my companions, who made it more fun, more enriching, and more comfortable. In spite of the pictures of Nixon on a number of representatives' office walls, I found myself feeling a twinge of optimism about our governmental process by exercising my right to petition the government.”



Dennie Kelley expressed cautious optimism after her visits to offices across the hill. “I've been told many times that I'm naive and the reflection that I'll share may reinforce that perception. My greatest surprise came during the interaction with the staff from the House Armed Services Committee when I realized we were in agreement on more than 50% of the issues we raised.”

Kim Bergier's reflection was similar. “This was my second ANA Confer-



ence; I found it another real learning experience. Though it is always hard to know if we made a difference within the DC beltway, it's comforting to know we did our best.”

The schedule included all day meetings, followed by evening events: on Monday there was an ANA pizza party and on Tuesday an awards reception on Capitol Hill. Blocks of time in between meetings allowed several of us to duck into the National Botanical Gardens or the East Wing of the National Museum of Art.

By the time we got home, there was little energy for anything but sleeping. One night, we were even too tired for the ice cream run! Larry Coleman said, “We all took care of each other.”

The people working in DC weren't the only ones who got an education. As Dennie Kelley said, “I learned a bunch... hope I can put all this new information to work!”

DC Days ended with our traditional Wednesday evening meal at Tortilla Coast (two years in a row makes it a tradition) and then it was an all-night ride on the Megabus back to Knoxville for the Tennesseans and an overnight at the Dorothy Day Catholic Worker for the Michigan crew.

