

Strykers might sneak by

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Monday, November 20, 2006 11:01 PM

Lame duck congress could threaten federal court order to halt Hawai'i military expansion

A three-judge panel in San Francisco ruled on October 5 that the U.S. military breached national environmental law when they implemented a Stryker base in Hawaii without considering less damaging alternatives. The decision has stopped the clock a project that would bring 291 20-ton light armored combat vehicles, 800 additional soldiers, and 28 construction projects to the state. But as the lame duck session of congress wraps up for the year, an Earthjustice Press Secretary for policy and legislation is warning environmentalists not to break out the champagne too soon. According to Washington D.C.-based Cat Lazaroff, the few remaining weeks before the end of the year are often marked by "congressional mischief." It's congress' "last chance to pass appropriations bills and last-minute special-interest riders that earmark dollars and perks for constituents and campaign donors." A congressional exemption to Hawaii's Stryker brigade is on Lazaroff's top ten list of potential "riders" that threaten to undermine environmental legislation.

In Hawaii, it wouldn't be the first time. Activists on Oahu fended off the construction of the famed "haunted highway" H-3 Freeway for 37 years before Senator Daniel Inouye passed legislation that exempted the project from applicable environmental laws. The road, which was conceived in 1963 as a defense highway to connect Marine Corps Bases, conflicted with cultural and historic preservation laws. The H-3 was completed at a cost of \$1.3 billion, or \$80 million-a-mile, the most expensive roadway that has ever been built.

"It's frustrating because the Democrats say they're against the war in Iraq, but then they support all the monies, all the machinery behind it," says Kyle Kajihiro, program director of the American Friends Service Committee. "They've pushed for the financial backing that makes the war possible." Kajihiro noted that the military's \$700 million investment in the Stryker brigade project means that the court decision is particularly vulnerable to override.

"It seemed like it was a done deal from the beginning," he said, explaining that the project has been on track since 2002, despite the fact that the environmental studies were not completed until 2004. Senators Akaka and Inouye are both backing the project.

Although appellate court judges ruled against the Stryker brigade on Oct. 5, plaintiffs 'Ilio'ulaokalani Coalition, Na 'Imi Pono, and Kipuka had to seek a further restraining order before the Army ceased construction nearly a month later. Delays caused by the temporary injunction are expected to cost more than 49 million dollars.

"We should not permit defendants to render meaningless our holding that they should have considered alternatives to transformation in Hawai'i by allowing them to continue with their implementation plan," explained the 9th Circuit Court decision.

But at press time, another hearing to determine local ramifications of the injunction was set for Nov. 20 on Oahu. Kajihiro fears the army will try to weaken the ruling or add provisions that allow for continued construction at a reduced scale. Presiding over the hearing will be U.S. District judge David Ezra, the same judge who originally denied the plaintiffs' petition and ruled in favor of the army. Because the matter has reverted back to the local court, it is Ezra who will decide exactly what Stryker activity may or may not continue on the ground.

Political pressure to resume the Stryker operation could come from several arenas, explains Dick Mayer, retired MCC economics professor. "There are a lot of vested interests on Oahu who are salivating over every aspect of this project, from housing to industry to various infrastructures needed," he said, noting that part of the Superferry plan is to transport Stryker vehicles from Oahu to the Big Island.

"Now that Stryker plans are on hold for at least 18 months – maybe longer," Mayer asks, "How will that affect the Superferry's viability?"

Environmental groups including the Sierra Club and DMZ Hawaii have expressed concern over the transport of hazardous chemicals from Stryker live fire training and a proposed increase in munitions use.

They say that cultural sites will be destroyed and lands will be subject to fires, erosion and other environmental damage.

According to DMZ Hawai'i, The Army plans to seize 23,000 acres adjacent to the Pohakuloa Training Area on the Big Island.

"The Strykers' impacts would stretch the entire length of the North Shore of O`ahu, and on Hawai`i Island. The Stryker trail would go from the port at Kawaihae on the western flank of Mauna Kea to the Pohakuloa Training Area. They will be stationed along with a new squadron of C-17 cargo aircraft and new high speed attack ships to provide transport for the brigade," wrote DMZ Hawaii in a recent press release.

Although Oahu and the Big Island face the greatest direct risks, Juan Wilson, who leads an anti-Superferry movement from Hanapepe, Kauai, says residents of neighbor islands should share some of the concern. The primary armament on Stryker vehicles is the Stryker Mobile Gun System, which uses kinetic energy penetrators made of toxic depleted uranium as ammunition.

"The Superferry has been eerily silent about whether or not DU munitions for the Stryker vehicles will be transported on the Superferry," said Wilson. "The state and federal government have obscured the military strategies behind what has been sold as a civilian ferry for weekend party animals."

John F. Lehman, chair of the Superferry board and former secretary of the Navy under President Reagan, was quoted in Pacific Business Journal last year promoting the Superferry for military use:

"There's great advantage to being able to travel between Oahu and the training ranges on the Big Island. There's going to be regular usage by platoons of Stryker vehicles. Armored personnel carriers can travel as a unit and drive on to a ferry, the unit members can go into the passenger area that's set up so that it will be a conference or briefing area. These units can do training sessions on the way over.

When they arrive at Kawaihae Harbor they can get into the Strykers and drive away." (*Pacific Business News* – Mar. 28, 2005)

In the same interview, he dismissed the environmental concerns of the Superferry's detractors:

"Some people are against change, whatever that might be. Frankly, there are people on Maui, mainlanders who have this vision of their South Seas island where nobody else can come," he said. "I don't see any serious opposition that has raised any issues that could

provide a rational basis for delaying this project.”

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