

Make US an
Instrument
of *Peace*

***A Franciscan Evaluation
of the National Security Strategy
of the United States***



OFM English Speaking Conference
Justice, Peace and Integrity of Creation Council

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The Tau cross (excluding the dove) on the previous page was designed by Philippus Philippus, OFM, Cap. of Indonesia.

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PREFACE

“The brothers should live in this world as builders of justice and heralds and craftsmen of peace, overcoming evil by doing good... The brothers should be aware of the horrendous dangers that threaten the human race. They should speak out courageously against the arms race and every kind of warlike activity as a most serious curse on the world and the gravest injury to the poor.”

—GENERAL CONSTITUTIONS OF THE ORDER OF FRIARS MINOR,
ARTICLES 68.2 AND 69.2

ST. FRANCIS OF ASSISI, our founder, has left for his followers worldwide a powerful legacy of peacemaking. In the famous Peace Prayer attributed to him we pray, “Lord, make me an instrument of your peace.” It is in this tradition, holding closely this sacred value, that we have taken on the task of analyzing the National Security Strategy (NSS) of the United States from a Franciscan perspective. We believe that the United States has been blessed with many gifts to share with the global community. We feel, however, that many of the strategies in the NSS will be a detriment to world peace rather than further it. As followers

of Francis and as U.S. citizens, we desire to be instruments of peace. We have great hopes that our country, with its many wonderful values and resources, will accept its responsibility to further the cause of peace and global solidarity.

This document is a result of the efforts of the U.S. members of the Justice, Peace and Integrity of Creation Council of the English Speaking Conference of the Order of Friars Minor. We are the JPIC animators of the seven OFM provinces in the United States. We are joined by representatives of other branches of the Franciscan family in issuing this statement: the Capuchin, Conventual, and Third Order Regular and Secular Orders, the Order of Ecumenical Franciscans and Franciscans International North America.

We extend a heartfelt thank you to the primary author of this document, John Celichowski, OFM Cap. John so aptly and readily took up the challenge of finding the words to express our Franciscan response to the NSS, and our hopes for a world where all can live in peace and security. We also express our gratitude to Sandy Digman, graphic designer and Assistant Production Manager at St. Anthony Messenger, for her work in the design and printing of this document and to Toni Cashnelli, Communications Director for St. John the Baptist Province, for her editing skills.

May the readers of this work be ever more strongly motivated to walk the way of peace and to build systems, governments and institutions that promote peace, justice and true security for all.

Donna Graham, OSF
Cincinnati, Ohio

INTRODUCTION

In his Message for the World Day of Peace 2003, Pope John Paul II wrote:

In the end, peace is not essentially about *structures* but about *people*. Certain structures and mechanisms of peace—juridical, political, economic—are of course necessary and do exist, but they have been derived from nothing other than the accumulated wisdom and experience of *innumerable gestures of peace* made by men and women throughout history who have kept hope and have not given in to discouragement. . . . *Gestures of peace* are possible when people *appreciate fully the community dimension of their lives*, so that they grasp the meaning and consequences of events in their own communities and in the world. *Gestures of peace* create a tradition and culture of peace.

As representatives of our brother and sister Franciscans here in the United States and throughout the world, we write with hearts filled with both sorrow and hope. We mourn the many lives that have been lost in the wake of Operation Iraqi Freedom. At the same time, our faith—forged in the mystery of the cross and resurrection—invites us to stand fast in the hope of new life even in the midst of death.

Franciscans are disciples of Jesus Christ who take as inspiration for their way of life the model of community founded by St. Francis of Assisi. The rules established by St. Francis and his friend St. Clare in the 13th century emphasized radical commitment to the gospel, communal living, evangelical poverty, and respect for creation. Franciscans today continue to live these ideals in contemporary society, in the witness of their lives and in their ministries of preaching, work among those who are poor, teach-

ing, hospital ministries, and other forms of service.

Franciscan communities include, for Roman Catholics, the Order of Friars Minor (OFM), Order of Friars Minor Capuchin (OFM Cap.), Order of Friars Minor Conventual (OFM Conv.), the Poor Clares, a host of men's and women's Third Order religious communities, and the Secular Third Order, which is primarily composed of lay men and women. It is estimated that nearly 30,000 men and women in the U.S. are affiliated with a Roman Catholic Franciscan religious community. In addition, Franciscan communities can be found in other Christian denominations and even other religious traditions. We can be found in nearly every nation of the world.

Many historians regard the poor man of Assisi as one of the towering figures of the Middle Ages. He remains revered today, not only by Catholics but also by other followers of Jesus and non-Christians alike. St. Francis, his philosophy, and his impact also remain the topic of much discussion and even controversy, both within and outside the religious communities that bear his name. Nevertheless, over eight hundred years, a number of central elements have been distilled from the Franciscan tradition:

- **Commitment to the Gospel**—The Franciscan Rule of 1223 begins very simply: “The Rule and life of the Friars Minor is this, namely, to observe the Holy Gospel of our Lord Jesus Christ....” This commitment is rooted in our common baptism, which calls us to be both recipients and instruments of God's grace and peace. For Francis, the Good News was something to be lived. “Preach the gospel at all times,” he would say, “and if necessary, use words.”
- **Reverence for the Church and Her Teachings**—St. Francis had an abiding love for the Church, a deep respect for the Pope and his brother bishops, a dedication to the Church's teachings, and a deep love for the sacraments, particularly the Eucharist. At the same time, his life and ministry challenged the Church to critically examine its place in the

world and to recover the spirit of radical discipleship and humble service that were the hallmarks of the early Christian community born in the midst of the Roman Empire.

- **Belief in Fraternity**—In contrast with the rigid social and ecclesial hierarchies of his day, Francis sought to embrace his world, its people and creation as brothers. He led by example as well as by exhortation, and he never placed upon the shoulders of others burdens that he himself was unable or unwilling to bear.
- **Profession of Minority**—Francis was not content to stand before the world as its brother. He deepened his commitment even further by his willingness to be a friar minor, that is, a lesser brother. He willingly allied himself with and served those who were poor and otherwise on the margins of society, particularly lepers.
- **Dedication to Evangelical Poverty**—In the midst of an increasingly materialistic age in which the fruits of the earth and the work of human hands were pursued and defended with the sword, Francis voluntarily embraced an evangelical poverty. It challenged him and his followers to test their reliance on God's providence and others to reflect on God's justice.
- **Care for Creation**—In one of his wonderful canticles, Francis called the sun, wind, air and fire his brothers and the moon, stars, water, earth and even death his sisters. His fraternity, minority and poverty came together in a reverence for Earth and her creatures. Francis saw the environment not as a hostile force to be conquered and controlled but rather a friend and a resource to be treated with attitudes of respect and stewardship.
- **Reflection on Experience**—Francis was a man of his times, one who was very aware of the economic, political and

religious tides sweeping his world. First as a soldier and later as an evangelist, he experienced firsthand the horror and tragedy of war that lurked beyond the glorious glint of armor and weapons and the soaring rhetoric of calls to battle.

Eight centuries have passed since St. Francis of Assisi received God's call to rebuild a church falling into ruin and asked God to make him an instrument of peace. Yet the times in which we live are similar to his: marked by historic economic and political transition as well as great violence, including the sad spectacle of bloodshed in the name of God.

These seven elements are admittedly not an exhaustive list of those central to the vision of St. Francis. Yet they can serve as creative, useful and appropriate moral principles for critically evaluating the policies and practices of our government, including the National Security Strategy of the United States. They are other voices that can speak to the important issues that confront us today—voices that are part of our ongoing American effort to more fully embody the best of the ideals enshrined in the Declaration of Independence and our Constitution.

The National Security Strategy of the United States

The President is required by law to present to Congress the administration's plans to keep our nation and its interests secure. In September 2002, President Bush fulfilled this duty by submitting the National Security Strategy of the United States (NSS). In essence, the NSS is the President's blueprint for preserving and enhancing our nation's domestic security and our strategic interests throughout the world.

The document has several sections. The first provides an overview of its scope and themes. In an attempt to place the NSS in some historical context, the document notes, "The United States possesses unprecedented—and unequalled—strength and influence in the world.... this position comes with unparalleled responsibilities, obligations, and opportunity." It next sounds a word of caution, asserting that America's biggest threats are not from "conquering states" but from "failing ones," and not so much from "fleets and armies" as from "catastrophic technologies in the hands of an embittered few." Finally, the document provides a word of hope, stating that this is also a time of great opportunity for America to "translate this moment of influence into decades of peace, prosperity, and liberty."

The aim of U.S. security strategy, the document claims, is "to help make the world not just safer but better." In order to fulfill that aim, three elements must be present: (1) political and economic freedom; (2) peaceful relations with other states in the world; and (3) respect for human dignity. To meet these three goals, the NSS sets forth seven objectives. These address the areas of human rights, terrorism, national and regional security, nation-

al defense, economic growth, and international development.

Many elements of the NSS are laudable. Unfortunately, there are others that cause us concern. Indeed, there are parts of the document that are profoundly troubling. This is so not only in theory but also in how they appear to be executed in the foreign and domestic policies of the United States government. Examined in light of our Franciscan values, these cloud what could be a far more hopeful vision.

Championing Human Dignity

The NSS states that, “America must stand firmly for the non-negotiable demands of human dignity,” including respect for the rule of law, limits on the power of the state, and several other widely recognized human rights such as freedom of worship, equal justice, and freedom of speech. It goes on to note several ways in which the United States will promote these rights and values, e.g., by speaking out in international bodies and using our foreign aid to support those struggling non-violently for greater freedom.

In his World Day of Peace message, Pope John Paul II seemed to echo this U.S. commitment when he cautioned that, “the question of peace cannot be separated from the question of human dignity and human rights.” Using our strength to promote the expansion of and respect for human rights around the world is a worthy objective of U.S. foreign policy. However, our ability to do so with credibility may be undermined by our own responses to the horrors of September 11, 2001, chiefly in the enactment of legislation and policies that threaten civil liberties. In addition, our ongoing struggles with racism, our embrace of capital punishment, and our high rates of incarceration undermine the credibility of our appeals for freedom and respect for human rights.

The Pope has also discerned a further problem: “the emergence of an alarming gap between a series of new ‘rights’ being promoted in advanced societies—the result of new prosperity and new technologies—and other more basic rights still not being met.... the right to food and drinkable water, to housing and security, to self-determination and independence—which are still far from being met.” The closing of this gap will challenge the

economic and trade policies articulated in the NSS, as well as U.S. promotion of human rights.

In addition, it is important to recognize that this document, the strategies and policies that it endorses, and the execution of those strategies and policies are all themselves human rights statements. Diplomacy, military planning and action, homeland security, and economic and social programs inevitably have consequences for human rights and whether respect for those rights is expanded or diminished.

Since September 11, for example, many of President Bush's public statements have expressed the desire of the United States to preserve "our way of life," including many of the freedoms and the standard of living that we enjoy. It cannot be ignored, however, that this effort has costs—not only for us but also for many others in the world.

In some ways, it is admirable to want to export the American way of life—at least the most positive elements—to other countries. That aspiration, however, is tempered by the realization that while the United States has slightly more than one-twentieth of the world's population, we consume well over a third of the world's resources. Thus, we question whether our way of life is exportable, much less sustainable. In addition, we are aware that there are many aspects of our culture—e.g., consumerism, the glorification of violence, and the distortions of the gifts of freedom and human sexuality—that are more properly causes for shame rather than admiration.

We also recall a caution of St. Francis against an over-reliance on material prosperity. He once told his friend Bishop Guido: "My Lord, if we had any possessions, we should also be forced to have arms to protect them, since possessions are a cause of disputes and strife, and in many ways we should be hindered from loving our neighbor" (*Legend of the Three Companions* 33).

Strengthening Alliances to Defeat Global Terrorism, Working Cooperatively to Defuse Regional Conflicts, and Developing Agendas for Cooperative Action

The Franciscan value of fraternity is based on the fundamental equality of the members, regardless of their clerical status. This concretely expresses itself both in government and in everyday behavior. The Capuchin Constitutions, for example, exhort the brothers:

Let us cultivate mutual dialogue, sharing experiences with confidence and manifesting our needs to one another. Moreover, let the spirit of brotherly understanding and sincere esteem permeate everyone. By reason of the same vocation the brothers are equal. For this reason, according to the Rule, Testament and earliest custom of the Capuchins, let us all be called brothers without distinction.... Moreover, within the Order, province and local fraternity, all offices and responsibilities are to be available to all brothers, although paying attention to those which require sacred orders (84:2-3,5).

The National Security Strategy of the United States articulates three objectives that depend in large part on both a spirit and concrete practices of basic equality, mutual respect, and cooperation with our allies to succeed. The document recognizes that, "The struggle against global terrorism is different than any other in our history," one that will be fought over many years, on multiple fronts, and against a very elusive enemy. It also concedes that in order to disrupt and destroy terrorist organizations and to protect America, "we need support from our allies and friends." It notes

further: "Wherever possible, the United States will rely on regional organizations and state powers to meet their obligations to fight terrorism."

In order to effectively address regional conflicts and to prevent them from escalating into wider wars, the NSS further recommends that, "The United States should invest time and resources into building international relationships and institutions that can help manage local crises when they emerge." It cites specific conflicts where such principles can be put into practice, e.g., between Israel and Palestine, India and Pakistan, in Colombia, and in Sub-Saharan Africa. Towards the end of the document, special attention is paid to expanding, restructuring and improving the capabilities of the North Atlantic Treaty Organization (NATO), as well as strengthening other regional organizations in which the U.S. is a partner.

There is disturbingly little mention of the United Nations in this document. Given our nation's recent problems working with the UN, this is neither surprising nor satisfactory. The world is simultaneously growing together through advances in communications technologies and the globalization of the economy. At the same time, its fabric is continuously frayed by a variety of political, religious, ethnic and other conflicts. These tensions are too numerous, too abiding and too complex to be managed by any ad hoc "coalition of the willing" such as the one cobbled together by the United States to support the recent war on Iraq.

Further, the NSS' commitment to multilateral action is in tension with a simultaneous commitment to unilateralism, when the latter is deemed expedient. It is explicit near the end of the document: "In exercising our leadership, we will respect the values, judgment, and interests of our friends and partners, but we will be prepared to act apart when our interests and unique responsibilities require."

Currently, the lofty fraternal aspirations expressed in the NSS appear to be giving way to expediency and an almost blind and

visceral hatred when it comes to the issue of the disarmament of Iraq. Few people deny that former Iraqi President Saddam Hussein was a brutal dictator who had a record of aggression not only against other nations but also against his own people. He also demonstrated the willingness to develop and use weapons of mass destruction as well as a resistance to efforts by the international community to force him to disarm. It has yet to be proven that his regime presented a threat to international peace and security so significant and so imminent as to justify an armed attack by other nations against Iraq.

Operation Iraqi Freedom resulted in an overwhelming military victory for the United States and its allies, as well as the “regime change” they desired. Unfortunately, it may have also done lasting damage to our other alliances and the very multilateral institutions to which we claim to be so committed. The UN Security Council requires that the use of force to restore international peace and security under its auspices must be authorized by the vote of a majority of its members, including all five permanent members (the U.S., Britain, France, China and Russia).

While these requirements can sometimes inhibit swift action and seem cumbersome, they underscore that the UN is a deliberative body in which the use of force, when deemed necessary, is a collective action. They are also rooted in principles that are fundamental to customary international law and the UN Charter itself, including:

- a strong preference for the use of peaceful means to resolve disputes;
- permitting the use of force only when pacific means of resolving disputes have proved inadequate or futile; and
- respect for the basic equality of all states and their sovereignty.

At a minimum, it is debatable whether Security Council Resolution 1441 authorized the use of force against Iraq without a

further and more definitive endorsement of military action in a subsequent resolution. The Bush Administration's decision to attack Iraq without the approval of the UN Security Council (including three of the five permanent members) has established a very troubling and potentially disastrous precedent that threatens to undermine the future credibility and effectiveness of the UN. It likely violates several provisions of the UN Charter, particularly Articles 39, 42 and 51. The first two of these articles place responsibility for addressing threats to international peace and security squarely on the shoulders of the Security Council. The third recognizes the inherent right of individual and collective self-defense in response to an imminent or actual "armed attack."

In contrast, President Bush has sought to justify our nation's attack on Iraq as an act of pre-emptive rather than anticipatory self-defense. But as Michael Dorf, Professor of Law at Columbia University, points out, "The imminence requirement is extremely important in international affairs.... Not every invocation of the doctrine of pre-emption will be justified. Some will be based on misjudgments, and others will simply be pretextual—justifying aggression under the guise of pre-emption. Ultimately, the doctrine allowing pre-emption of long-term threats has the potential to be enormously destabilizing" ("Is the War on Iraq Lawful?", *FindLaw's Writ*, March 19, 2003).

There is a far more basic reason for objecting to the President's apparent end-run around the Security Council. True alliances and multilateralism mean something more than "my way or the highway" diplomacy, and they demand respectful and sometimes difficult give-and-take. They sometimes demand deferring to the judgments of allies.

Preventing Threats from Enemies

The NSS states that, with the end of the Cold War, the most significant threats to international peace and security are now from “rogue states and terrorists,” which because of their nature, ideologies and the weapons at their disposal make “today’s security environment more complex and dangerous.” Terrorism is defined as “premeditated, politically motivated violence perpetrated against innocents.” The breadth of this definition parallels that of “domestic terrorism” in the recently enacted USA Patriot Act, which encompasses “any action that endangers human life that is a violation of any Federal or State law.”

We are concerned that, like many expansive definitions, these are subject to abuse and can be used to justify an array of violent responses and violations of human rights in the name of peace, freedom and security. Following the example of the United States, other governments may adopt increasingly repressive policies—particularly against political and religious minorities. In effect, such policies are a form of domestic, state-sponsored terrorism. Our colleagues who have served in India, Colombia, Israel and the Palestinian Territories have reported that the adoption of such policies has resulted in a type of boomerang effect, creating groups of people who become increasingly desperate and open to adopting terrorist tactics themselves. The consequence, according to one of our Franciscan brothers, is that, “The Cold War has been replaced by a Hot Peace.”

Rogue states, while varied, also share a number of characteristics, according to the document. Brutal and dictatorial leaders lead them. They disregard international law. They are determined to acquire weapons of mass destruction and sponsor terrorism.

Finally, they “reject basic human values and hate the United States and everything for which it stands.” North Korea and Iraq are cited as examples of such states.

Elements of a comprehensive strategy to combat weapons of mass destruction, the NSS suggests, include measures to counter the proliferation of weapons and the materials, technologies and expertise needed to produce them, as well as effective responses to the use of such deadly weapons. Further, “The United States has long maintained the option of pre-emptive actions to counter a sufficient threat to national security.... To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre-emptively.”

Pre-emption is essentially a leftover from the Cold War, when the U.S. sought to strengthen the doctrine of mutually assured destruction (MAD). It was thought that reserving the option of first use of nuclear weapons would strengthen their deterrent effect.

There are, however, significant problems with the doctrine of pre-emption. It is very hard to square with the demands of the gospel, which emphasizes reconciliation and non-retaliation (see, e.g., Matthew 5:38-48). Like the possible rejection or evasion of the requirements of Security Council approval for collective action in response to a threat to international peace and security, pre-emptive action against Iraq also sets a disturbing and perilous precedent.

A group of international lawyers and jurists, including Judge Christopher Weeramantry, the former Vice President of the International Court of Justice, recently drafted an *International Appeal by Lawyers and Jurists Against the “Preventive” Use of Force*. Among their concerns, they noted the following:

- “There is no precedent in international law for use of force as a preventive measure when there has been no actual or imminent attack by the offending State. There is law indicating that preventive use of force is illegal. The International Military Tribunal sitting at Nuremberg rejected

Germany's argument that they were compelled to attack Norway in order to prevent an Allied invasion (cite omitted)."

- "The Security Council has never authorized force based on a potential, non-imminent threat of violence."
- "If the Security Council, for the first time, were to authorize preventive war, it would undermine the UN Charter's restraints on the use of force and provide a dangerous precedent for states to consider "preventive" use of force in numerous situations making war once again a tool of international politics...."

Echoing these lawyers as well as Professor Dorf, Fr. Bryan Hehir, former Dean of the Harvard Divinity School and now the head of Catholic Charities USA, raised similar concerns in the British Catholic journal *The Tablet*: "If a single state can seek to resolve a dispute unilaterally by military means, invoking the principle of pre-emption, it opens the way for others to invoke the same policy in local or regional disputes." In addition to its troubling political and legal aspects, a pre-emptive attack on Iraq presents serious moral problems.

For centuries, the Just War tradition—first formulated by St. Augustine of Hippo—has guided ethical discernment on questions of armed conflict. Last September, as the clouds of war were beginning to gather, Bishop Wilton Gregory, President of the United States Conference of Catholic Bishops (USCCB), appealed to this tradition in a letter to President Bush. In his letter, Bishop Gregory recalled the Just War criteria: (1) just cause; (2) right authority; (3) probability of success; (4) proportionality; and (5) non-combatant immunity.

Bishop Gregory noted that, "The Catechism of the Catholic Church, reflecting widely accepted moral and legal limits on why military force may be used, limits just cause to cases in which 'the damage inflicted by the aggressor on the nation or community of nations [is] lasting, grave, and certain'." He questioned whether

this criterion had been fulfilled based on the available evidence, adding: “Is it wise to dramatically expand traditional moral and legal limits on just cause to include preventive or preemptive uses of military force to overthrow threatening regimes or to deal with the proliferation of weapons of mass destruction? Should not a distinction be made between efforts to change unacceptable behavior of a government and efforts to end that government’s existence?” Bishop Gregory went on to question whether a possible U.S.-led attack on Iraq would fulfill any of the other Just War criteria.

Even assuming that the idea of war with Iraq was morally justifiable, the manner in which that war was conducted raised still other ethical problems. To their credit, the United States Armed Forces had already demonstrated some sensitivity to this issue. An article in the American Bar Association publication the *ABA Journal* recently noted that, as in the Gulf War, Judge Advocate Generals (JAGs) advised the Joint Chiefs of Staff and combat commanders on the laws of war (William Smith, “Lawyers at War,” February 2003). These military lawyers also vetted combat plans and target lists to ensure that anticipated civilian deaths and property damage were not—in the words of an Army JAG manual—“excessive in relation to the concrete and direct military advantage to be gained.”

However, even such ethical reviews fail to address the question of whether many of the weapons employed by the U.S. Armed Forces are themselves morally justifiable. As national television audiences were able to witness throughout the coverage of Operation Iraqi Freedom, technological advances have enabled weapons to become much more accurate, thus limiting (but by no means eliminating) civilian injuries and death. At the same time, technology has also increased the lethality of many weapons and it risks blurring the line between “conventional” weapons and weapons of mass destruction. Such weapons include:

- **“Bunker busting” tactical nuclear weapons**—These munitions, now being considered for use, are intended to burrow deeply underground and destroy hidden chemical and biological weapons, presumably without producing any deadly radioactive fallout.
- **Cluster bombs**—Used extensively in the war in Afghanistan in the wake of 9-11, these weapons, human rights lawyer Joanne Mariner has noted, “are a far cry from weapons of mass destruction, yet they too tend to be indiscriminate. Since each one is made up of over 200 little ‘bomblets,’ they have a wide dispersal pattern and cannot be targeted precisely, and are especially dangerous when used near civilian areas. And because the bomblets have a high initial failure rate, they leave numerous explosive ‘duds’ that pose the same post-conflict problems as anti-personnel landmines” (“Of Nukes, Bomblets, and Spores,” *FindLaw’s Writ*, November 12, 2001). In addition, the Pentagon has developed “agent defeat weapons,” a new generation of cluster bombs that can release up to 4,000 titanium rods to cut through chemical and biological weapons bunkers with explosive force (*Global Network Against Weapons and Nuclear Power in Space*, January 2003).
- **Depleted uranium (DU) munitions**—Designed to destroy and disable armored vehicles like tanks, these weapons are coated with radioactive material. They proved to be enormously successful in the Gulf War. As noted below, however, they have already had devastating effects on the people of Iraq.
- **Incendiary devices**—These can create firestorms so intense that they cannot be extinguished by water.
- **High-powered “directed energy” weapons**—These systems use microwaves to disable and destroy objects on the

ground. Such objects include fuel systems and military vehicles, but they may also include communications facilities, water and sanitary systems, etc.

Ethicists and governmental leaders, as well as military lawyers, should seriously reconsider the implications of the use of such weapons. In addition to violating the principle of discrimination between combatants and noncombatants, they pose a particular threat in a place like Iraq, where the civilian population has already been ravaged by years of war, a brutal government that shows no compunction for using its own citizens as “human shields,” and crippling economic sanctions. An article in the February 8, 2003 edition of *The Economist* magazine observed:

Many aspects of the war hanging over Iraq are unpredictable but one is not: the unusual vulnerability of the civilian population. There are two reasons for this. First, about 60% of the population, or 16m (million) people are 100% dependent on the central government for their basic needs; they survive only because the government provides them with a food ration each month. Second, after two wars, decades of misgovernment, and 12 years of exacting sanctions, there is no fat to rely on.... Estimates by UNICEF, the UN's children's agency, show close to a quarter of children under five suffering from malnutrition, some of it acute. A leaked report reveals that the UN is working on the calculation that, in war, some 5.4m Iraqis will need emergency help from the outside, with small children needing it most. The World Health Organization's contingency plans allow for the emergency treatment of 100,000 people injured by bombing, and for another 400,000 who may need medical aid if they cannot get food or clean water or shelter. The problems, already vast, would swell exponentially if the fighting is prolonged and people flee the cities.

In short, the attack on this already battered and vulnerable nation has risked the creation of a humanitarian catastrophe. We fear that the lives lost from this ghastly form of “collateral damage” may even exceed those lost during the war itself.

Igniting a New Era of Global Economic Growth and Expanding the Circle of Development

The National Security Strategy of the United States is intended to address the issue of national security in a comprehensive manner. It considers not only questions of military doctrine, tactics and diplomacy but also other critical elements of a nation's strength. Thus the NSS pays considerable attention to promoting economic growth, political freedom, and social development.

The document states clearly that, "A strong world economy enhances our national security," and it promotes a formula for high productivity and economic growth that includes: "pro-growth legal and regulatory policies" to encourage investment; "sound fiscal policies" and lower tax rates; stiff sanctions against corruption; stronger financial systems; greater investments in health and education; and especially expanding "free trade that provides new avenues for growth."

Economic growth and development and environmental stewardship are not mutually exclusive, according to the NSS. Among other things, the NSS encourages reductions in greenhouse gas emissions, greater energy independence, improved energy conservation, and promotion of nuclear and renewable energies.

Addressing the broader issue of development, the document bluntly remarks: "A world where some live in comfort and plenty, while half of the human race lives on less than \$2 a day, is neither just nor stable." It sets forth an ambitious goal—to double the size of the world's poorest economies within the next decade—and it commits the U.S. government to pursuing a wide array of

strategies to achieve that goal. These include: increasing investments in developing countries by the U.S. and multilateral financial institutions; demanding greater accountability from aid recipients; opening societies to commerce and development; and improving public health and education systems.

As Franciscans, we examine these proposals in light of the values of care for creation, fraternity and minority—particularly the church’s preferential option for the poor. In a recent speech before the American Academy of Arts and Sciences, noted theologian Gustavo Gutierrez defined the preferential option for the poor and appeared to echo the NSS’ assertion that a world in which some live in relative comfort and prosperity while over half of our brothers and sisters live in penury is neither just nor stable:

The phrase *preferential option for the poor* refers to the *real* poor. This is *not* a preferential option for the “spiritually poor.” After all, such an option would be easy. The poverty to which the option refers is material poverty. Material poverty means premature and unjust death. The poor person is someone who is treated as a non-person, someone who is considered insignificant from an economic, political or cultural point of view.

Reducing poverty and its many degradations is a goal worthy of a great nation and an indispensable standard for measuring such greatness, both domestically and internationally. A number of the strategies proposed by the NSS demonstrate promise in achieving that goal, and several of them can, together, help to achieve it. For example, improving the effectiveness of the World Bank and other multilateral financial institutions is significantly related to the proposals to shift more development assistance to grants rather than loans, secure public health, place a greater emphasis on education, and aid the development of agricultural development.

At the advent of the new millennium, Franciscans in the United States and dozens of other countries joined an effort to address the problem of the crushing debt burdens borne by many

nations in the developing world. Inspired by the Jubilee, a biblical principle and practice of restorative justice (see Leviticus 25:8ff), this movement has demanded a number of reforms, including a program of debt forgiveness and significant changes to the “structural adjustment” programs promoted by the World Bank and International Monetary Fund (IMF).

In exchange for receiving needed loans, the governments of many poor nations have accepted conditions that promote free trade, lower taxes, less governmental regulation, reduced spending on governmental services and other traditional elements of economic liberalization. For too many of these countries, the results have been disastrous. Agricultural diversification—something that has environmental as well as economic benefits—has been thwarted in the face of pressures to produce cash crops like coffee and cocoa that have been the hallmark of monoagricultural systems and primarily serve the consumer needs of Western nations. Following the laws of supply and demand, this overproduction has resulted in the collapse of prices in the world market.

At the same time, huge portions of the national budgets of many developing countries have been siphoned off into debt service. As a result, public spending on health care, education and other services has been drastically reduced. A less healthy and educated population is scarcely able to compete and participate in an increasingly global economy, and it is ripe for exploitation by others, whether they are corrupt dictators, hostile governments, or transnational corporations looking for the cheapest possible labor.

Oscar Arias, the former President of Costa Rica—long considered the strongest and most stable democracy in Central America—has witnessed both the positive and destructive dimensions of globalization. In a speech at Marquette University in October 2002 entitled, “The Pursuit of Peace and the Role of Force in the Post-September 11 World,” the Nobel laureate declared:

I want to tell you this afternoon that the world is in crisis. Those who watch CNN and MSNBC are inundated with one particular crisis: that of terrorism and the war against it. But I want to remind everyone today that there are many crises in the world that do not capture headlines but are equally as urgent. I tell you that it is a development crisis when nearly a billion and a half people have no access to clean water, and a billion live in miserably substandard housing. It is a leadership crisis when we allow wealth to be concentrated in fewer and fewer hands, so that the world's three richest people have assets that exceed the combined gross domestic product of the poorest forty-three countries. It is a spiritual crisis when, as Gandhi said, many people are so poor that their only god is bread, and when other individuals seem only to have faith in the capricious "invisible hand" that guides the free market. It is a moral crisis when 35,000 children die each day from malnutrition and disease. And it is a democratic crisis when 1.3 billion people live on an income of less than one dollar per day, and are effectively excluded from public decision-making because of the wretched poverty in which they live.

As an alternative to the unrestrained expansion of economic liberalization, Dr. Arias proposed "a new Marshall Plan for the world's poor." This effort would be funded by a combination of an increase in U.S. foreign aid and less military spending. "We know," he asserted, "that redirecting just 5% of what the world spends on weapons and soldiers over ten years would be sufficient to guarantee basic education, health care and nutrition, potable water, and sanitation to all of the world's people." This is a particular challenge for the United States. According to the Center for Defense Information, over half of all discretionary spending in the fiscal year 2004 federal budget—\$400 billion—is designated for national defense.

Unfettered globalization—manifested in everything from the clear-cutting of rain forests in Asia and South America to the fetid open sewers that run past the shanties and factories in Mexico's *maquiladoras*, as well as the smog-choked cities throughout the world—has also increased threats to the environment. The U.S.

economy is already shackled by an over-reliance on fossil fuels, too little conservation, and relatively little investment in developing alternative sources of energy. Access to stable and affordable petroleum supplies is central to the health of our economy, and as a consequence has become a critical element in our foreign policy and strategic planning. Access to cheap oil is now literally a matter of national security.

Defending the United States and its interests has its own environmental hazards. As our nation was still contemplating the recent war in Iraq, Dr. Helen Caldicott, the anti-nuclear activist and humanitarian, called attention to the use of depleted uranium weapons. She noted that depleted Uranium 238 is nearly two times denser than lead. This makes it especially effective in destroying tanks and other armored weapons. Unfortunately, as we discovered in the first Gulf War, it has other properties that render it even more deadly in the long term. In an editorial commentary published in the October 10, 2002 edition of the *San Francisco Chronicle*, Dr. Caldicott wrote:

What other properties does uranium 238 possess? First, it is pyrophoric: When it hits a tank at high speed it bursts into flames, producing tiny aerosolized particles...that are easily inhalable into the terminal air passages of the lung. Second, it is a potent radioactive carcinogen....Once inside the body—either in the lung if it has been inhaled, or in a wound if it penetrates flesh, or ingested since it concentrates in the food chain and contaminates water—it can produce cancer in the lungs, bones, blood or kidneys. Third, it has a half-life of 4.5 billion years.... Children are 10-20 times more sensitive to the effects of radiation than adults. My fellow pediatricians in the Iraqi town of Basra, for example, are reporting an increase of 6 to 12 times the incidence of childhood leukemia and cancer....The incidence of congenital malformations has doubled in the exposed populations in Iraq where the weapons were used. Among them are babies born with only one eye or missing all or part of their brain.

She added that the horrible effects of these weapons were not

limited to Iraqis. U.S. troops were exposed to the same dangerous levels of radiation, and some of them reportedly had uranium present in their urinary and reproductive systems a decade after the first Gulf War. Since then, depleted uranium weapons have been used by U.S. forces bombing Kosovo and in training runs on the Puerto Rican island of Vieques.

Ultimately, economic growth and development—as well as the tools used to expand and defend them—are about people. Who benefits? Who bears the burdens? And who decides? The answers to those questions will significantly determine the extent to which our nation can meet its objective to create a more just and stable world.

Transforming America's National Security Institutions

The final section of the National Security Strategy is devoted to strengthening the defense, intelligence, diplomatic and other major institutions that support our national security. In order to defend the U.S., the military must be strong and effective enough to support and assure our friends and allies and to deter and, when necessary, defeat our enemies. Innovation and flexibility are cited as key elements in improving everything from strategy to weaponry.

Intelligence operations, contends the NSS, must undergo a similar transformation. It suggests several initiatives to achieve this objective, including: "strengthening the authority of the Director of the Central Intelligence...establishing a new framework for intelligence warning...continuing to develop new methods of collecting information...investing in future capabilities...and collecting intelligence against the terrorist danger."

The document recognizes that a strong military and effective intelligence are essential but are not the sole components of national security. Accordingly, it also cites the importance of a well-funded State Department and an effective diplomatic corps as well as improving public information institutions to help people around the world to learn about and better understand America. While it concedes that, "The war on terrorism is not a clash of civilizations," it does involve "a battle for the future of the Muslim world."

"Today," the NSS adds, "the distinction between domestic and foreign affairs is diminishing. In a globalized world, events outside America's borders have a greater impact inside them." It en-

courages openness to the rest of the world but also warns that the U.S. remains vulnerable to terrorism. “Ultimately,” it concludes, “the foundation of American strength is at home. It is in the skills of our people, the dynamism of our economy, and the resilience of our institutions. A diverse, modern society has inherent, ambitious, enormous energy. Our strength comes from what we do with that energy.”

Commitment to national security is among the most solemn duties of a state in the modern world. There is no doubt that, as the world and the nature of the threats to the United States change, the military, intelligence, diplomatic, information and other institutions that promote our national security must also change. The actions of the U.S. government in the wake of the attacks of September 11, 2001 have revealed that a major challenge will be to support those changes in ways that are commensurate with our values, particularly our respect for human and civil rights.

As brothers and sisters to all—even our enemies—we Franciscans strive to support human rights throughout the world, particularly through nongovernmental organizations (NGOs) like Franciscans International. We believe that these rights are rooted in our common origin as children of a loving, generous and just Creator whose Son came that all might “have life, and have it more abundantly” (see John 10). Human rights come not as a gift from the state but rather from our fundamental dignity as human beings. Consequently, we are troubled when we witness actions by our government that threaten the basic guarantees of the Universal Declaration of Human Rights, as well as various treaties and laws.

Shortly before President Bush delivered his State of the Union Address, members of Amnesty International gathered in Washington, D.C., to decry some of the measures adopted by the U.S. government as part of the war on terrorism. William Schultz, the organization’s Executive Director, cited several concerns:

- **The use of torture**—“...U.S. officials admit to mistreating, even torturing suspects to extract information.”
- **Violations of constitutional rights**—“In this country, several American citizens who stand accused of crimes in the aftermath of September 11th are being held incommunicado without charge or trial and without access to a lawyer and the protections of due process.”
- **Disregard for human rights**—“In the last year, more than 1,200 men from Muslim or Middle Eastern countries were taken into custody in nationwide sweeps. These detentions have been marked by extreme secrecy and the denial of basic human rights, including the presumption of innocence.
- **Threats to civil rights**—“...the CIA has been given a green light to snoop on American citizens in the U.S.; the FBI and other police agencies conduct ‘sneak and peak (sic)’ searches of people’s homes and offices, and Congress has created a definition of ‘domestic terrorism’ so broad that the government could even impose harsh penalties for staging political protests” (“Stand Up for Freedom, Security and Human Rights,” January 25, 2003).

The American Civil Liberties Union (ACLU) has raised similar concerns about the “PATRIOT Act II” legislation being drafted by the Department of Justice. The original USA PATRIOT ACT (formally, the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act or PATRIOT Act I) was enacted shortly after the 9-11 attacks in order to facilitate governmental conduct directed against terrorism. Some of this conduct is constitutionally dubious.

In a February 14, 2003 memo examining the proposed Domestic Security Enhancement Act (DSEA or PATRIOT Act II), Timothy Edgar, the ACLU’s Legislative Counsel, found that among other things, the Act would: broaden the powers of our government to conduct surveillance and wiretapping operations on its

citizens, often without the judicial and other checks that prevent abuses; limit the ability of defense counsel to challenge the use of secret evidence in some criminal prosecutions; increase by fifteen the number of federal offenses eligible for the death penalty; and provide for “summary deportations without evidence of crime, criminal intent or terrorism, even of lawful permanent residents, whom the Attorney General says are a threat to national security.”

In an article in the online legal commentary *FindLaw’s Writ*, Anita Ramasastry, an Assistant Professor of Law at the University of Washington School of Law, called PATRIOT Act II “a wholesale assault on privacy, free speech, and freedom of information” (“PATRIOT II: The Sequel—Why It’s Even Scariest Than the First Patriot Act,” February 17, 2003). She concluded, “In sum, PATRIOT II puts in jeopardy the First Amendment right to speak freely, statutory and common law rights to privacy, the right to go to court to challenge government illegality, and the Fourth Amendment right against unreasonable searches and seizures.” Professor Ramasastry was especially critical of elements of the proposed law that could strip the citizenship of persons who, even unknowingly, participate in protest activities sponsored by groups that the government has designated as “terrorist” organizations.

At this writing, the DSEA has not been formally introduced as proposed legislation. The chief reason has been congressional concern over its sweeping powers, as well as unease about the effects of PATRIOT Act I on civil liberties. In a sixty-page report to Congress outlining its efforts to combat terrorism, the U.S. Department of Justice suggested that it had used its new powers sparingly. For example, during the year following the September 11 attacks, Attorney General John Ashcroft approved over 100 emergency authorizations for secret foreign intelligence warrants for physical or electronic surveillance—an average of less than two per week but more than double the number of such authorizations approved in all of the previous 23 years (Eric Lichtblau,

“Justice Dept. Lists Use of New Power to Fight Terror,” *New York Times*, May 21, 2003).

We urge Congress and the courts to strongly assert their responsibilities to critically and appropriately evaluate legislation like the USA PATRIOT Act, a possible PATRIOT Act II and other actions of our government in response to the threats of terrorism in the United States and throughout the world. Questions of war and peace and the protection of civil liberties are too heavy to hang from a single branch of government.

Justice and respect for human dignity and rights are as critical to true peace and security as military strength or valuable intelligence. While various measures can be adopted both domestically and internationally to minimize threats, we can never fully escape them. September 11, 2001 proved how vulnerable we can be to terrorists—in that case, Muslim men from other countries. We cannot forget, however, that the Oklahoma City bombing of April 19, 1995 proved that we can also be victimized by home-grown terrorists such as Timothy McVeigh, a Catholic from Buffalo and a veteran of the Gulf War.

St. Francis knew the ultimate futility of reliance on the threat and use of violence as the primary tools for remaking the world according to a vision, whether malignant or benign. In his early life, he sought power and glory by becoming a soldier. His experiences as a prisoner of war and of illness led him in another direction. Near the end of his life, he found himself among the Western European crusaders in Egypt as they laid siege to the city of Damietta. Even by the standards of a brutal age, it was a particularly bloody and deadly attack marked not only by the scourges of various weapons but also by starvation and disease.

Francis was saddened if not scandalized by what he saw. Even though he frankly wished for the conversion of the Muslims to Christianity and was willing to sacrifice his life in that effort, he was not willing to impose the reign of the Prince of Peace with the sword. Instead, he made himself especially vulnerable, walk-

ing across enemy lines with scarcely anything but his habit and another brother.

He was immediately seized and beaten by the army of Sultan Malik-al-Kamil, yet he remained steadfast in his peace and purpose. He was dragged before the Muslim ruler and simultaneously terrorized by threats of death and inducements to renounce his own faith. Francis refused, relying on God to be his security and the Holy Spirit as his primary source of intelligence. Ultimately, neither Francis nor the Sultan changed their fundamental commitments; but they emerged from their encounter and dialogue with a deeper understanding of and profound respect for each other.

Franciscan scholar Arnaldo Fortini notes, perhaps with a bit of hyperbole, that there is an interesting relic of this encounter:

In Saint Francis' church in Assisi is preserved an ivory horn that is thought to be a gift from the sultan to Francis. The leader...used it to call his warriors together during battles with Christians. Saint Francis blew it, according to the legend, to reunite his brothers who were spreading the Franciscan message around the world.

The pledge of brotherhood between these two men is surely the most remarkable the world has ever seen. One can well believe that if this horn should sound again, the spirit of St. Francis would return to us, so thoughtful and loving that no one could resist his call, ancient and ever-new (*Francis of Assisi*, New York: Crossroad 1981).

As the lives of St. Francis, M.K. Gandhi and Dr. Martin Luther King, Jr. demonstrate, the risk of vulnerability in the service of human rights and human dignity can be a source of strength and inspiration. Paradoxically, that same vulnerability can also be the foundation of greater security as well as justice and peace.

In a February 8 speech in Washington before an association of Catholic diocesan social action directors, Fr. Bryan Massingale, Professor of Moral Theology at St. Francis Seminary in Milwaukee, said: "We have two competing visions of security,

rooted in two highly divergent worldviews. The first is rooted in a world of fear, (and) seeks security in military power directed to the end of defending economic privilege for a few. The other, rooted in a worldview of blessing, sees security lying in the effort of assuring that the blessings of creation are enjoyed by all" ("From Homeland to Biblical Security," *Origins*, February 20, 2003).

As sons and daughters of St. Francis, we choose the worldview of blessing; and we are grateful for his example and for the opportunity to follow it in a day vastly different yet also remarkably similar to his own. As men and women living in the United States, we are blessed with a multitude of freedoms, opportunities and material goods. As fellow citizens, we offer a vision of peace and hope.

To that end, we propose the following:

Make the promotion of human rights an even greater priority.

The U.S. can demonstrate even stronger leadership in the area of human rights by becoming party to the international treaties it has not ratified, including the International Covenant on Economic, Social and Cultural Rights, which was first submitted for the approval of nations in 1966. Another way to lead by example and strengthen our credibility is to insist on a more consistent application of human rights standards and principles. We should demand no less from our allies and ourselves than we do from our adversaries. The persecution, torture and murder of political dissidents should be as odious and as roundly criticized in Colombia and Egypt as it is in Iraq.

Work to strengthen, not undermine, the UN and other multilateral institutions.

Operation Iraqi Freedom has hit the authority and the credibility of the United Nations and the Security Council

with the force of a Tomahawk cruise missile. Supporting a prominent if not leading role for the UN in the reconstruction and stabilization of Iraq will help it to recover. The Bush Administration should also reconsider its opposition to the U.S. becoming party to the International Criminal Court. While there are some risks in submitting to the jurisdiction of the ICC, the risks of standing outside of it—chiefly the perceptions that the U.S. is hypocritical and seeks to place itself above the law—are even greater.

Reconsider the pre-emption doctrine.

President Bush, echoing the NSS, has repeatedly asserted that new challenges to our national security require the adoption of new doctrines and strategies to protect our national interests. The expanded form of the pre-emption doctrine contemplated by the President appears to violate prevailing norms of international law as well as the principles of the Just War tradition. Perhaps the new world of global terrorism and the threat of weapons of mass destruction do require a revision of those norms and principles. However, such judgments are more properly left to the prudential consideration of the international community—to multilateral institutions as well as nations, to ethicists and legal scholars as well as elected officials, and to debate and deliberative processes rather than fiat.

Promote a more balanced approach to economic growth and development.

Globalization of the economy is no longer a trend but a reality. Too often, however, many people—particularly our brothers and sisters in the developing world—experience the invisible hand of the free market as an iron fist. Promoting environmental stewardship should be a priority and not merely a “green” marketing effort. Corporations and governments should be required, not merely encouraged, to

respect the fundamental rights of workers to have living wages and affordable health care, to organize into unions or other associations, and to have working conditions that reflect their human dignity. Freedom means little if it is no more than the freedom to be exploited or exposed to a toxic environment, if there is no meaningful participation in the writing of the economic rules, and if peoples and nations are forced to relinquish even their most basic rights of self-determination.

Improve national security while preserving civil liberties.

The terrorist attacks of September 11, 2001 have introduced a new and more profound form of anxiety into American life. Yellow, orange and red alerts have become part of our daily lives, along with sunny, partly cloudy and cloudy skies. Under such circumstances, it is natural to seek greater security and protection from those who might harm us. However, it is more than ironic that, in an effort to make Americans feel more safe and free, our leaders are enacting and proposing measures that threaten our civil liberties. Congress and the courts should more vigorously use their proper powers to critically examine and, where necessary, reject such measures. A society in which borrowing a book from the library or purchasing one from the bookstore are considered potential threats to national security and therefore subject to surveillance (a possibility under the provisions of the proposed Domestic Security Enhancement Act) is more worthy of Orwell or Stalin than Jefferson or Madison.

We, too, want to make America, along with the rest of the world, not only safer but also better.

Involved in the Formulation of this Document

MICHELLE BALEK, OSF — *Franciscans International, NA*

LARRY BERNARD, OFM
Animator, Our Lady of Guadalupe Province

JOHN CELICHOWSKI, OFM CAP. — *St. Joseph Province*

SHARON DILLON, SSJ-TOSF — *Franciscan Federation*

DONNA GRAHAM, OSF — *Animator, St. John the Baptist Province*

JIM HOFFMAN, OFM — *Animator, Sacred Heart Province*

MICHAEL KULAN, OFM — *Animator, Assumption Province*

THOMAS LUCZAK, OFM — *ESC Provincial Liaison*

TOM MCGREGOR — *Franciscan Mission Service*

REVEREND CRAIG ROBERT MILLER, OEF
Order of Ecumenical Franciscans

DAVID MOCZULSKI, OFM — *St. John the Baptist Province*

DAN AND SARAH MULHOLLAND, SFO — *Secular Franciscans*

JOSEPH NANGLE, OFM — *Franciscan Mission Service*

FRANK PROBST, OFM — *Sacred Heart Province*

MARK SCHROEDER, OFM — *Animator, St. Barbara Province*

RUSSELL TESTA — *Animator, Holy Name Province*

KATHIE UHLER, OSF — *Franciscan Sisters, Allegany, NY*

BOBBY VADAKKAL, OFM — *JPIC–South Asia*

JIM ZELINSKI, OFM CAP. — *Capuchin Franciscans*



FOR MORE INFORMATION

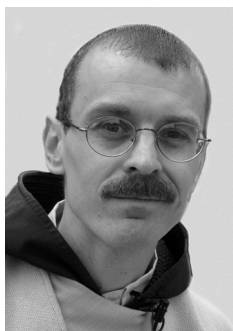
For more information on this document or the positions expressed, please contact **Russell Testa**, Director of the JPIC Office for the Franciscan Friars of Holy Name Province, at (202) 541-5245, via e-mail at **testa@wtu.edu** or by mail to Holy Name Province – JPIC Office, 6896 Laurel Street, NW, Washington, D.C. 20012-2016.



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To obtain additional copies of this document contact **Sr. Donna Graham, OSF**, Director of the JPIC Office for the Franciscan Friars of St. John the Baptist Province, at (513) 721-4700 ext. 3229, via e-mail at **sjbjpic@franciscan.org** or by mail to Franciscan Justice and Peace Office, 1615 Vine Street, Cincinnati, OH 45202-6400.

PHOTO OF SR. DONNA BY LARRY BERNARD, OFM



THE AUTHOR

JOHN CELICHOWSKI, OFM CAP.,
is Pastor of St. Benedict the Moor Parish in Milwaukee,
Wisconsin. An attorney and a graduate of the Georgetown
University Law Center and Catholic Theological Union,
Fr. Celichowski is also a member of the Provincial Council
of the Capuchin Province of St. Joseph, based in Detroit.

He can be contacted at (414) 271-0135 ext. 15,
via e-mail at **jcgtownlaw@aol.com** or by mail to
St. Benedict the Moor Parish, 1015 N. 9th Street,
Milwaukee, WI 53233. He thanks his brother and sister
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other contributions to this work.

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