

Paul Rifkin, Feb. 2, 2016, Plymouth District Court

TESTIMONY

BACKGROUND

I was born in Brooklyn, New York in 1942. I served in the United States Army and was honorably discharged. I graduated from George Washington University with a degree in history in 1965. I worked in medicine as a physician's assistant for many years and more recently have been the co-owner for 26 years of a restaurant in Falmouth on Cape Cod. I presently live in Mashpee on Cape Cod.

I was predisposed to work for social justice as I admired my father's unending work to help America's working people for many decades. I marched with Martin Luther King in the 60's and protested against the Vietnam War. I believe that both efforts, though long and grueling, were productive as they resulted in the Civil Rights Act of 1964 and a cessation of the Vietnam War in the mid-70's.

Since moving to Cape Cod in 1979 I have been involved in many community activities:

Through my work as a community organizer, I:

- helped start the Falmouth Free Clinic (which is now the Community Health Center of Cape Cod);
- worked to help make sure the government took responsibility for remediating the contaminated groundwater at and surrounding the Massachusetts Military Reservation;
- was the founder of "The Monarch Project of Cape Cod" which attempts to rejuvenate the monarch butterfly migration;
- was the founder of "Falmouth Eats Together"- which serves free meals at various faith-based venues in Falmouth- a setting where people from different races, religions and economic strata can sit together and break bread;
- successfully initiated an effort to raise money to purchase a generator for the Waquoit Congregational Church to be employed as a 'warming station' in case of power outages following winter storms; and
- more recently spear-headed "Belonging to Each Other"- a volunteer organization which provides shelter and hot meals for Falmouth's homeless people this winter.

On August 24, 2013 I was honored to accept the "Citizen of the Year" award in Waquoit, Falmouth.

During the past eight years I have demonstrated against the wars in Iraq and Afghanistan and have involved myself in trying to close the Pilgrim Nuclear Power Plant here in Plymouth. I truly

believe that the lives and futures of Cape Codders are at stake because of the dangers posed by that plant.

I have worked tirelessly to alert the public to the extreme danger posed by this plant. Instead of just complaining, I chose to take action. Instead of sitting by and watching troublesome events unfold, I became willing to act and risk personal freedom in pursuit of the public good. Somebody needs to point out this arrogant disregard of the public welfare. People pay attention to personal sacrifice. They understand the discomfort of going to jail.

NUCLEAR POWER ISSUES

On March 11, 2011 I learned about the damage caused by an earthquake and resulting tsunami which caused three nuclear meltdowns and releases of radioactive materials at the Fukushima Nuclear Power Plant on Japan's east coast. I learned that it was the largest nuclear disaster since the Chernobyl meltdown of 1986. For me, Fukushima blew away the myths that nuclear power is safe and public health can be protected

I learned that, in Japan, the Nuclear Regulatory Commission called for a 50 mile evacuation of American citizens. If the Pilgrim Nuclear Power Station had been the epicenter of such a meltdown, this area would cover all of Cape Cod and up through Boston. I learned that , in Japan, there is now a 12 mile 'no go' zone radiating out from the Fukushima plant. This means no one is allowed to enter this area. This would mean kiss your life-long possessions good-bye.

Based on everything I have read, heard and seen over the last few years, I believe that the Pilgrim nuclear plant, which is the same design as the infamous Fukushima plant, is a grave danger to everyone in southeastern Massachusetts. I have learned that it began operating on December 9, 1972, and that recently, the Nuclear Regulatory Commission downgraded its rating of the plant to one of its lowest performance categories due to the many shutdowns and equipment failures at the plant. The facility is just too old and unsafe.

I learned that, in March, 2012, two NRC officials were asked if Fukushima could happen here in Plymouth, and that their unequivocal response was yes. I strongly believe that Fukushima is a devastating never-ending disaster and there are real lessons that we must learn from that disaster, which is now waiting to happen right here in Plymouth.

This is more than about politics and policies. This is about all that we cherish... the health, happiness and fortunes of our families, the land that we love and our future.

I have lived on Cape Cod for almost forty years. I believe that the Massachusetts emergency plans, which are currently in place, do not provide for public health and safety for residents of Cape Cod. In the event of a disastrous situation at Pilgrim (which could be caused by any number of natural or man-made accidents) and the subsequent release of radiation into the atmosphere, my understanding is that both bridges would be closed and Cape residents would

be trapped here until those living closer to the nuclear facility were evacuated, and that when Cape Codders were finally "allowed" to leave, we might never be able to return.

I strongly believe that it is immoral to put all of Cape Cod at such risk. Our families, our pets, our property are going to be subject to a very horrible possibility. My understanding is that major health effects of radiation include death, radiation sickness, adult and childhood cancers, genetic damage and birth defects. My understanding is that children are 20 times more sensitive than adults to radioactive substances, that women are also more sensitive, and that girls are more sensitive than boys. I learned that there was a huge increase in cancer in kids after the Chernobyl meltdown. Other than the dangers to our health, if the Cape gets radiated, I believe that this entire area would become uninhabitable. When the bridges open, we'll be able to leave but we will not be able to come back.

There are many reasons why I believed and still believe that the Nuclear Power Plant must close now.

1- My understanding is that the Pilgrim Nuclear Power Station in Plymouth deploys the same design as the three Fukushima reactors that experienced core meltdowns in March, 2011. I learned that at the Fukushima plant in Japan, all the safety vents failed and that the same safety vents are on the Plymouth Nuclear Power Plant.

2- My understanding is that the Plymouth reactor is still on the worst list according to the Nuclear Regulatory Commission. I have learned that it was identified in the NRC inspection report issued in December, 2015, and that there are still ongoing violations of federal safety standards by Entergy. My understanding is that the company has a record of poor management and that the two worst nuclear reactors in the United States are owned and operated by Entergy.

3- There are five million people living within the 50-mile zone surrounding Pilgrim. My belief is that it is therefore absolutely impossible to have an effective safety and evacuation plan should there be a nuclear meltdown at the Plymouth plant.

4- It is my understanding that we do not need the energy produced by the nuclear power plant, because when the plant was shut down for over 70 days in 2015 due to malfunctions and refueling, the lights stayed on.

5- Entergy is a corporation playing Russian roulette with our lives. Safety is a human right. We have a right to be safe in our communities.

These reasons are what propelled me to do something to force Entergy to close the nuclear power plant to protect the people of Cape Cod and Massachusetts. With the Entergy announcement of the closure of Pilgrim in 2019 there is a sentiment of resignation that the reactor is closing and we are in the clear. However, this is not the case. We must be ever vigilant because the dangers are still evident and ongoing.

WHAT HAPPENED THAT DAY

After Fukushima, it was difficult for me to believe that nuclear power was safe and that public safety could be provided for. So I went to Plymouth to bear witness and protest the clear and imminent danger that Pilgrim presents to the citizens of Massachusetts.

I ask you to envision a glorious summer day on Cape Cod - you are in the yard playing with your kids or grandkids. You are grateful to God for your many blessings. And then the sirens go off announcing a radiation release from the plant in Plymouth. And the state's emergency management agency closes the two Cape Cod Canal bridges resulting in no escape from the Cape. All you can do is cower in your homes hoping that the radiation does not destroy you, your children and your property forever.

Whether you comprehend the science of nuclear power or not, in your heart you understand that the impending cancerous nightmare doesn't have to happen ... that you can do more to ensure the safety of your loved ones and the viability of your cherished land ... that perhaps you too can raise your banner demanding Pilgrim be shut down--- before it really is too late.

I was proud to join 40 or so stalwart demonstrators at the Pilgrim Nuclear Power Station property on May 10, 2015. We brought banners, signs, whistles and high spirits. Citizens spoke up airing their views about the dangers of the Pilgrim facility; songs and poetry were followed by a solemn march to the gates of the plant on Rocky Hill Road. I (along with one other person) subjected myself to arrest to protest the clear and imminent danger that the Pilgrim plant presents to the citizens of Massachusetts.

The Plymouth police officers who arrested me were gentle and kind and indicated that they understood I was not a "criminal" but was an old man trying to assure the health and safety of the generations that were following me. After my brief time in jail following my arrest on May 10, I wrote to Plymouth Police Chief Michael Botieri and thanked him for the courtesy and respect that his police officers offered me. I am always completely respectful of law enforcement officers and am grateful that has always been a two-way street.

Specifically, I went there to participate in civil disobedience. I chose this course of action in the hopes it would raise public awareness of the imminent danger, sort of like Paul Revere, or lunch counter sit-ins, or refusing to move to the back of the bus like Rosa Parks. Civil disobedience, as Professor Howard Zinn has pointed out "... is not something outside of the realm of democracy...democracy requires civil disobedience."

As a history major at George Washington University I was taught that the history of non-violent civil disobedience goes all the way back to the Revolutionary period. American independence was achieved by constant acts of civil disobedience against the laws of England---including acts of trespassing against the Stamp Act, the Tea Act and against various statutes passed by the British government. Indeed, the Declaration of Independence states that when the government and laws do not serve the ends of life, liberty and the pursuit of happiness then the people have

the right to disobey. Robert F. Kennedy, Jr. said: "It's unfortunate that civil disobedience is the only recourse against a catastrophic and criminal enterprise that will enrich a few while impoverishing the rest of humanity." And, prize-winning journalist Chris Hedges writes: "The political and corporate elites in the industrialized world continue, in spite of overwhelming scientific data, to place short-term corporate profit and expediency before the protection of human life and the ecosystem."

I went to Plymouth to peacefully protest and express my concerns. Many would ask: why?! My response is that I felt our actions and the personal sacrifices (including possible incarceration) that they entailed might be effective directly in decreasing the likelihood of a radiation disaster. That the example of our ardent efforts might inspire many others to step forward, raise their banners and demand to be protected from this tangible probability of a catastrophic tragedy. That our joint efforts might affect real change.

I stand here in court today to assert to all willing to listen that Pilgrim is an accident waiting to happen. My understanding is that there is more nuclear cesium 137 in the spent fuel pool at Pilgrim than was ever released by every bomb that was exploded in the atmosphere. Large-scale nuclear fission energy production is so unforgiving. It imposes the burden of continuous monitoring essentially forever. I know of no government whose longevity can be maintained as long as the half-life of plutonium.

At the time of our demonstration, I did not see any alternative which might be effective in reducing the dangers we faced from the Plymouth Nuclear Power Plant. Companies like Entergy have the resources to lobby to resist legislative scrutiny. The NRC seems to be more concerned with corporate profits than public safety. The foxes are in the henhouse. For me, your verdict one way or the other will not alter my actions. I will continue to bear witness to do what I can to protect the health and safety of my loved ones. I attempt to follow in the tradition of Thomas Paine and Martin Luther King, Jr.

Think about whom you love the most – your children and grandchildren. We must protect them with the ferocity of a lioness protecting her cubs.

It was and is a matter of conscience to stop this danger!

It is what a citizen of this country needs to do – to speak up and take a stand.

May I ask you:

Would you climb over a fence to get an infant away from a snarling dog ... even if there was a "no trespassing" sign?

Would you dive into the ocean to save a drowning person... even if there was a "no swimming" sign?

You have heard my testimony. My hope is that a jury of my peers would find the trespass I have been charged with would be trumped by the recognition of the need to address and abate real danger. Speaking out against an obvious disregard for public safety, to me, is a moral imperative.

In no way did I or do I consider it a criminal act.

I didn't go to Pilgrim to commit a crime. I went to prevent one! I would hope that you would agree and find me "Not Guilty" of committing a crime.