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Civil Disobedience on Vieques: How Nonviolence Defeated the U.S. Military

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*Frances Olsen**

My Article deals with the question of how the people of Vieques, Puerto Rico, were able to defeat the U.S. military with nonviolent civil disobedience and what lessons we can learn from this victory.

Vieques is a small island off the coast of Puerto Rico. It is eighteen miles long and three and a half miles wide and is located just a few miles southeast of the main island. Christopher Columbus caught site of the island as he sailed by on November 18, 1493, and he wrote in his journal that Vieques was “the loveliest of islands.”¹ It is a beautiful island, with lush vegetation and pristine beaches. The water is a beautiful shade of blue. Some 450 years later, members of the U.S. military looked at the island — during the early years of World War II — and their first thought apparently was “what a lovely place to drop bombs!”

The U.S. military expropriated most of the land on the island beginning in the 1940s, and the Navy used the entire east end of this beautiful island for target practice — carrying out military war games with live ammunition from 1948 until May 1, 2003, when the Navy was forced to leave. Between November 1941 and February 1943 the U.S. military expropriated 21,000 acres of land in Vieques — paying small sums of money to 8 people who claimed legal title to the land and then forcing 7,000 of the 9,000 people of the island to move. Three thousand were moved to the island of St. Croix and another 4,000 were moved to a 3-mile strip of land in the center area of Vieques. The Navy claimed the entire east end of the island and the west end of the island leaving a strip in the middle — less than one-quarter of the island where the population of Vieques was allowed to remain.²

* Professor of Law, UCLA; Visiting Professor of Law, Universidad Alberta Hurtado, Santiago, Chile. This Article is based on a presentation I made to the LatCrit conference, held in Buenos Aires, Argentina, August 2003. I would like to thank Professor Guillermo Figueroa-Prieto of the University of Puerto Rico School of Law who did so much to facilitate my visit to Vieques in the spring of 2000, and Professor César J. Ayala for his helpful comments on an earlier draft of this Article.

1. See ELIZABETH LANGHORNE, *VIEQUES: HISTORY OF A SMALL ISLAND I* (1987).

2. See SPECIAL PANEL ON MILITARY OPERATIONS ON VIEQUES REPORT TO THE SECRETARY OF DEFENSE, (1999), [hereinafter REPORT], available at http://www.defenselink.mil/news/Oct1999/viq_101899.html (last visited May 12, 2004). The situation is actually more complicated. Because of the construction boom right after the expropriation, better-paying jobs became available and the population rose from about 10,000 in 1940 to 14,000 in 1943. The population dropped

The military claims that it gave the residents lots of time to leave — between a month and a year. But a number of the people themselves claim that they were forced to move on twenty-four hours notice or less — permanently losing the homes where they had lived for years, sometimes their whole lives.

By 1950 the military had expropriated a total of 25,360 acres of Vieques. The U.S. Navy was not a good neighbor to the people of Vieques. Although the military did provide work for a small number of the residents of Vieques, this work often came in the form of jobs for prostitutes.³ Of course, all these problems are sadly familiar to anyone living near a U.S. military base.⁴ What was more unique in Vieques was that the Navy dropped bombs regularly on the east end of the island.

again when the focus of the war shifted to North Africa and the Navy stopped construction on Vieques. See *Las Expropiaciones de los años Cuarenta y el Desahucio de la Población Civil en Vieques*, available at <http://www.sscnet.ucla.edu/soc/faculty/ayala/Vieques/ayalacarro.ppt> (last visited July 15, 2004). Immigration from Vieques to St. Croix had started in the 1930s because of the effect the sugar crisis had on the Vieques economy. The population was reconcentrated in the center of Vieques, with about ninety percent of the population coming to live on twenty percent of the land, resulting in loss of jobs, housing and access to the tropical ecology. Most of the subsistence activities of the population — garden crops, crabbing, etc. — were destroyed, creating crowded and miserable conditions. See César J. Ayala, *From Sugar Plantations to Military Bases: The U.S. Navy's Expropriations in Vieques, Puerto Rico, 1940-45*, 13 *CENTRO—J. CUNY CENTER FOR PUERTO RICAN STUD.* 23-41 (2001); Maribel Veaz, *Las Expropiaciones de la Década del Cuarenta en Vieques*, 56 *REVISTA DEL COLEGIO DE ABOGADOS DE PUERTO RICO* 159-213 (1995). The Caribbean Project for Justice and peace conducted 53 interviews in Vieques in 1979 in which elderly residents testified to being forced to leave their houses on 24 hours notice, to women having to give birth under tents, and to other inhumane treatment. César Ayala & Viviana Carro, *Expropriations and Displacement of Civilians in Vieques, 1940-1950*, in *PUERTO RICO: POLITICAL PERSECUTION AND THE QUEST FOR HUMAN RIGHTS* (R. Bosque Pérez & J. Colón Morera eds., forthcoming 2004).

3. KATHERINE T. McCaffrey, *MILITARY POWER AND POPULAR PROTEST: THE U.S. NAVY IN VIEQUES, PUERTO RICO* 14-15, 52 (2002).

4. See *id.* (discussing the incidence of rape at U.S. bases in Kosovo and Okinawa); also see Robert Rabin, *U.S. Military Wages War Against Itself and Against the World*, *VIEQUES LIBRE*, Sept. 2, 2001, available at http://www.viequeslibre.addr.com/articles/cprdv_09_02_01_eng.htm (last visited May 12, 2004).

A series of rapes of young girls and other violent acts by U.S. military personnel in Japan, Okinawa, Korea, Philippines and Panama, remind us of the violence against Viequense women by gangs of Marines in the streets of Vieques in the 1950s and 60s. The death of “Mapepe” Christian, an old man in the Destino area of Vieques who was brutally kicked and punched by several soldiers in 1952, is repeated constantly in U.S. military zones on every continent.

Id.

It was like living in a war zone from the 1940s on. Terrible noise disrupted concentration by day and sleep by night. The vibrations were like earthquakes. Planes flew low overhead at all hours and large trucks rumbled by. The activities of the Navy caused pollution and accidents were always a risk. The Navy was thoughtless and careless.

School classes were frequently disrupted by the noise of bombs — airplanes and helicopters flew overhead drowning out the teachers and military trucks passed daily within fifty feet of the intermediate school creating a deafening roar. Explosions and vibrations from the bombs caused the school buildings to shake and develop cracks and other damage. People were awakened by bombs and by the noise of airplanes at all hours. The cancer rate on Vieques is significantly higher than in the rest of Puerto Rico. Vieques suffers a higher mortality rate than the rest of Puerto Rico and a higher infant mortality rate.

As a result of the Navy's unneighborliness, a protest movement sprang up in the 1970s and activists filed a number of lawsuits against the Navy.⁵ On February 6, 1978, thirty fishing boats sailed into the zone that the Navy told them to stay out of, disrupting the military maneuvers being carried out by the U.S. Navy and the Brazilian military.⁶ There was a wave of protest activity, including civil disobedience by fishermen at sea and by other trespassers by land. These protests were brutally suppressed in a pattern of use of excessive force, police misconduct, even attempted murder of some of the leaders of the protests.⁷ Federal courts imposed severe penalties on the demonstrators.⁸ One of the protesters — a Vietnam

5. See, e.g., Roger Trilling, *Vieques: The Navy, The Island and the Deal*, EL ANDAR, Summer 2001 (describing the case brought by Governor Carlos Romero Barcelo against the Navy for environmental infractions), available at http://www.elandar.com/vieques/story_vieques2.html (last visited May 12, 2004).

6. The Navy "rented" Vieques out to allied military regimes for their use and used the island for joint exercises with allied military troops. See *id.*; see also LISA MULLENNEAUX, NI UNA BOMBA MÁS: VIEQUES VS. U.S. NAVY (2000).

7. MCCAFFREY, *supra* note 3, at 88-89.

The navy boat disembarked with armed federal marshals and moved forward to arrest demonstrators . . . Protestors screamed in outrage as groups of marshals forcibly dragged their compatriots across the beach and up the ramp onto the navy boat. . . . In one shot, a heavy female marshal, wearing a helmet and black glasses, a gun in her holster, kneels on the back of an old woman and handcuffs her, pressing the woman's face into the sand.

Id.

8. *Id.* at 89-90. Many of the demonstrators were convicted of federal trespassing charges and given sentences of six months in federal prison in addition to a \$500 fine. *Id.*

veteran named Angel Rodriguez Cristobal — was jailed in Tallahassee, Florida, and murdered in prison on November 11, 1979.⁹ The prison system denied it was murder, but the Puerto Ricans I have spoken with seem convinced, and are convincing when arguing that it was murder. A book was published a couple of years ago documenting the repression and illegal suppression of the Puerto Rican independence movement.¹⁰

But repression worked and things settled down. In October 1983, the Navy entered into a Memorandum of Understanding to settle a federal case the government of Puerto Rico had brought against the Navy.¹¹ The Navy made numerous promises in four areas: 1) community assistance — The Navy promised to help the people of Vieques achieve economic development and to foster cultural activities; 2) land use — The Navy promised to allow people to use the land as much as possible and to finance a forestation project that was intended to develop a civilian-run forestry industry; 3) the Navy promised it would minimize noise, use as little live ammunition as possible, and keep records of un-detonated bombs in the east end of the island.¹² The Navy promised to give fifteen days advance notice of major military exercises and that it would not interfere with the activities of the civilian population; and 4) environmental issues — the Navy promised to undertake a wide variety of activities and accept limitations on its use of the land in order to protect whales, turtles, pelicans, and other endangered species.¹³ Whether the Navy ever intended to live up to these promises or not, in practice they seemed to ignore them.

As one report recently put it: “On the one hand, the people of Vieques point out that the Navy has not met its contractual obligations, and on the other, the Navy seems not to have made an effort to meet its responsibilities as a good neighbor.”¹⁴

Conditions on Vieques were very bad for the civilian population and protests never actually stopped, but they decreased and much of the population settled into an uncomfortable state of depressed resignation. Those people from the United States who supported the people of Vieques found other issues that seemed more pressing and many of the people on

9. *Id.* at 90.

10. COMISIÓN ESPECIAL SOBRE VIEQUES, EL RESUMEN EJECUTIVO DEL INFORME (1999) [hereinafter INFORME] (the translations are those of the author), available at <http://www.fire.or.cr/comision.htm> (last visited May 12, 2004).

11. Trilling, *supra* note 5.

12. See REPORT, *supra* note 2.

13. *Id.*

14. See INFORME, *supra* note 10.

the big island of Puerto Rico focused their own attention on other issues, too.

This all changed, or began to change, on April 19, 1999 when a Navy F-18 aircraft that was participating in a training maneuver on Vieques dropped two five-hundred pound bombs well off target and hit its own Navy observation post, injuring four people and killing David Sanes Rodriguez, a civilian citizen of Vieques who worked as a security guard for the Navy.¹⁵

The people of Vieques united in their grief and outrage. Some friends of David Sanes held a memorial service for him on the east end of the island that was supposed to be off limits to unauthorized civilians. Navy personnel placed a large white cross near the spot where he was killed. At the conclusion of the memorial service, one of his friends decided to remain there where David Sanes had been killed.¹⁶ That night a second person — one who had been present at the memorial service but left — returned with food and supplies, saying that he could not leave one person there alone. Over the next few days and weeks more and more people went to the east end of the island of Vieques and set up civil disobedience protest camps. Camps sprang up like mushrooms after a rain. There was one camp for schoolteachers. There was also a religious camp and a consecrated Catholic church built on the bombing range. The fishermen had a camp on a tiny island you could almost swim to; I kayaked to it. The most elaborate and comfortable of the camps was set up by Rubén Berríos Martínez, a Professor of Law at the University of Puerto Rico and a leader of the Puerto Rican Independence Party. The Bar Association of Puerto Rico supported the civil disobedience. The Independence Party was gaining more popularity than it had enjoyed in a long time because of its very visible presence in the Vieques protest.

The conservative then-Governor of Vieques, Pedro Rosselló, established a Commission on May 11, 1999 to “study the situation of Vieques, the effects of the Navy’s activities, and strategies and alternatives available to the Governor to halt Navy activities and to produce a recommendation as to what the official position of the people of Puerto Rico should be.”¹⁷

The Commission was given just forty-five days to complete its work and submit its report. The Navy was not cooperative. The Commission

15. See MULLENNEAUX, *supra* note 6.

16. The friend was Alberto de Jesús, who is a prominent environmental activist well known by the nickname Tito Kayak. He was later jailed for one year in New York for climbing atop the statue of liberty and unfurling the Vieques flag.

17. REPORT, *supra* note 2.

was set up on May 11 and was to report to the Governor on June 25. The Navy met with the Commission June 2 and did not answer many of the questions the Commission members posed. So the Commission agreed to submit the questions in writing and to hold another meeting with the Navy for further discussion. On June 17 — just one week before the final report was due — the Navy sent partial answers to the Commission's questions, announced it was processing the Commission's requests under the (slow and cumbersome) Freedom of Information Act, and proclaimed that since the Secretary of the Navy had ordered a review of the activities of the Navy and the Marines in Vieques, no further meetings with the Commission would be held — supposedly in order not to prejudice the results of the review.¹⁸

The Commission made a field visit to Vieques to view the area firsthand, and again, the Navy was not candid or cooperative. The Navy initially claimed that only M-16 rifles, pistols, and other small arms were used in an infantry training area, which was located right next to a residential area.¹⁹ The Navy officials were asked the reason for the size of the impact marks on the tanks that had been used as targets, for these impact marks were clearly not from small arms, and there was no answer. Two hours later, a member of the Naval delegation brought to the attention of the Commission that in fact that area was used for light anti-tank missiles, but that none had fallen into the sea. When the members of the Commission pressed for further information, he answered that perhaps one might have fallen into the sea. The following day, the members of the Commission were taken by sea to the outskirts of the very area examined the day before. It was cause for consternation to see hundreds of missiles on the sea bed.²⁰

The Commission discovered on its own — by way of a document that a nonprofit organization had obtained under the Freedom of Information Act — that depleted uranium had been used on Vieques.²¹ The Navy then claimed that one of the Marine aircraft had accidentally fired 263 bullets (25-millimeter) that used depleted uranium in the casings, that they recovered 57 of the casings, and that the Navy had notified the Nuclear Regulatory Commission and the Environmental Quality Board of the mishap. But the Environmental Quality Board stated that it had never been notified and the specific person named by the Navy as its contact on the

18. See INFORME, *supra* note 10.

19. See *id.*

20. *Id.*

21. See *id.* (details from Report).

Environmental Quality Board issued a sworn statement denying that he had been so notified.

The Navy also denied any responsibility for the elevated cancer rate on Vieques. The Environmental Quality Board of Puerto Rico, however, concluded that there were three possible sources of pollution from the Navy: 1) chemical compounds of projectiles themselves; 2) particles of dust and rock propelled into the atmosphere from the projectiles; and 3) metal debris from projectiles and the scrap metal used for target practice.²² The water of Vieques has been found to have quantities of the explosives RDX and Tetryl in it that seemingly could only have gotten there through the air. Therefore, many would argue that it stands to reason that the people of Vieques must also breathe these explosives from the same air.

On June 25, the Special Commission on Vieques issued a rather amazing report in which the fairly diverse and certainly not radical group reached the consensus that the Navy should leave Vieques. Their first recommendation was:

1. That the Navy immediately and permanently cease and desist military activities on Vieques. Given the gravity of the findings of this Special Commission, the Commission also recommends the orderly and expeditious transfer of the lands by the Navy to the people of Vieques, for their use and enjoyment.²³

The fourth recommendation stated further:

4. The return of the lands to the people of Vieques for their use and enjoyment must be done in an orderly manner, taking the necessary measures to protect the citizens from explosives. Under the supervision of the Government of Puerto Rico, the Navy will be held responsible for cleaning up and decontaminating all land, superficial or underwater, and all bodies of water and aquifers.²⁴

The unanimous and strong report by this diverse group provided a wonderful basis for the solidarity that continued to be a remarkable feature of the situation.

Lots of people from the big island of Puerto Rico — and eventually from around the world — began visiting Vieques. On weekends a ferryboat full of people would sail from the big island to Vieques to visit,

22. *See id.*

23. INFORME, *supra* note 10.

24. *Id.*

offer support to the movement against the Navy's presence, and buy souvenirs, including hats and t-shirts telling the Navy to get out of Vieques and other pro-Vieques slogans.

As well as the numerous civil disobedience camps at which people risked arrest, there was also a legal camp set up right outside the gate of the Navy Camp Garcia. This was named the Peace and Justice Camp and run by a group called the Committee for the Rescue and Development of Vieques.²⁵ This camp was easy for visitors to get to, and with regular celebrations and events taking place there — from discussions to music concerts to political rallies²⁶ — this legal camp provided a useful and convenient focal point for people wanting to become involved in the struggle against the Navy's treatment of the island. In addition, many people visited the "illegal" campsites established in the supposedly restricted zone. Fisherman — among the most activist opponents of the Navy, including some of the leaders of the 1970s protests, regularly ferried visitors, food and supplies to the camps in their small, fast and maneuverable motorboats.

Puerto Rico held elections for Governor, and Sila Calderon, the Commonwealth Party candidate, ran on an anti-Navy platform. She had served on the Commission that recommended the Navy's departure from Vieques, so her platform was credible and consistent. In addition, she may well have thought that her strong anti-Navy stand would be a useful way to undercut support the Independence Party could otherwise expect to get from its high profile on the issue. Sila Calderon won the election.

The civil disobedience stand-off continued for more than a year, preventing the Navy from operating on Vieques until May 4, 2000. Shortly before that, the FBI had raided Miami's Little Havana and returned Elián Gonzalez to the custody of his father — alienating the vocal Cuban right wing centered in Miami. The government then apparently decided to alienate the Latina-Latino left wing and invaded the Vieques civil disobedience camps — arresting some two hundred people.²⁷ The civil

25. This group was founded in 1993 to educate and mobilize the community to end the military presence on Vieques. In June, 2003, it held its 11th annual assembly on the Island of Vieques. See Berta Joubert-Ceci, *Repression Continues in Vieques*, WORKERS WORLD, July 10, 2003, available at <http://www.workers.org/ww/2003/vieques0710.php> (last visited May 12, 2004).

26. Cultura Proffetica's song "Bieka," the indigenous Taino word for Vieques, advocated the removal of the U.S. Navy from the island.

27. MCCAFFREY, *supra* note 3, at 170.

At dawn on May 4, 2000, heavily armed federal agents arrived by helicopter to remove hundreds of protestors from the bombing range. Local community leaders, artists, elected officials from Puerto Rico and the United States (including two

disobedience nevertheless continued and a steady stream of people were arrested.²⁸

Before he left office, President Clinton agreed that if the people of Vieques voted against the Navy in a referendum, he would order the Navy to leave.²⁹ President Bush was pressured into announcing, in June 2001, that the Navy would leave Vieques — as soon as it could find a suitable, alternative training site to bomb.³⁰

Even after September 11, 2001,³¹ the people of Vieques were able to maintain solidarity. Under pressure, Bush agreed to leave on May 1, 2003.³² Before the Navy would leave Vieques, the Secretary of the Navy had to certify that there were alternative training sites.³³ In January, 2003, the Secretary of the Navy made the required certification to the Congress and the President that there were such alternative training sites. The Committee for the Rescue and Development of Vieques claimed with some justification that

members of the U.S. House of Representatives), church leaders, the heads of the Puerto Rican Independence Party, and ordinary citizens were cuffed with plastic bands and hauled off the range in trucks.

Id.

28. *Id.*

In the aftermath of the May arrests tensions heightened between residents and the navy . . . the focus on peace and civil disobedience transformed the current mobilization from the charged and volatile mobilization of the seventies. . . . When demonstrators were pepper sprayed and tear gassed by the riot squad, activists took bullhorns and reminded people to stay calm.

Id. at 170-71.

29. *Id.* at 179 (“President Clinton issued an executive directive in January 2000 that instructed the navy to return all eight thousand acres of the former Naval Ammunition Facility (NAF) on the western side of Vieques to the government of Puerto Rico.”).

30. Duncan Campbell, *Islanders Declare Victory over U.S. Bombers*, THE GUARDIAN, May 2, 2003.

31. Some people feared that in the wave of “patriotism” following the airplane attacks that took place on the World Trade Center in New York and the Pentagon on September 11, 2001, it would prove nearly impossible to maintain an anti-military stance.

32. MCCAFFREY, *supra* note 3, at 173 (“Bush yielded to mounting pressure, while offering a timeline that allowed the Navy to continue to use the range as it searched for an alternative training location.”).

33. Department of Defense, Secretary of the Navy Gordon England, Briefing on Vieques, June 15, 2003.

[t]he determination by the Secretary of the Navy also certifies the effectiveness of civil disobedience and the consistent denunciation and protests by all sectors of Puerto Rican society in favor of peace for Vieques. It is a testimony to the power of an organized community that is committed to a peaceful but militant struggle, and to the perseverance of the Vieques community — not for years but for decades. The organized groups here have contributed during more than half a century, to a level of consciousness and spirit of struggle that has made it possible for this “tiny” community, with enormous solidarity and massive support from all of Puerto Rico, to paralyze the most powerful military force in the history of humanity. The certification is evidence of the power of people organized and in the streets, of fisherman in the sea, of women and men, youth and elders, people from all ideological sectors — political as well as religious — a community united and committed to justice and peace.³⁴

One indication of the nature and extent of the victory by the resistance against the Navy can be found in the complaints from those on the other side. On January 10, 2003, the Chief of Naval Operations stated in a memorandum for the Secretary of the Navy that:

physical security at Vieques is becoming ever more difficult and costly to maintain, given the civil unrest which accompanies the Navy’s presence on the island. We have been successful in completing our training on the island only because of extremely aggressive and costly multi-agency security actions. The level of protests, attempted incursions, and isolated successful incursions generally remain high when Battle Group training occurs on the island. . . . Navy’s departure from Vieques will liberate us from this burden.³⁵

The same day the Commandant of the Marine Corps complained in his memorandum for the Secretary of the Navy:

I am disappointed in the fact that of the many places Sailors and Marines are welcomed with open arms, both at home and abroad,

34. COMMITTEE FOR THE RESCUE AND DEVELOPMENT OF VIEQUES, REPORT FROM THE PEACE AND JUSTICE CAMP (2003) [hereinafter CRDV REPORT], available at <http://cndyorks.gn.apc.org/caab/articles/vieques206.htm> (last visited May 12, 2004).

35. *Id.*

some in Puerto Rico — particularly in Vieques — have demonstrated an appalling hostility towards Sailors, Marines and their requirement for pre-deployment training; this at a particularly dangerous time in our nation's history. This hostility stands virtually alone in contrast with the warm relations and appreciation expressed by the communities near our naval installations elsewhere in the nation, and indeed, around the globe.³⁶

It seems to me that the success so far can be attributed to several factors. One of the most important factors was the solidarity that was maintained among the local residents on the Island of Vieques. Neither the threats nor the cajolery of the Navy succeeded in undermining this solidarity. The solidarity may well have been purchased at the price of compromises — compromises that seemed to some to go too far.

For example, early on in the protest, the activists at the Peace and Justice Camp had chained closed and locked the gates at Camp Garcia, giving the keys to the locks to three female residents of Vieques, so that they could choose when to allow the Navy to enter and leave or to allow the local civilians employed by the military to enter the camp to work, and when to leave the gates closed. The local priest labeled this action violent and insisted that the Peace and Justice chains be removed from the military gates. However reluctantly and with whatever reservations, the organizers allowed this ultimatum to carry the day and the chains were removed. Solidarity was maintained, and eventually this solidarity served well the cause of antimilitarism.

Another important factor contributing to the success of the movement was the solidarity and support of people from mainland United States, especially the Puerto Rican members of Congress and members of the Congressional Hispanic Caucus. The Special Commission on Vieques in its June 25, 1999 report had recommended “[t]hat a working group be created . . . [and] identify and involve groups linked to the cause of Vieques, especially in Puerto Rican and Hispanic communities . . .”³⁷ The support of the Hispanic Caucus of Congress and especially Congressman Jose E. Serrano was also extraordinarily helpful in reducing the option of outright repression. Identity politics facilitates the power of non-violent civil disobedience.

However appealing it might be to end on the positive note of the departure of the Navy from Vieques, it is also important to recognize that in fact the battle continues. From early on, the Committee for the Rescue

36. *Id.*

37. INFORME, *supra* note 10.

and Development of Vieques talked about the 4 D's, echoing Franklin Roosevelt's 4 Freedoms: demilitarization, decontamination, devolution (return of lands), and development (sustainable and controlled by the people).³⁸

The Navy did not return the land to the people of Vieques, but rather turned title over to U.S. Department of Fish and Wildlife. This was supposedly to preserve the land, but in fact to try to avoid the responsibility for cleaning up the environmental damage the Navy did to the land and surrounding sea during more than fifty years of incessant bombing. In public hearings held on the island of Vieques in the spring of 2003, officials of the Interior Department admitted that the U.S. Armed Forces makes a practice of turning contaminated lands over to the Interior Department in order to minimize the requirements of clean up that might otherwise fall on the military.³⁹ The Memorandum of Agreement between the Navy and the U.S. Department of Interior includes an Article XII that claims that even after the formerly military lands on the island might be transferred to any people or any government entity in Puerto Rico, "Interior shall include in any instruments effecting such transfer or conveyance those terms, conditions, restrictive covenants, easements, reservations, or similar provisions on behalf of the United States that are necessary to prevent any derogation of the Land Use Controls or Navy's rights of access."⁴⁰ While the exact meaning of this provision is far from clear, the Committee for the Rescue and Development of Vieques refers to the language as "worrisome."⁴¹

Civil disobedience and the maintenance of solidarity appear to have won the battle for demilitarization and they may win a return of the lands, or devolution, opening the battle over development. The battle continues over decontamination and it would be premature to hold a victory party. It may well be that Vieques will expose the extent to which the U.S. military has systematically avoided responsibility for cleaning up its environmental disasters, not only in Vieques, but also in some parts of the

38. CRDV REPORT, *supra* note 34.

39. See *Vieques' Victories . . . and Challenges Ahead*, FELLOWSHIP OF RECONCILIATION WEB SITE, June 2003, at http://www.forusa.org/programs/puertorico/pr_update_0602b.html (last visited July 1, 2004).

40. MEMORANDUM OF AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF THE NAVY AND THE UNITED STATES DEPARTMENT OF THE INTERIOR CONCERNING THE TRANSFER OF DEPARTMENT OF DEFENSE PROPERTIES ON THE EASTERN END OF VIEQUES ISLAND TO THE DEPARTMENT OF THE INTERIOR art. XII, *available at* <http://southeast.fws.gov/vieques/ViequesFinalMOA.43003.html> (last visited July 15, 2004).

41. E-mail from Committee for the Rescue and Development of Vieques (Apr. 2004) (on file with author).

continental United States, to say nothing of Vietnam, Afghanistan, and Iraq.

So it would be premature to declare victory, but we should nevertheless celebrate successes and evaluate their causes, as we remain vigilant that the successes be followed up with further successes, and that they do in fact lead to real change.

