

## **Mark Colville's OPENING Remarks from his trial, September 18, 19, 2014**

*From notes taken by Judy Bello*

Mark Colville, a Catholic Worker from New Haven, Connecticut, was tried on September 18 and 19 on five charges stemming from a peaceful, nonviolent protest at Hancock Air National Guard Base, which is a drone control site located outside Syracuse, New York. His Sentencing Hearing is coming up on December 3. Mark, who faced the court pro-se (presenting his own defense rather than having an attorney present it) was tried in DeWitt Town Court before a jury of 6 persons, with Judge Robert Jokl presiding. Mark was charged with 3 Violations: Trespass and 2 counts of Disorderly Conduct; and 2 Misdemeanors: Obstructing Governmental Administration and Contempt of a Court Order.

Judge Jokl did not allow anyone to record anything in the courtroom. Normally, though the judges don't allow recording testimony, we have been allowed to record opening remarks and closing arguments. Since this was not the case, I took notes during the trial which I will present below.

Here are some of the points Mark made during his Opening Remarks:

I stand before you as the conscience of the community. Why do I have all these charges? Five significant charges against a guy who walked prayerfully to the Guard Gate (of Hancock National Guard Base) with flowers.

Intent is key to this case.

Mark says that he is proud of his actions. I brought flowers and a request from an Afghan youth who had lost friends and a family member to a drone strike, for an order of protection for his community, a request for protection from random instances where death arrives from the sky. Mark holds up a document. As he speaks of the request for protection, Ellen, who is sitting at the table in front of the courtroom, holds up a photo of Raz Mohammad, the young man who wrote it. The Judge objects. He says the letter is 'hearsay'.

Mark goes on to ask, why he is charged with both Trespass and Disorderly Conduct when one charge is necessarily related to actions in relation to private property, and the other in relation to the public domain.

One of Mark's charges is 'Contempt' of a judicial order, where the order it refers to is an Order of Protection given to him on behalf of Colonel Earl Evans, the Material Support Commander of Hancock Base, following a previous nonviolent protest he participated in there. Mark says that he will introduce evidence that the order was vague to the point of being impossible to comply with. The closest we get to any understanding of it is to "stay away". But how? No one has ever clarified where Col Evans lives, or where he works or where he goes otherwise. He asks "Should I not go into the coffee shop down the street?"

Mark says that it wasn't his intent to violate the Order of Protection, though he was successful in doing so. Why was he there? He was required by his ministry to go to the gate of Hancock Base because crimes are being committed there and he has firsthand knowledge of the victims - he knows some of

them personally. The so called Government Administration that he is accused of obstructing, was not approved by the people. The drone program was imposed on us without our consent.

There is only one way that misdemeanor can get to a 'Guilty' verdict. That is if the prosecutor improperly succeeds in shifting your conscience community. Mark says that his actions have been incorrectly presented in the context of three people on a whim to be disruptive. But their intent goes much deeper than that. Consider the evidence, all the evidence.

Be forewarned, Mark said. There will be an effort made to improperly restrict your area of consideration of the evidence. This is a bit of an unusual case. In order to apply the law - to protect those who really need to be protected, you will need to apply your conscience a little more than usual. He said:

I have been engaged all my life in a ministry of direct engagement with the poor, including extensive missions overseas and to the Middle East. The victims of our violence must be defended. I, as an American citizen, have a particular responsibility to defend those people.

Mark finished his Opening Remarks with two quotes. The first is from the Tokyo War Crimes Tribunal. Mark pointed out that the doctrine of preventative war was rejected at Nuremberg as well.

"Anyone with knowledge of illegal activity and an opportunity to do something about it is a potential criminal under international law, unless he takes affirmative measures to prevent the commission of the crimes."

*\_ Tokyo War Crimes Tribunal Decision, reprinted in L. Friedman, II The Law of War: A Documentary History (1972) at 1283*

"There is nothing wrong with a traffic law which says you have to stop for a red light. But when a fire is raging, the fire truck goes right through that red light, and normal traffic had better get out of its way. Or, when a man is bleeding to death, the ambulance goes through those red lights at top speed. ... Disinherited people all over the world are bleeding to death from deep social and economic wounds. They need brigades of ambulance drivers who will have to ignore the red lights of the present system until the emergency is solved. Massive civil disobedience is a strategy for social change which is at least as forceful as an ambulance with its siren on full."

*From a 1967 speech by Martin Luther King, Jr., The Trumpet of Conscience*