

Indictment

To Commander Colonel Greg Semmel and the Service Members of Hancock Air Base,

Each one of you, when you joined the United States Armed Forces or police, publicly promised to uphold the United States Constitution. We take this opportunity to call your attention to Article VI of the Constitution, which states:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; (and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding).”

This clause is known as the supremacy clause, for it actually creates the United States as a legal entity.

The Constitution says, in the supremacy clause, that, without exception, treaties shall be the supreme Law of the Land.

According to Webster's dictionary, a treaty is defined as “a contract in writing between two or more political authorities (as states or sovereigns) formally signed by representatives duly authorized and usually ratified by the lawmaking authority of the state.”

One Treaty duly ratified by the US is the United Nations Charter. It was agreed to by a vote of 89 to 2 in the US Senate, and signed by the President, in 1945. It remains in effect today. As such, it is the supreme law of the land.

The Preamble of the UN Charter states that its purpose is to “save future generation from the scourge of war” and it further states that “all nations shall refrain from the use of force against another nation.”

This Treaty applies both collectively and individually to all members of the US armed forces, who have sworn to uphold the Constitution, which includes Article VI.

Under the UN Charter and long established international laws, anyone - citizen, military, politician, or judge - that knowingly engages in illegal use of force against another nation is committing a war crime.

Today, we ask you to consider that when you promised to uphold the Constitution, you specifically promised to honor treaties - international law - as the supreme law of the land. (Under the Uniform Code of Military Justice of the U.S., you are required to disobey any clearly unlawful order from a superior.)

We charge that the Air National Guard of the United States of America, headquartered at Hancock Field Air National Guard Base, home of the 174th Fighter Wing of the Air National Guard, under the command of 174th Fighter Wing Commander Colonel Greg Semmel, is maintaining and deploying the MQ-9 Reaper robotic aircraft.

These drones are being used both in and out of combat.

Extrajudicial targeted killings such as the U.S. carries out by unmanned aircraft drones are intentional, premeditated, and deliberate use of lethal force in violation of U.S. and international human rights law.

It is a matter of public record that the US has used drones for targeted killings in Afghanistan, Iraq,

Yemen, and Pakistan, with: no legal basis for defining the scope of area where drones can and cannot be used, no rigorous criteria for deciding which people are targeted for killing, no procedural safeguards to ensure the legality and accuracy of the killings, and no mechanisms of accountability.

In support of this indictment we cite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, who has said that the use of drones creates "a highly problematic blurring and expansion of the boundaries of the applicable legal frameworks – human rights law, the laws of war and the law applicable to the use of inter-state force....The result has been the displacement of clear legal standards with a vaguely defined license to kill, and the creation of a major accountability vacuum....In terms of the legal framework, many of these practices violate straightforward applicable legal rules." See United Nations General Assembly Human Rights Council Study on Targeted Killings, 28 May 2010.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>

The drone attacks either originating at Hancock or supported here are a deliberate illegal use of force against another nation, and as such are a felonious violation of Article VI of the US Constitution.

By giving material support to the drone program, you as individuals are violating the Constitution, dishonoring your oath, and committing war crimes.

We charge the chain of command, from President Barack Obama, to Secretary of Defense Leon Panetta, to Commander Colonel Greg Semmel, to every drone crew, *to every service member supporting or defending these illegal actions* with the following crimes: extrajudicial killings, violation of due process, wars of aggression, violation of national sovereignty, and the killing of innocent civilians.

We demand that they immediately stop these crimes, and be accountable to the people of the United States and Afghanistan.

We appeal to all United States citizens, military and civilian, and to all public officials, to do as required by the Nuremburg Principles I – VII, and by Conscience, to refuse to participate in these crimes, to denounce them, and to resist them nonviolently.

As citizens of this nation, which maintains over 700 military bases around the globe, and the largest, most deadly military arsenal in the world, we believe these words of Martin Luther King still hold true, " the greatest purveyor of violence in the world today is my own government" There is hope for a better world when WE THE PEOPLE hold our government accountable to the laws and treaties that govern the use of lethal force and war. To the extent that we ignore our laws and constitution and allow for the unchecked use of lethal force by our government we make the world less safe for children everywhere.

Let all accused in this indictment understand that our words are spoken nonviolently. All are invited to stop the use of drones and refuse to participate in illegal warfare.

Signed by, The Upstate Coalition to Ground the Drones and End the Wars
<http://www.upstatedroneaction.org/>