

# Courthouse Press Conference (Videos)

On March 10, we held a Press Conference at DeWitt Town Court before Harry Murray's sentencing hearing. The Press Conference provided an opportunity for Harry to speak about his trial and his activism, and Mary Anne Grady Flores was present to talk about her time in jail, her recently granted stay and her appeal which is pending before the New York State Supreme Court awaiting a decision as to whether they will rule on it.

## Press Conference

Syracuse Resident Ed Kinane introduces the event and talks about recent actions at Hancock:

Ithaca Resident Mary Anne Grady Flores talks about her conviction and jail time, and about her appeal:

Nazareth College Professor Harry Murray talks about his conviction and upcoming sentencing:

Ithaca College Professor Beth Harris talks about the veil that has been drawn over the US drone program:

Q&A:

Videos above by **Charlie Bowman**.

You can see a complete video by **Wilton Vought** of the Press Conference and Harry's Sentencing Hearing [HERE](#).

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# Press Conference: Drone Resisters Speak

**Harry Murray to be sentenced at 8pm  
Mary Anne Grady Flores released on  
bail**

**Press Conference:**

**DeWitt Town Court, E. Syracuse, N.Y.**

**March 10, 7:15pm**

Syracuse, N.Y. The [Upstate Coalition to Ground the Drones and End the Wars](#) invites the press and public to hear from drone resisters Mary Anne Grady Flores, released on bail Monday night, and Prof. Harry Murray. Judge David Gideon will sentence Nazareth College Professor Murray in the DeWitt Town Court on Thursday at 8pm. Convicted of a trespass charge, Murray faces 15 days in Jamesville Correctional Facility. His conviction stems from the Hancock 31 action (April 28, 2013) denouncing drone killings in Afghanistan and Pakistan, which are directed by drone operators sitting in computer rooms at Hancock Field Air National Guard Base on E. Molloy Rd. in DeWitt, NY.

After completing 49 days in the Jamesville jail, Mary Anne Grady Flores, grandmother of 3, was released on \$5,000 bail. She had been convicted of criminal contempt of an order of protection signed by a DeWitt judge on behalf of the Hancock base commander who claimed that he wanted the protesters away from his base. Grady Flores' attorney Lance Salisbury submitted an appeal of her conviction to the NYS Court of Appeals, the highest state court. He writes, *"There exists a split within the decisions of the Onondaga County Courts on the validity of the order of protection at issue in this*

case,” and that the Court of Appeals must resolve this difference. Salisbury argues that the New York Criminal Code requires that orders of protection be issued only on behalf of a crime victim or witness, not for the protection of property, including a military base, as happened in the case of Grady Flores.

Hancock air base commanders have used orders of protection to silence First Amendment protected rights to protest the crimes committed by entire chain of command of the US drone program. These crimes include violation of sovereignty laws, extra-judicial killings, violation of due process rights, and the killing of innocent civilians. *“We know from leaked government documents, [the Drone Papers](#), during a five month period in Afghanistan, 90% of all drone victims were bystanders. If the American people knew the impact of the drone program, they would shut it down, “* said Grady Flores. [Four former drone operators](#) wrote President Obama,

*“This administration and its predecessors have built a drone program that is one the most devastating driving forces for terrorism and destabilization around the world. When the guilt of our role in facilitating this systematic loss of innocent life became too much, all of us succumbed to PTSD.”*

Prior to Professor Murray’s January trial, a Hancock base lawyer argued to quash the subpoena, which Judge Gideon had signed, for the base commander to produce information about Hancock drone strikes. Professor Murray recounts,

*“He told the judge that the information I had requested, including the number of children killed by drone strikes piloted out of Hancock, was classified and that Col. Semmel could be prosecuted if he answered any of those questions. If letting the people know how many children its military has killed threatens the security of our nation, what does that say about the US as a country and as a democracy?”*

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# **Grandma Drone Resister Released on Stay**

## **Grandma Drone Resister Released on Bail Pending Court of Appeals Decision**

A court has ordered that Mary Anne Grady Flores be released on \$5,000 cash bail from the Onondaga County Correctional Facility in Jamesville NY on Monday, March 7, pending the New York State Court of Appeals decision on whether it will consider her case. That decision could take a month or two. Should the court decide to take the case, it could be quite a long time before it is heard.

Grady Flores's appeals case, which was submitted on Feb. 19 by attorney Lance Salisbury, hinges on the validity of the order of protection granted to Colonel Evans of the Hancock Air National Guard Base 174th Attack Wing (Syracuse) by a judge. Orders of protection are generally issued to protect vulnerable people from domestic violence. Grady Flores was arrested for ostensibly violating this order while standing in the road outside the base and simply photographing peaceful drone protesters.

She was sentenced to six months (reduced from the original 12 months) and began serving the time on January 19. She has now completed 49 days in the prison. She would have to return to serve the remaining 65 days if the Court of Appeals decides not to hear the case.

On Friday, February 26, as she wrote in a public letter, Mary Anne was granted a deathbed visit to her mother, Teresa Grady, who had entered hospice care (at home) on February 19. As she wrote us afterward,

*“I walked, shackled, wrists to waist and ankles, to be at mom’s side, leaning over her to kiss her big smiling face. I told her over and over that I loved her, my tears wetting her soft cheeks. I asked if she was in any pain. ‘No, I’m not in pain. I’m o.k.’ She kept smiling and fell asleep. What a precious, blessed moment.”*

Mary Anne is especially looking forward to spending more time with her mother, as well as with her children, three grandchildren, siblings, and extended family. She is very grateful to the many people who wrote to her and visited her during her time in prison.

Mary Anne is part of The Upstate Coalition to Ground the Drones and End the Wars, resisting the drone assassination program since 2011. According to leaked military documents called the Drone Papers sent to the Intercept, 90% of drone assassinations target and kill civilians, including children.

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***To write to Mary Anne at home:***

Mary Anne Grady Flores, c/o Ithaca Catholic Worker, 514 North Plain Street, Ithaca, NY 14850

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**Dorothy Day Archivist Found**

# Guilty of Trespassing in Wisconsin

**Phil Runkel, Dorothy Day Archivist and Activist, Found Guilty of Trespassing in Wisconsin**

By Joy First

On Friday February 19 Phil Runkel was found guilty of trespassing in Juneau County, WI by Judge Paul Curran after a 22 minute trial. Phil had joined nine other activists in attempting to walk onto the Volk Field Air National Guard base and meet with the commander to share our concerns about the training of drone pilots that takes place there.



District Attorney Mike Solovey followed his standard procedure of calling Sheriff Brent Oleson and Deputy Thomas Mueller to the stand and identifying Phil as one of the people who walked onto the base on August 25, 2015 and refused to leave.

Phil cross-examined Sheriff Oleson asking him about the purpose of the space between the gates and guard house. Oleson responded that the space was used so that cars waiting to enter the base didn't back up onto the county highway. Phil asked when it was legal to be in that area, and Oleson responded that it was when you are given permission. But that isn't true. Cars drive through the gates and about a block to the guard house and wait to talk to the guard without getting permission to wait in that space.

Phil asked Oleson if we were asked why we were there so the base officials could determine if we were there for a valid reason, and the sheriff responded that he knew we weren't there for a valid reason.

The state rested their case and Phil told the judge he would like to be sworn in to testify and then give a brief closing statement.

## **Testimony**

Your Honor:

I am employed by Marquette University, where it has been my privilege to have served since 1977 as archivist for the papers of sainthood candidate Dorothy Day. She has often been lauded for her performance of the works of mercy—most recently by Pope Francis—but scorned for her equally steadfast opposition to the works of war. This led to her arrest and imprisonment on three separate occasions for failure to take cover during civil defense drills in the 1950s. I am one of many who have been inspired by her example to seek peace and pursue it.

I respectfully plead not guilty to this charge. Following World War II the International Military Tribunal at Nuremberg declared that *“Individuals have international duties which transcend the national obligations of obedience imposed by the individual State.”* (Trial of the Major War Criminals before the International Military Tribunal, vol. I, Nürnberg 1947, page 223). This was one of the Nuremberg Principles adopted by the International Law Commission of the United Nations in 1950 to provide guidelines for determining what constitutes a war crime. These principles are arguably part of customary international law and part of domestic law in the United States under Article VI, paragraph 2 of the US Constitution (175 U.S.677, 700) (1900).

Former US attorney general Ramsey Clark testified under oath, at a trial of drone protesters in Dewitt, NY, that in his legal opinion everyone is obligated under the law to try to stop their government from committing war crimes, crimes against peace and crimes against humanity

([http://www.arlingtonwestsantamonica.org/docs/Testimony\\_of\\_Elliott\\_Adams.pdf](http://www.arlingtonwestsantamonica.org/docs/Testimony_of_Elliott_Adams.pdf)).

I acted out of a conviction that the use of drones for extrajudicial, targeted killing constitutes such a war crime, and I sought to apprise base commander Romuald of this fact. I intended to uphold international law. (As Ms. First noted at her trial last week, Judge Robert Jokl of Dewitt, New York, acquitted five resisters for their action at the Hancock drone base because he was persuaded that they had the same intention.)

Article 6(b) of the Nuremberg Charter defines War Crimes—violations of the laws or customs of war—to include, among other things, murder or ill treatment of civilian population of or in occupied territory. Weaponized drones, assisted by reconnaissance and surveillance drones piloted from bases such as Volk Field, have killed between 2,494-3,994 persons in Pakistan alone since 2004. These include between 423 and 965 civilians and 172-207 children. Another 1,158-1,738 have been injured. This is data compiled by the award-winning Bureau of Investigative Journalism, based in London

(<https://www.thebureauinvestigates.com/category/projects/drones/drones-graphs/>).

According to the legal scholar Matthew Lippman (Nuremberg and American Justice, 5 Notre Dame J.L. Ethics & Pub. Pol’y 951 (1991)). Available at:

<http://scholarship.law.nd.edu/ndjlepp/vol5/iss4/4>) citizens have “the legal privilege under international law to act in a non-violent proportionate fashion to halt the commission of war crimes. “ *He contends that “Nuremberg... serves both as a sword which can be used to prosecute war criminals, and as a shield for those who are compelled to engage in conscientious acts of moral protest against illegal wars and methods of warfare.”*



Lippman counters the common admonition for protesters to confine themselves to legally-sanctioned means of dissent, such as lobbying congresspeople. He cites Judge Myron Bright, of the 8th Circuit Court of Appeals. Dissenting in *Kabat*, Judge Bright stated that: "We must recognize that civil disobedience in various forms, used without violent acts against others, is engrained in our society and the moral correctness of political protesters' views has on occasion served to change and better our society."

Examples he gave included the Boston Tea Party, the signing of the Declaration of Independence, and the more recent disobedience of "Jim Crow" laws, such as the lunch-counter sit-ins. *Kabat*, 797 F.2d at 601 *United States v. Kabat*, 797 F.2d 580 (8th Cir. 1986).

To Professor Lippman, "*Today's obscenity may be tomorrow's lyric.*"

I'll conclude, then, with these words from a song many of us know: "*Let there be peace on earth. And let it begin with me.*"

Note that Phil was stopped in the fifth paragraph, giving statistics on the number of people killed by drones, when DA Solovey objected citing relevance and Curran sustained the objection. Phil was not able to complete his statement, but it is included in this report because he provided valuable information that could be useful in future cases.

Curran asked Phil what his testimony has to do with trespassing and Phil began to talk about why he walked onto the base when the DA interrupted and said there is nothing about intent in the statute. As Phil persisted in trying to explain his actions to the judge, Curran became increasingly agitated and angry. He said he didn't need to be lectured by Phil about Nuremberg.

Phil tried to explain he was acting under the belief that he was obliged to enter the base, and that we are compelled to

engage in resistance to illegal warfare. Again, Curran made his same old argument that his court is not going to tell Obama that what he is doing is illegal. That continues to be a false argument that the judge makes in many of our trials.

Phil was very persistent in trying to get his point across and continued to argue his case, but the judge could not hear anything he was saying.

Finally the judge said guilty and \$232 fine. Phil said he wanted to give a closing statement. Curran said it was too late, it was over, and got up and quickly left the courtroom. I am concerned about a judge who refuses to allow a closing statement. Is that legal?

### **This is the closing statement Phil would have liked to present.**

I stand with my co-defendants in the conviction that silence in the face of the injustice of the immoral, illegal and counterproductive drone warfare being carried out by our government makes us complicit in these crimes. And I fully endorse and support their testimonies before this court.

In his book *The New Crusade: America's War on Terrorism*, Rahul Mahajan wrote, "*If terrorism is to be given an unbiased definition, it must involve the killing of noncombatants for political purposes, no matter who does it or what noble goals they proclaim.*" I ask your honor to consider which poses the real threat to peace and right order—the actions of groups such as ours, or those of the CIA and other agencies responsible for our drones policy.

Again, a very disappointing outcome, but Phil reminds us of the importance of what we are doing and why we must continue as he states,

*"I was disappointed, of course, that Judge Curran didn't allow me to finish my testimony or make a closing statement.*

*But such rulings won't deter us from continuing to speak our truth to the powers that be."*

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## **Volk Protesters Kathy Kelly and Brian Terrell in Court**

Volk Protesters arraigned February 25th, 2016, Update: Volk Field, Wisconsin, Action to Protest Drone warfare



On February 24th, two co-coordinators of Voices for Creative Nonviolence, Brian Terrell and Kathy Kelly, appeared before Judge Curran from the Juneau County jail via the jail's video link. The two had been held overnight. They were served documents charging them with trespass at the "dwelling" of Volk Field. Pilots train at Volk Field to operate Shadow Drones over other countries.

Kelly told Judge Curran that she wished to plead no contest and that she would not be able, in conscience to pay a fee and that she preferred not to promise that she'd return to the court since she didn't believe she had committed a crime in the first place. "Oh, I get what's happening here. You have some people out there who will give you a gold star and a pat on the back for being so courageous," said Judge Curran. He then said he would not impose a cash bond and he set a pre-trial conference date for March 23rd even though Kelly had already indicated that she wished to plead no contest and was

not seeking a trial.

Terrell appeared next. He reiterated what Kelly had said, wishing to plead no contest and go directly to sentencing. "It would save the county, the court and everyone involved time and trouble if the judge would accept the no contest plea," said Terrell, "and go right to sentencing. I don't understand why a pre-trial conference was scheduled when we haven't asked for a trial."

"It's not necessary for you to understand the process of this court," said Judge Curran. That's why God made lawyers."

Kelly and Terrell were released after signing personal recognizance bonds. On February 25th they returned to the court to attend Mary Beth Schlagheck's trial for a protest at Volk Field last August. Due to an emergency hospitalization of one of the state's witnesses, her trial was postponed.

Following the hearing, District Attorney, Michael Solovey agreed to an informal conference with Kelly and Terrell. He discussed a motion Terrell had filed that morning to dismiss the criminal charge of trespassing at a dwelling. Mr. Solovey said he expected the charge to be changed to the less serious forfeiture of trespassing on land. He was ready to accept a plea of no contest when he learned, at the end of the conference that the U.S. Air Force was asking for another criminal charge of disorderly conduct alleging that Kelly and Terrell had disrupted traffic in their protest. Kelly and Terrell told him a video taken by Joy First would verify that Kelly and Terrell did not disrupt traffic.

Kelly and Terrell await word from the DA about whether he will seek an additional charge. "We're building on earlier efforts by Wisconsin activists," said Terrell, "and we see today's events as part of a continuum."

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# Grandma Asks Questions About Her Volk Field Arrest

**Joy First, Grandmother Activist, Found Guilty of Trespassing in Juneau County, WI**

*by Joy First of the National Campaign for Nonviolent Resistance, NCNR*

On February 9, 2016 Judge Paul Curran found me guilty of trespass for walking onto the Air National Guard Base at Volk Field in Wisconsin on August 26, 2015. I joined eight others who wanted to deliver a message to Base Commander Colonel David Romuald, demanding that he immediately end the program of training pilots to operate the Shadow Drone at Volk Field. Shadow drones are used overseas for reconnaissance, surveillance, and target acquisition, and so contribute to the deaths of thousands of innocents through U.S drone warfare. This action came at the end of the 8-day 90-mile walk organized by Voices for Creative Nonviolence from Madison to Volk Field.

The trial began as predicted with DA Solovey calling Juneau County Deputy Sheriff Thomas Mueller who established that I was at Volk Field on August 26 and that I did cross onto the base after being told not to.

**The following are the questions that I asked the deputy under cross examination.**

What is the purpose of the area between the gates and the guardhouse?

*Response: It is so cars have a place to line up while waiting*

*to talk to someone in the guardhouse without blocking the county road.*

When is it legal to be there?

*Response: When you are a member of the public waiting to talk to someone in the guardhouse.*

Did you ask any of us why we were there so you would know if we were there for a valid reason, and were therefore authorized to be there?

*Response: No I didn't.*

Why weren't we allowed to walk to the guardhouse and state our business?

*Response: The sheriff said we should arrest you when you stepped onto the base.*

Why does a military base that is supposed to be protecting us need to have the Sheriff protect them from nonviolent dissenters.

*Response: I don't know.*

If we are arrested at Camp McCoy the base security makes the arrest. Whd does the county take this on at Volk Field?

*Response: I don't know.*

I said I had no further questions. I then asked the DA if the Sheriff was expected today as he had testified at the other trials. The DA said he was not. I was disappointed to hear that because the sheriff likely would have been able to answer my questions. It seems clear we are being discriminated against by not being allowed to go to the guardhouse when that is what anyone else is able to do, but I was not a good enough examiner to bring this out with the witness that was there.

The defense rested and I told the judge I would like to give a

brief statement as testimony, a closing statement, and then if I was found guilty I wanted to give a sentencing statement. The judge said that was fine, and I was sworn in and took the stand.

**Here is my testimony from the stand.**

As each of those who came before me said, silence is complicity and so I must speak out.

I am testifying that I have a First amendment right to petition my government for a redress of grievances and that was what I was doing at Volk Field on August 26, 2015.

I am also testifying that I have an obligation following Nuremberg to speak out when I see that my government is doing something illegal.

I was not there on August 25 in order to enter the base without permission, but to get to the guard house to request a meeting with the base commander to talk about US drone warfare. I was not there because I wanted to get arrested.

Defendants have not been permitted to present evidence as to their intent. For example, Ms. Ellwanger's statement was completely stricken from the record and Mr. Timmerman was not allowed to talk about intent.

I then cited information that we had used to appeal a previous case and said:

However, according to previous court cases, the "mere omission of any mention of intent will not be construed as eliminating that element from the crimes denounced." The Supreme Court held that a statute's "silence" on the mens rea element "does not necessarily suggest that Congress intended to dispense with a conventional mens rea element." The Staples Court importantly added that "some indication of Congressional intent, express or implied, is required to dispense with mens

rea as an element of a crime.”

I handed the judge the complete text, which included the court cases cited and continued:

And our intention for being there is an important element in this case. We were not violent. We meant no harm, rather we were there to try to prevent harm to others and to uphold the law.

When the police asked us to leave I believed it was my right and my duty to remain.

As I walked back to the defense table the DA asked if my complete statement could be stricken from the record. The judge overruled this request, stating that I included some legal arguments in my statement.

The judge then said that I was found guilty and started saying I would have to pay the \$232 fine when he remembered that I wanted to make a closing statement. He asked if I still wanted to make a closing statement and I said that I wasn't sure if it was relevant since he already pronounced me guilty.

The judge replied that he had sat through so many of these cases and heard us talk about our personal beliefs and convictions about drones and he had heard it all. He said if that was what I was going to talk about he didn't want to hear it, but that if I had something else to say he would listen and if necessary vacate the sentence.

**So I read the following as my closing statement:**

I am here before you today because I cannot and will not remain silent as our government continues to engage in drone warfare which is illegal and immoral. I did not go to Volk Field on August 25, 2015 to break the law; rather I was there to uphold the law. This is not a simple trespassing case.

Testimony was given that I, as a committed and concerned U.S.



citizen, was there exercising my First Amendment rights, and following my obligations under Nuremberg. I went to Volk Field not with the intention of getting arrested, but rather to try to meet with the base commander, who has never answered a letter from us.

I was not there to engage in unlawful activities. I am a person of nonviolence, involved in Constitutionally-protected speech. My intent was to seek to influence the commander, wake him up and affect his conscience, hardly an offense that I should have been arrested for.

You have heard testimony that when the police told me I had to leave, it was my right and my duty to refuse that order. I acted in a nonviolent manner, and I had the right and responsibility to remain and continue my request for a meeting.

You have heard that I was acting under the First Amendment which gives us the right to peaceably assemble, speak out, and petition our government for a redress of long-standing grievances.

You have heard that I was following my citizen obligations under Nuremberg and other international law.

According to the Nuremberg Principles, if we remain silent while our government is engaged in illegal and immoral activities, then we are complicit, we are equally guilty of being in violation of international law and of going against our most dearly held values. It is our responsibility as citizens, as taxpayers, as voters, as prosecutors, as judges to speak out. Robert Jackson, the United States judge at the Nuremberg trials said, "The very essence of the Nuremberg Charter is that individuals have international duties which transcend national obligations of obedience imposed by the individual state."

I will not, indeed, I cannot, be complicit when our government

has gone so astray. It is my responsibility as a citizen of this great country to call attention to the unjust actions of our government and demand that they stop now. I believe that I can make a difference, that I have made a difference, and you can too. Please, look into your heart and see that I was doing what I was called to do, and that I did so peacefully, and now you have the opportunity to find me not guilty of trespass.

You have said that you have no authority over our foreign policy, but if a judge in Juneau County finds me innocent, it would make a difference and people would pay attention.

At the Hancock AFB in New York resisters were acquitted because the judge said they intended to uphold the law, not break it. We were at Volk Field on August 25 to uphold the law.

I ask that you please find me not guilty as charged and join me in saying that we need to stop arresting, detaining, and prosecuting nonviolent people of good will and conscience who take action for peace and justice.

Thank you for your time and attention to this case.

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I finished and Judge Curran again pronounced me guilty. He said that what I was asking him to do was very dangerous. He cannot let me off because he likes me or agrees with me. That would set a very dangerous precedent. He can't let his personal beliefs affect his rulings as he picks and chooses which laws to obey and which not to obey. He is bound and sworn to follow the law.

The trial lasted 18 minutes. Curran left the courtroom without giving me a chance to give a sentencing statement as I had requested. Again, he is sick of us and does what he can to shut us down. His argument at the end makes no sense. He

IS picking and choosing which laws to obey when finds us guilty. He is ignoring the constitutional law of our First Amendment rights. He is ignoring international law, including Nuremberg, the UN Charter, the Geneva Conventions – all of which make U.S. drone warfare illegal.

*Afterwards, I realized that I should have added something to my closing. I should have pointed out that Deputy Mueller said that members of the public are allowed to pass through the gate and proceed to the guardhouse to request permission to enter the base. If that is the case, why were we arrested at the gate without being asked what our business was at the base? Why are we not being given the same rights as other members of the public?*

As so many of my activist friends say, “You do not find justice in the courtroom.” There was no justice for me today, but more importantly, there is certainly no justice for the thousands of people whose lives have been destroyed because of U.S. drone warfare. We continue with two more trials for our Volk Field action – Phil on February 19 and Mary Beth on February 25.

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## **Another Grandmother Convicted**

### **Grandmother and Long-time activist Joyce Ellwanger Guilty of Trespass in Wisconsin**

*Report by Joy First of NCNR, The National Coalition for Nonviolent Resistance*

Joyce Ellwanger was found guilty of trespassing by Judge Paul Curran in Juneau County court on Friday January 22, 2016.

Though Curran never formerly pronounced a verdict saying Joyce was guilty, he said she trespassed and he imposed a sentence in another heavy-handed trial for the nine activists who were arrested at Volk Field in August 2015.

Refusing our request to consolidate the cases, Judge Curran has already found Jim Murphy and Bonnie Block to be guilty. Jim spent five days in jail, and Bonnie asked for community service, but Curran refused and said that if she didn't pay the fine it would be attached to her income tax. Four trials are remaining and coming up in February.

The DA, Michael Solvey, continued his familiar defense in Joyce's trial. He called the county sheriff and a deputy sheriff to take the stand, establishing Joyce's identity and that she did indeed cross onto the base.

Joyce cross-examined both witnesses. Through questioning the witnesses confirmed that when someone arrives at Volk Field they drive their vehicle to the guard house, several hundred feet past the brick gates, show their identification, and state why they are there. Joyce asked why we are discriminated against and were stopped at the gates and not asked about why we were there. The reply was that they knew we were there to protest and get arrested. Joyce stated that was not her intention. She was there to talk to the commander about the drones.

Judge Curran questioned the deputy about whether he (or another member of the general public) would be able to drive to the gatehouse and the deputy responded he would.

After the defense rested, Joyce took the stand. The Judge showed her the pictures of the gate and guardhouse that were entered into evidence and asked Joyce where the gates were and where the guardhouse was. It was noted that there was quite a distance between the two. Joyce continued her testimony by reading a moving statement about why she was there. She said

that she stands with Jim and Bonnie in saying that silence is complicity. She also talked about how all human life is precious. (See full statement below.)

When she finished, **DA Solovey asked that her complete statement be stricken from the record, and the judge quickly sustained the motion.** We were all shocked by this, and later Joyce stated,

*“There were two areas in which I felt blindsided by Judge Curran and District Attorney Solovey: The first was when Mr. Solovey asked that my testimony be stricken from the record as irrelevant to the trespassing charge and the judge immediately sustained his request. There was not even time to raise an objection and I was stunned by this action which was inconsistent with allowing me and my codefendants in the past to enter our statements into the record.”*

That was it. Curran never actually pronounced a verdict stating Joyce was guilty. He said that an issue was raised that caught his attention. He questioned why we were not allowed to go to the guard house which was quite a ways from the gates – if that was the standard procedure for others arriving at Volk Field. But then Curran said he got the answer from the deputy who said we were told that we were not supposed to go beyond the gates, so that solved that problem according to the judge. He told Joyce she did trespass.

Looking back, I think this was a ruse on the part of the judge. He is presiding over eight almost identical cases and I can imagine he doesn't want it to look like he is just automatically finding us all guilty, so in this case he can say he did question whether we should have been arrested or not – whether we actually did trespass.

Joyce asked him about doing community service with Rev. Terry McGinley, who has offered to all of us and to the judge that he would supervise and report back to the court on our

community service so that there would be no cost to the court in administering it. Judge Curran said that the trespass charge is an ordinance violation and it is not worth the time for Rev. McGinley to supervise us in community service and so he would not allow that.

He ordered Joyce to pay a \$232 fine within 60 days or it would be attached to her income tax. This tactic, which he also used in Bonnie's trial, does not allow us to choose to spend the five days in jail. For many of us, it goes against our conscience to pay the fine and we would prefer the jail time over paying the fine, but now Judge Curran has discovered a way to prevent that.

## **Joyce discusses this as the second time she felt blind-sided during the trial,**

*"The second was when the judge, without ever announcing a verdict, indicated community service was not an option and announced a fine of \$232 with a 60 day limit to pay or to have the amount attached to my income tax return. I had asked for community service as an option, as had Mrs. Bonnie Block, whose trial preceded mine by two weeks. Rev. Terry McGinley, a local clergyperson was in court with me and had agreed to act as supervisor for that service and report my hours to the court. He had three Mauston non-profits lined up who were willing participants. Judge Curran maintained that this would be too onerous on the court. I find that a specious argument. My impression is that the judge and district attorney are attempting to use their authority to tighten restrictions and options for us in the hope that we will go away. They really do not understand that our witness is not about power or winning, but about standing with the powerless, often innocent, victims of our country's illegal, immoral and counterproductive drone warfare."*

**And so we will continue our resistance both at the base and in**

court.

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## **Joyce's statement on the stand:**

*Good afternoon, Judge*

*I would like to read a brief statement into the record this afternoon.*

*I stand with Fr. Jim Murphy and with Mrs. Bonnie Block in the conviction that silence in the face of the injustice of the immoral, illegal and counterproductive drone warfare being carried out by our government makes us complicit in these crimes. And I fully endorse and support their testimonies before this court. By the way, judge, Bonnie had her surgery this morning and is doing well.*

*For me, the bottom line is that every life is precious, whether that be the life of my husband, my children, my grandchildren, my friends, drone pilots, or their victims...every life, equally precious to God and to me.*

*Former drone pilots are coming forward to share the trauma associated with their job. The Air Force now offers incentives up to \$125,000 I am told, to enlist drone pilots. And the shortage of those willing to serve is so severe that the Air Force is contracting with private companies to provide drone pilots. That should give us pause. The pilots being trained at Volk Field are part of an interconnected strategy of identifying potential terrorists and their sympathizers for destruction. Based on often unreliable intelligence, people are targeted and killed. It is not surprising, then, that the incidences of PTSD and suicide of drone pilots mirrors and sometimes exceeds that of combat troops on the ground.*

*How can you look at the strewn body parts of the men, women and children you have killed and not be affected. The trauma*

*to the communities and families who endure drone attacks and drone killing is incredible: daily surveillance from the sky; fear of letting their children go outside to play or go to school; afraid to attend weddings, funerals, community gatherings; afraid even to offer assistance when drone strikes happen because of the double tap strike likely to follow minutes afterward.*

*Their suffering is beyond words. The legal arguments we have presented in the past are in the court record. I will not elaborate on them here, except to say that I believe that the U.S., as a country that subscribes to the rule of law, must honor those international laws, courts and declarations we say we subscribe to, but only seem to uphold when it is in our self interest.*

*The Haitians, some of the poorest people in our hemisphere, have a wonderful proverb, "We see from where we stand." We stand in different places, judge, trying to hold on to our piece of the truth. Sue Frankel-Streit, a member of a Catholic Worker Community in Virginia, puts it well: "There are times in the lives of all people of conscience when the truth in one's heart is in such deep opposition to the falsehood of the world that one must put everything else in life aside and act upon the truth." I take full responsibility for my actions on August 5, and would only ask that you stand with me and my co-defendants to understand that there is nothing criminal in our intent or actions. I cannot in good conscience be silent, nor can I in good conscience pay a fine for speaking my piece of the truth.*

*Did you receive the letter I sent you on January 19? As you know, it concerns the possibility of community service. I have left a copy with the court clerk and ask that it be included in the record.*

*I cheerfully and hopefully await the verdict of the court. I do not think you were comfortable in sending Fr. Murphy to*



*jail, and I certainly agree that is a needless expense. I hope you will consider community service as an option this court will adopt for Juneau County residents as well as us. I would ask for permission for the possibility of a short statement from Rev. McGinley after the verdict is announced and before sentencing, and also of a question for you, judge, should I be found guilty.*

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## **Joyce's letter to the judge pre-trial regarding the possibility of community service:**

*January 19, 2015*

*Hon. Paul S. Curran, Judge*

*Juneau County Circuit Courthouse*

*200 Oak Street*

*Mauston, WI 53948-1349*

*Dear Judge Curran:*

*I am writing today to inform you that, should I be found guilty of trespass to land at my trial on January 22 at 1:45 in your court, I will be asking for community service in lieu of jail time or a fine.*

*This issue came up at the trial of Bonnie Block, my co-defendant, at her trial on January 8 before your court. My understanding of your remarks at that time is that you needed more time to think through whether you will accept this option for her. So, I am bringing to your attention now, in writing, my request for community service.*

*I am also writing to explain my particular situation. I am providing home hospice care for Robert Love, a 67-year old man, a member of my congregation, Hephatha Lutheran Church, 1740 W. Locust, here in Milwaukee. Mr. Love lives in a small cottage in our backyard. He spent most of his life in prison on drug-related charges, and no plans were made for his housing upon his release. We were able to put him in the*

*cottage, and he has been with us for about five years. After having three productive years of employment, the COPD from which he suffers became severe enough that he could no longer work.*

*Today, he spends his days in a hospital bed, and I support the hospice nurses who look in on him two days a week by preparing his meals, keeping his house, doing his laundry, seeing to his bodily needs-emptying urinals, helping with changing Depends etc., and overseeing his meds and oxygen supply. He is expected to die within the next six months, actually, the nurses are surprised he is still alive today. Mr. Love has no family nearby, and the family he has visited him only once in the last five years, and cannot provide help to him at this time.*

*I can be supervised in giving care to Mr. Love by the Aurora Hospice nurses with whom I share responsibility for his care. If this is not an acceptable community service I would ask to be supervised by Rev. Terry McGinley, who will be present at my trial to provide service through his church or another non-profit in Mauston which he has contacted and agreed to such service. To be transparent, I would hope that I might do that service from here (something like data entry, mailings, thank you notes, etc.).*

*Trusting that you will give this your thoughtful consideration, I am prepared to cheerfully accept your judgment on January 22.*

*Sincerely yours,*

*Joyce Ellwanger*

*Case # 15 F0431*

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*This is one of 3 great descriptions by Joy First and Bonny Block of trials for civil resistance activists protesting*

*drones at Volk Field Air National Guard Base in Wisconsin. These scenarios seem very similar to the ones we face at Hancock Air National Guard Base in Upstate New York. It isn't every day that we get such a careful transcription of events.*

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# **Catholic Worker Found Guilty in Juneau County**

## **CATHOLIC WORKER, PEACE ACTIVIST DON TIMMERMAN FOUND GUILTY IN JUNEAU COUNTY, WI**

***Report by Joy First of NCNR, The National Coalition for  
Nonviolent Resistance***

In another farcical trial for the 14 activists arrested at Volk Field Air National Guard Base in Wisconsin, Don Timmerman was found guilty of trespass in a Juneau County trial presided over by Judge Curran on February 1. Apparently Judge Curran, who said he did not want to consolidate our trials because it could be prejudicial to us, has fine-tuned his skills in short-circuiting any defense we might provide and the whole trial lasted about eleven minutes.

As predicted, DA Solevey had Juneau County Sheriff Brent Oleson and Deputy Sheriff Thomas Mueller take the stand and establish that Don was at Volk Field on August 25 and that he crossed onto the base after he was told not to by the Sheriff.

Under cross-examination Don asked Oleson if he knew why we

were there. The DA objected as irrelevant and the judge sustained the objection. Don asked Mueller if he was aware that the base property was purchased by the taxpayers. Don was going to make the point that we had the right to be on the property, but this question was also objected to and the objection was sustained.

Don took the stand and said he wanted to talk about why we were there. Curran said it was irrelevant to the charge – that intent is not an element of the trespass charge – and therefore he would not allow this testimony. The judge complained that he has heard this information repeatedly over the last couple of years and that moral convictions are not relevant to the case.

Don said that if he was not allowed to talk about why he was there, he didn't have anything else he wanted to say.

The judge quickly told Don he was guilty of trespass and would be fined \$232, and that it would be attached to his income tax refund if he didn't pay it. Again, a defendant was tried and convicted without being allowed to provide a defense.

Don asked Curran if he could do community service or jail time and the judge said no. The judges made the same empty argument that it would take too much time to administer community service with a number of additional hearings being required. This is simply not true. We have models for community service in both Milwaukee and Madison where it is a matter of filling out a form that would be signed by a local minister and then turned into the court.

Don asked Curran if he could say one more thing and the judge said he would allow it. Don said, "I cannot allow killing of innocent people in my name. This needs to be stated over and over. We are always going to be protesting killings." And with that the judge stood up and quickly left the courtroom.

Don was hoping to read the following statement on Nuremberg

from Nuremberg and American Justice during his testimony, but was not allowed:

Allegiance to the nation-state must be replaced by a loyalty to the human community and by a respect for international law. It is not the rebel who threatens civilization, but the compliant conformist who mechanically suppresses his moral qualms when confronted with the dictates of authority. The famous therapist R.D. Laing reminds us that the perfectly adjusted bomber pilot poses a greater threat to the survival of the human species than does the hospitalized schizophrenic. Laing goes on to note that so-called normal individuals have been responsible for the unnecessary death of perhaps one hundred million of their fellow human beings in the twentieth century.

And so we are reminded of the importance of continuing our work. It might seem disheartening to witness the outrage and absurdity of the United States criminal justice system, but as I was driving to court today I was thinking of the words that Art Laffin always shares, "Keep your eyes on the prize." Whether we are found guilty or not in this sham of a court does not really matter in the big world picture. What we need to stay focused on, and what really matters, is the thousands and thousands of innocent children, women, and men who are being killed by U.S. drones. Continuing our message to stop the killing is what is important. And Don told the judge, "We will be back."

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# Guilty of Trespass – Again

## **BONNIE BLOCK FOUND GUILTY OF TRESPASS – AGAIN**

*Report by Bonnie Block of NCNR, The National Coalition for Nonviolent Resistance*

Joy First is the usual reporter on the trials of Wisconsin Coalition to Ground the Drones activists but she is in Washington, D.C. for the NCNR action on “The Real State of the Union. So I’ll report on my bench trial on January 8th.

My statement to the court is below. After I read the first paragraph the District Attorney objected but Judge Curran did not honor his objection and let me read the statement without interruption which is progress because in the past we have often been interrupted when trying to make our case.

## **STATEMENT TO THE JUNEAU COUNTY COURT, January 8, 2016**

*I sit in this courtroom once again charged with trespass and the claim that trespass is purely a matter of “whether or not one entered or remained on the land of another” and that any justification for doing so is merely political and thus not relevant in a court of law. Yet the bedrock foundation of the rule of law is due process. Thus I need a chance to speak of why my action on August 25, 2015 should not be viewed as trespass. There was no intent to harm anyone or damage anything which is what trespass laws exist to prevent. Rather it was an act of nonviolent civil resistance calling on Volk Field personnel to abide by the rule of law. Why do I say that?*

**Because:**

**Drone warfare is Illegal.** From all the reading and legal research that I've done I'm convinced the training of and use by operators of the RQ-7 Shadow 200 UAV's at Volk Field is part of an illegal program. I refer the Court to the 14-page Motion to Dismiss I filed in on April 18, 2014 prior to my first trial on an almost identical set of facts. Obviously, I won't repeat all of that but four things do need to be said.

First, targeted assassinations are murder because bombs from the sky provide absolutely no due process and murder is illegal in all 50 states.

**Second,** The US has ratified the UN Charter which requires member states to settle disputes by peaceful means and to refrain from the threat or use of force against any other state. The US claim that the right of self-defense allows it to engage in pre-emptive attacks is not valid.

**Third,** the UN General Assembly and its Human Rights Council both have declared drone warfare to be a war crime. This should come under the jurisdiction of the International Criminal Court but the US has not ratified the ICC precisely because it fears US officials being might be found guilty of just such crimes.

**Fourth,** drone warfare violates the provisions of Universal Declaration of Human Rights which sets the basic standards by which human beings should be treated. Multiple international human rights organizations charge the US with violations of international humanitarian law.

**Drone warfare is also immoral.** I need not go into the moral arguments against drone warfare because this past Monday one of my co-defendants, Fr. Jim Murphy, eloquently set them out in this very courtroom prior to being sentenced to five days in jail. I agree and affirm every word of his statement most especially that "we cannot remain silent without becoming

complicit." There is no justification for even one person much less thousands of people being killed, wounded or terrorized by US drones. Data for each country in which drone strikes occur can be found at the Bureau of Investigative Journalism.

**Drone warfare is ineffective.** The recent release of "The Drone Papers" is just the most recent report showing remote-controlled wars are counter-productive. A summary of this report published on October 23, 2015 at [www.commondreams.com](http://www.commondreams.com) states: "Even a drone operator who defended this type of warfare... admitted that things have gotten worse on the ground: "The military has quadrupled drone strikes over the past seven years; and now instead of hiding in Waziristan, al-Qaida is flourishing all over the world."

Not only that, but what goes around comes around. The New York Times and other media outlets are reporting that US drone operators have the same or even higher rates of PTSD than military personnel who have been in combat. And, God bless them, many are leaving military service because they can no longer stand the stress of participating in remote control killing.

**Rights and Duty.** Every citizen has not only the constitutional right, but I think a duty, to engage in nonviolent resistance when our government is in violation of the law. Crossing the line is one way of exercising our constitutional rights to free speech and petitioning a branch of the government for a redress of grievances over what is being done in our name and with our taxes. Eleanor Roosevelt once said: "Where, after all, do universal rights begin? In small places, close to home. (...) Unless these rights have meaning there, they have little meaning anywhere."

That's why I keep coming to Volk Field and ending up in this Courtroom. Wisconsin is our home and dismissal of this trespass charge could set a new precedent right here in this



*small place. We could honor universal human rights here.*

*The myth that the use of force such as drone warfare will make us safe and the influence of the war profiteers producing drones and other weapons of war are both very strong. But we could all, in our own way, be one of those tiny grains of sand that slows down the gears of the machinery of death. We could help stop the drones originating from Volk Field rather than acquiescing in ratchetting up the level of violence and injustice because we're "just following orders" or "we can't make policy."*

*Thus I continue to engage in nonviolent civil resistance to call on my government (and its military) to abide by the rule of law and that I believe fails to meet the elements or intent of the law of trespass. Instead I ask—as do the children of Afghanistan—that we "Fly Kites, Not Drones."*

*– Bonnie Block*

I was wearing one of the "Fly Kites Not Drones" T-shirts the WI Coalition has had printed so everyone in the courtroom saw our heartfelt desire—especially the Sheriff and one of his Deputies who had to identify me – thus insuring they also saw the words on the shirt.

BUT as has happened previously each time one of us has gone to trial, the Judge did find me guilty of trespass under a County ordinance. I said that as a matter of conscience I couldn't pay the fine and would do the jail time or better yet community service. (At my trial in 2015, the Judge said the County couldn't afford to hire a supervisor for court-ordered community service and thus sentenced me to five days in the Juneau County Jail.)

This time I came more prepared. A local pastor, Rev. Terry McGinley, appeared on my behalf to say would supervise my community service at one of three non-profits in Mauston (the

county seat) that he had already contacted. He also said he would report back to the Court upon the completion of the number of hours the Judge ordered and do this without charge to Juneau County. The Judge replied that he wasn't able to make a decision "after just hearing about it three minutes ago."

Apparently Judge Curran didn't remember that we have been asking for the community service outcome for two years. Or perhaps he was miffed that I was forcing the issue. Anyhow, he sentenced me to pay the \$232 fine and if it wasn't paid in time Juneau County would attach my income tax refund and thus get the money – regardless of my conscientious objection to paying a fine for an action taken in opposition to what I believe is a war crime!

I plan to file a Motion for Reconsideration after Rev. McGinley has met with Judge Curran to see if there is still a way to work out doing community service in lieu of paying a fine. So many human service programs have been cut because our elected officials doubled military spending since 9/11. Thus it seems only right to support a Food Pantry, an Aging and Disability Resource Center or a Habitat Restore instead. (These were the three agencies that told Rev. McGinley they would welcome court-ordered community service.)

Stay tuned. Six more trials are scheduled later in January and in February.

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# Harry Murray Convicted of Trespass

**January 27:** Harry Murray was convicted of Trespass in a Bench Trial with Judge David Gideon Presiding. Harry was charged for participating in a die-in April 28, 2013 when he was arrested with 30 other people for blocking the access road leading into the base compound. An OGA charge had been dropped prior to the trial.

College Professor, Catholic Worker, NonViolent Civil Resister, Peace Activist Harry Murray came presented his case pro se.

He asserted that US policy of targeted killing with drones is morally unacceptable and in violation of international law. The courtroom was filled with supporters. This is the last trial of the Hancock 31 arrested in April of 2013. Sentencing will be in March.

Harry's co-defendants, Mary Loehr and Cynthia Banas accepted a plea agreement negotiated by their attorneys, Daire Irwin and Jonathan Wallace, with the DA.

Erica Bryant of the Rochester Democrat and Chronicle published this [Interview with Harry](#) following his conviction.