

# Jury Acquitted Hancock 'Big Books' Protesters

## *Drawings by Dan Burgevin*

A six person jury acquitted Hancock Big Books Protesters 2 years after demonstration resulted in arrests. The trial of Hancock protesters, Ed Kinane of Syracuse, James Ricks and Daniel Burns of Ithaca and Brian Hynes of Brooklyn, began on February 28th with jury selection, and ended after 11 pm on March 2nd with all defendants acquitted. They were tried before Judge David Gideon on charges of trespass and 2 counts of disorderly conduct, all violations, and on misdemeanor charges of Obstructing Governmental Administration (OGA).

Two others, Bev Rice of Manhattan and Julianne Oldfield of Syracuse have yet to be tried as they have additional misdemeanor charges of violating Orders of Protection. It is ironic that these two women, both over 70, will be facing an additional charge for approaching Hancock Air Base due to an order protecting the Colonel who runs it.

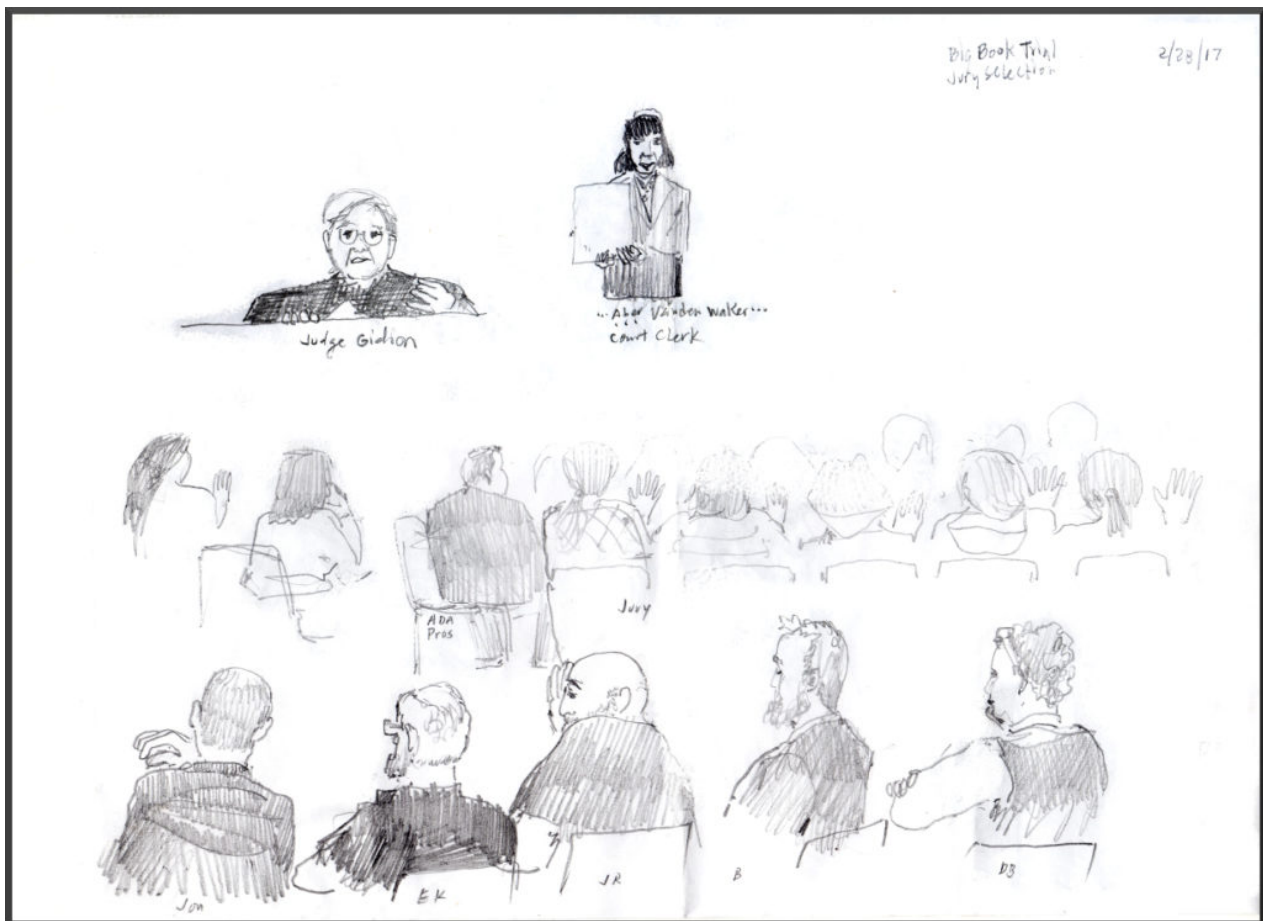
James Ricks and Brian Hynes were pro se before the court, i.e. they represented themselves in the proceedings, while Ed Kinane was represented by Jonathan Wallace of NYC, and Daniel Burns was represented by Daire Irwin of Buffalo. The defendants met with their lawyers and advisors every day in early to mid afternoon and were in the courtroom from 5pm till after 11pm. The first day, the court proceedings got off to a late start (from the standpoint of the audience) due to general discussions about the instructions that would be presented to the jury.

The following is taken from my notes. My personal comments are in brackets []. Dan's drawings give a visual sense of the courtroom. On the last day, the jury went to deliberate

after 10 pm. They were tired and we thought they might be out a long time. After about 15 minutes they asked to have the charges read to them again. Apparently they don't get written copies of them (how weird is that?). Less than 10 minutes after they went out again, they came back with the verdict. By now it was after 11 pm. Everyone was exhausted and we were expecting the worst. It was so uplifting to hear the charges recited one after another for each defendant, and the Jury Forperson respond "Not Guilty". Wow!

**So, here is how it happened:**

### \_\_\_\_\_ Tuesday: Jury Selection \_\_\_\_\_



The Jury pool between the defense team and the officers of the court.

After a jury pool of some 30 people was admitted to the courtroom and seated, Judge Gideon read several pages of instructions to them. Finally, the first 10 candidates were

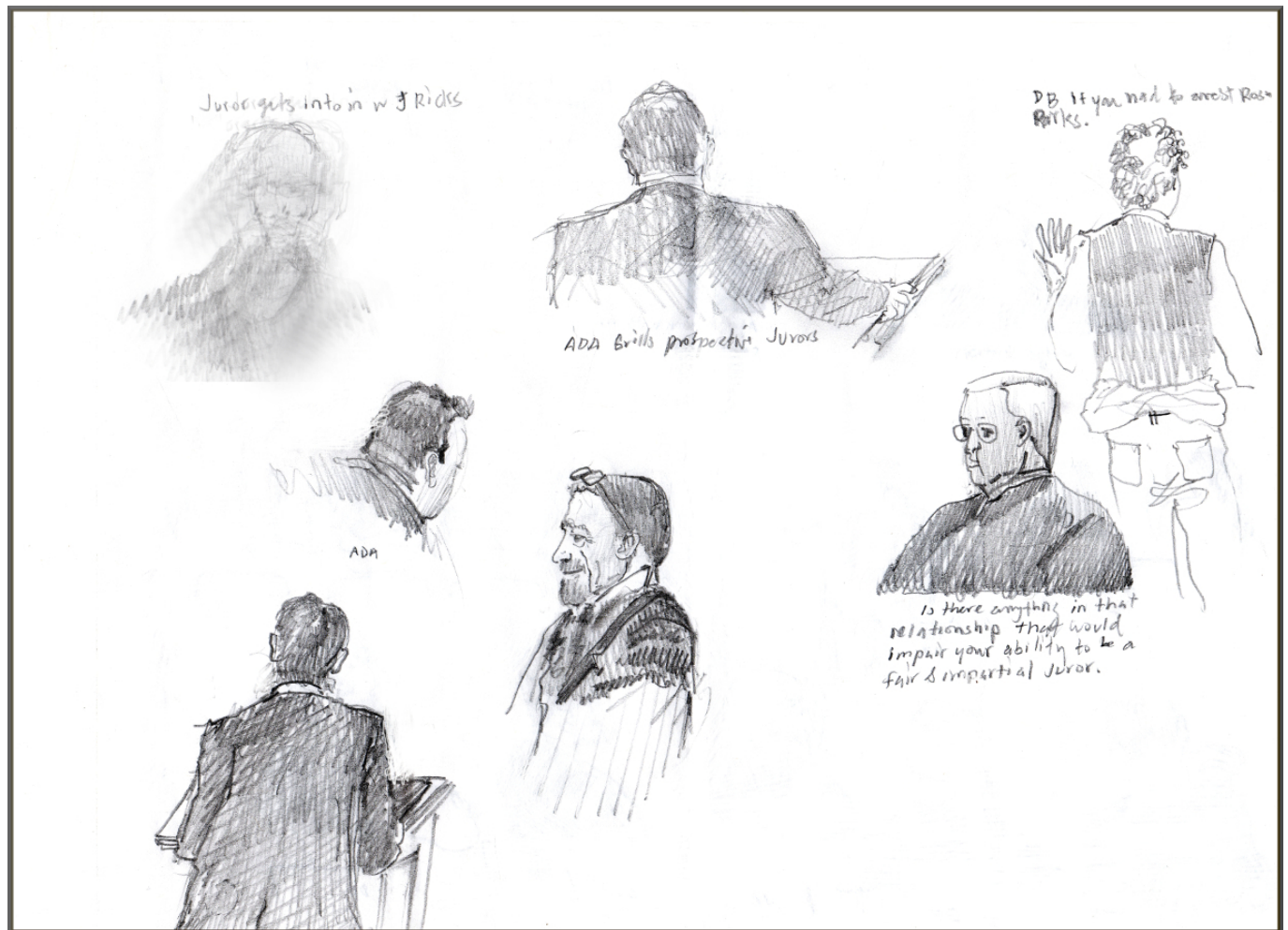
called up to the jury box for questioning. Judge Gideon again read instructions at some length. He then asked some basic questions of the prospective jurors regarding their ability to be impartial before calling on the assistant district attorney (ADA) to present his own questions. Mr. Albert told the jury that there are consequences to one's actions, and asked if they could hold the defendants accountable for their actions. He presented a very broad understanding of 'intention'. He says that the case is simple and he is only going to present one witness. On hearing the testimony of that witness, they can use their common sense to decide whether or not they believe his testimony.

Defense attorneys and pro se defendants now had an opportunity to interview the prospective jurors. Brian Hynes begins by telling them that the facts of the case are not in dispute. There is general agreement on "What Happened". What the prosecution needs to show is that a 'crime' was committed. Over the course of several interviews, the defense team introduced themselves to the prospective jurors and asked them questions about themselves and their lives.

The defense wanted to know how the jurors felt about authority. The defendants have strongly held beliefs but the trial is about their right to express those beliefs. Can you be fair if you disagree? One gentleman became quite confrontational with the members of the defense team. One of the two black women who were brought into the jury pool to increase the diversity approached the bench to speak to the Judge, then left. She apparently had asked to be excused and her request was granted.

They asked about their relations with the military and whether they had ever heard of 'civil resistance'. Did anyone know what it was? Is it ever acceptable to break the law? Notable examples were raised; Rosa Parks, Martin Luther King, the Boston Tea Party; strikes. Any union members here? The

judge's rules say that each individual should be judged separately but Jonathan emphasizes that all the defendants are the same, whether or not they have a lawyer. Some will speak more than others, but we 'the defense' don't have to say anything.



James Ricks introduced himself to the jury and asked if they were intimidated by the Judge's recitation of the rules. It was long and complex and somewhat redundant. A woman sitting behind me said that it was the substance a semester class in the first year of law school. James introduced himself and asked the jury whether they felt intimidated by the lengthy (and at times tedious) rendition of the rules "I find it intimidating", he said. There were numerous instances of Judge Gideon reading extensive (and often redundant) instructions to the jurors during the trial. They went on for tens of minutes. I don't know if every judge does



this. It seems to me to be one way in which Judge Gideon asserts his authority, although, as he directly states, they are actually the final arbiters in the case.

The first group was finally considered and four jurors were chosen. Another group of ten were called. Perhaps Judge Gideon heard James because he shortened his recitation of the rules and allowed the attorneys to proceed with their interviews. Jonathon tells them that the prosecutor will try to prove that a crime happened. Are they comfortable

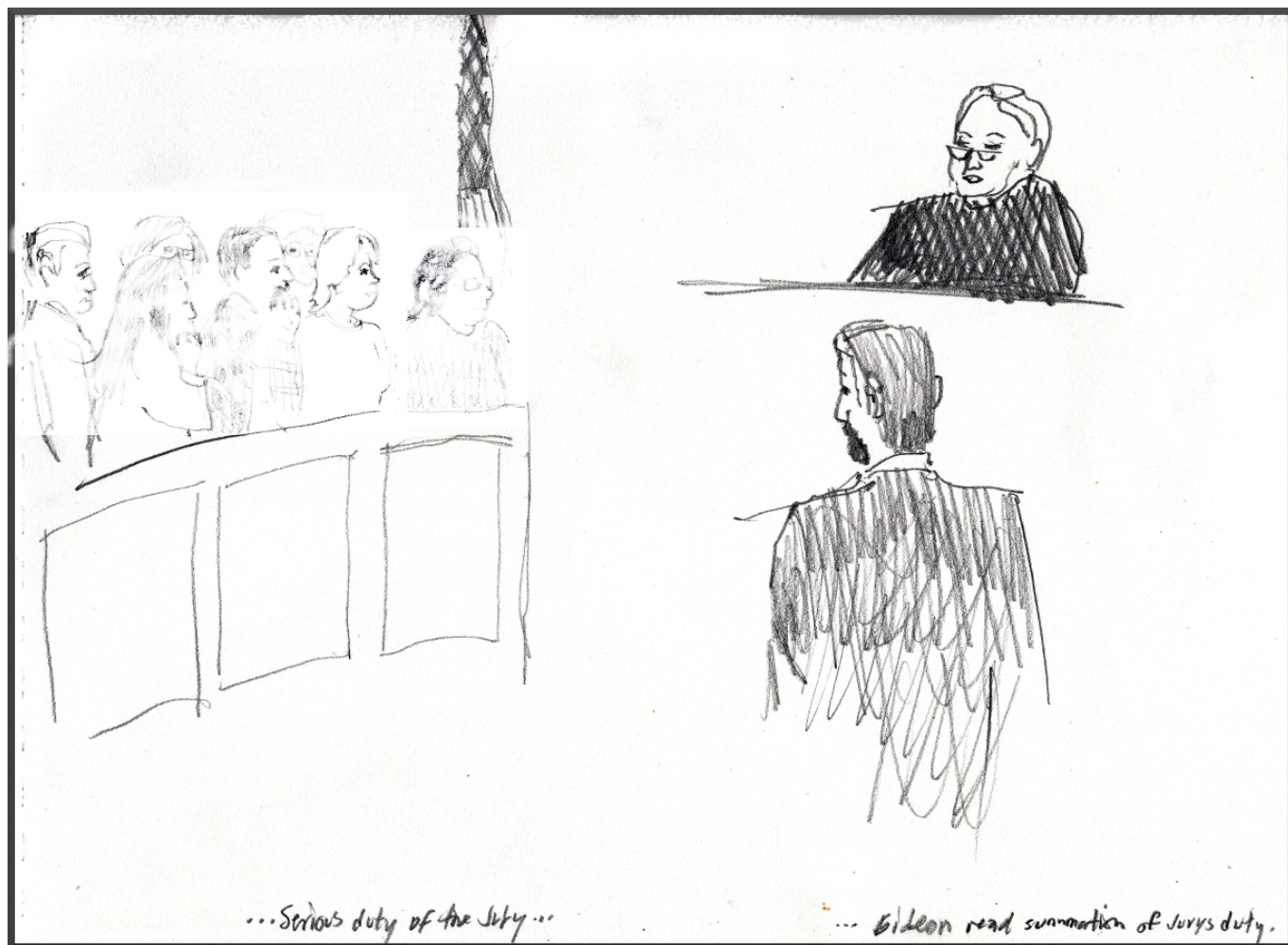
understanding that? Midway through this process, a second juror comes forward to speak to the judge. After a consultation with the attorneys, she returned to the jury box. However, she was not chosen for the jury. Is it possible that two people quit the jury because they could not be impartial? Could it be that neither could see the obvious crimes committed?



Finally, the prosecutor, judge and defense team retired to select the final 2 jurors and an alternate. On their return, the entire jury was convened, and Judge Gideon once again read at length from the document on his desk stating the rules and responsibilities of jurors.

### **Wednesday: The Trial Begins**

Judge Gideon reads the rules to the Jurors.

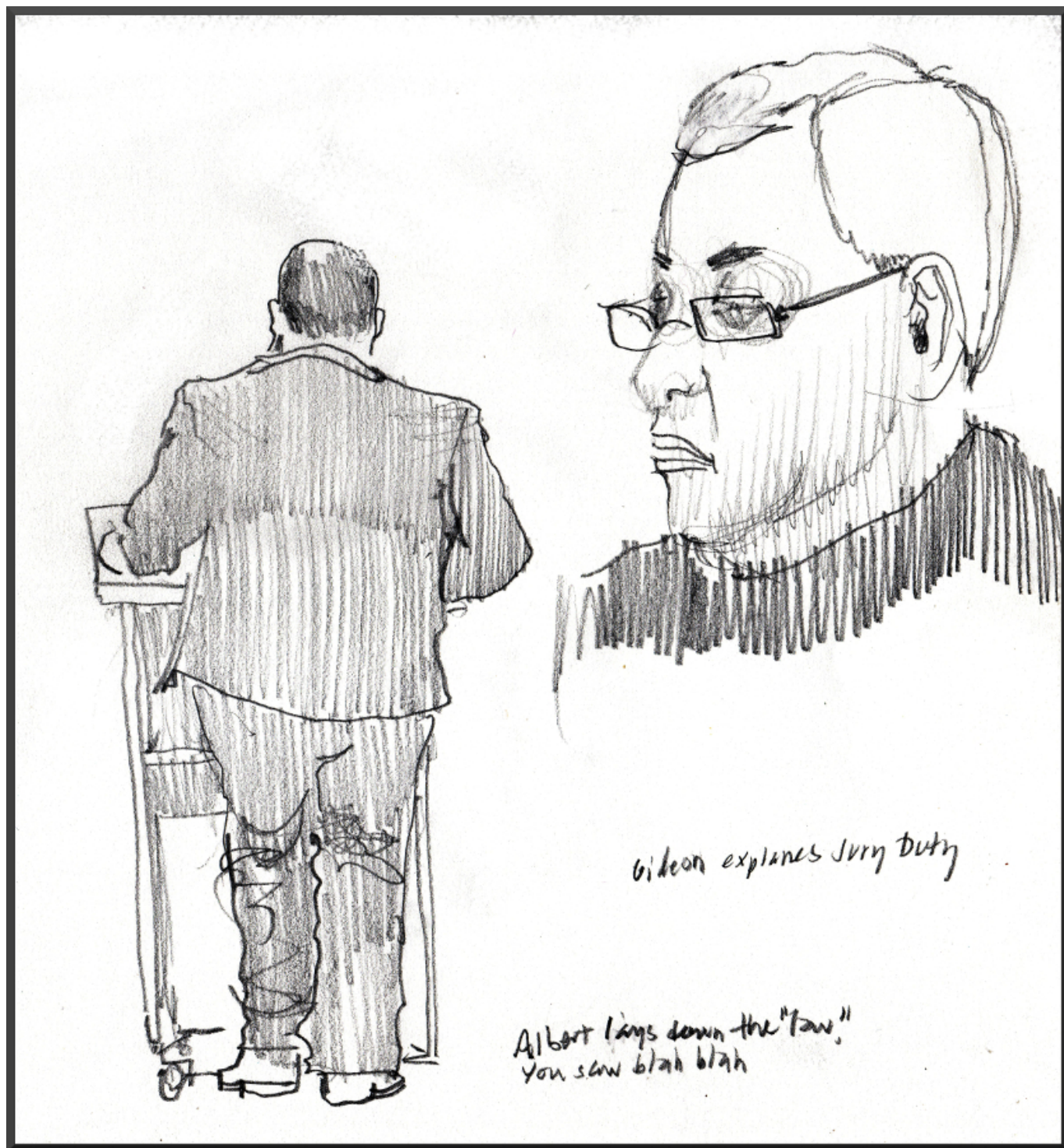


## Opening Remarks

Prosecution is up first. Mr. Albert says he will provide a 'roadmap' of the case. He describes what happened. He is confident of his description of the crimes committed, which he presents in ordinary words that are subtended by a lot of assumptions about the context. The protesters blocked the entrance to the base for over an hour. They didn't cross the street when asked to do so. He says that the case is about the 'law' not about 'beliefs'. The case is not complicated and he will call a witness who is responsible for security at the base to explain events.

Protesters come to the base twice a week, and there are normally no arrests as they abide by the restrictions. He neglects to mention that they are the same protesters who are here in court today for not abiding by those restrictions.





Mr. Albert welcomes the burden of proving the facts of the case beyond a reasonable doubt. Not complying with instructions from an individual in authority is disorderly. Standing on base property is trespass, no matter that they were outside a ten foot fence topped with barbed wire and in an area generally associated with an easement. The presence of the protesters caused a nuisance for base personnel thereby obstructing Governmental Administration.

## Brian Hynes Opens

Brian begins by saying that this case is not like a typical courtroom drama on TV which begins with a crime scene. The police have to figure out what happened and apprehend a perpetrator. Then there are accusations and denial; finally a verdict. That is not the case here. The prosecutor and the defendants agree on the facts. The question is whether what happened violates the law or upholds the law. The verdict is not a determination of what happened. Exercising our right to defend ourselves is an extension off what we began at the base.

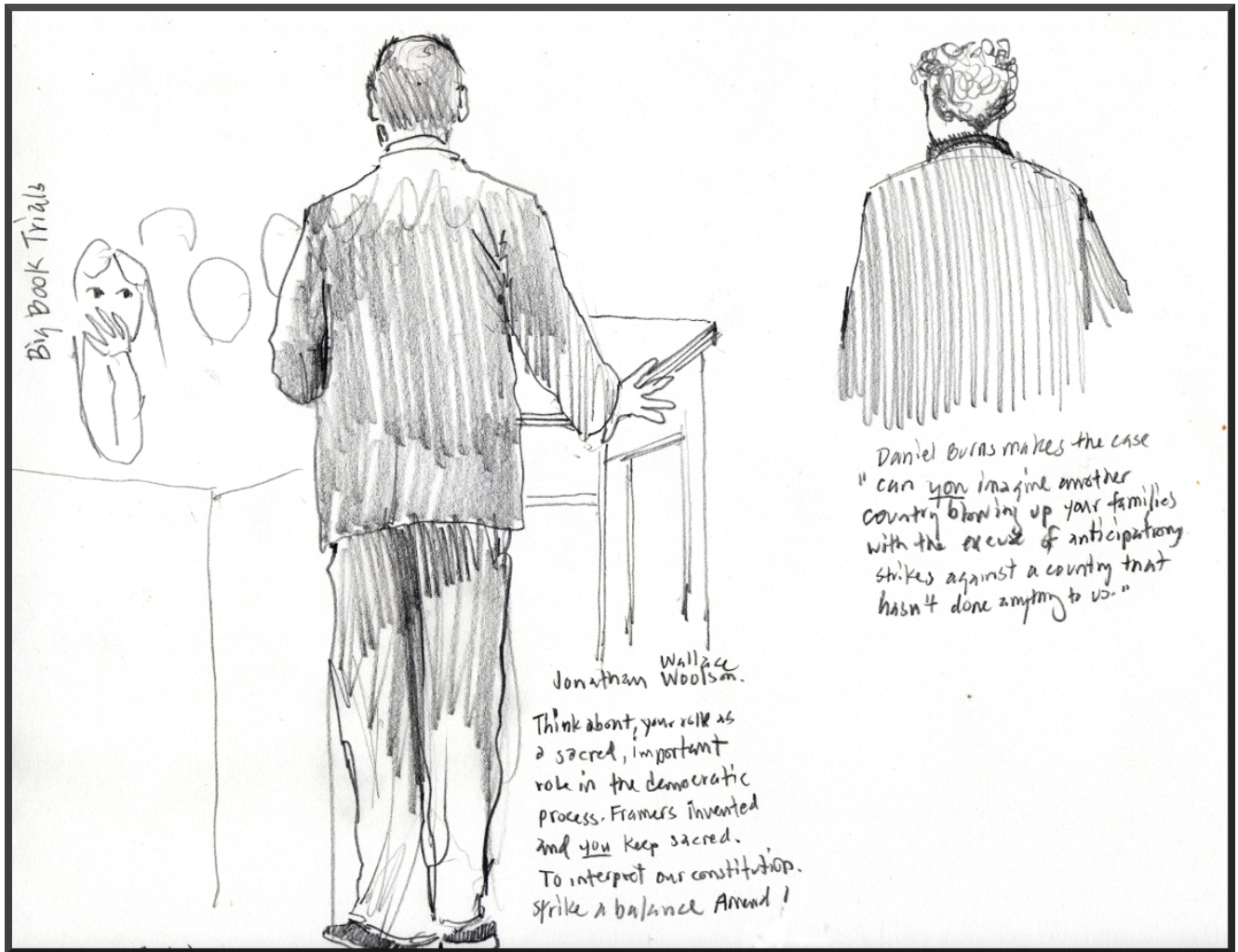
All of these codes take place within a context. We brought information about that context to the base. that context supersedes all of these other laws you have heard about.

Among the Big Books brought to the base were Dirty Wars, Living Under Drones, The United Nations Charter which was ratified by the US Congress. The preamble to the UN Charter begins:

*"WE THE PEOPLES OF THE UNITED NATIONS DETERMINED  
to save succeeding generations from the scourge of war,  
which twice in our lifetime has brought untold sorrow to  
mankind, and to reaffirm faith in fundamental human  
rights, in the dignity and worth of the human person, in  
the equal rights of men and women and of nations large and  
small, and to establish conditions under which justice and  
respect for the obligations arising from treaties and  
other sources of international law can be maintained, and  
to promote social progress and better standards of life in  
larger freedom."*

The protest we began at Hancock Base was constitutionally protected speech. ***This trial is not about a protest. It is a protest.*** It is a sustained, disciplined, nonviolent protest that you are now a part of.





## Brian Hynes and Daniel Burns Opening

After 16 years, the War on Terror has become an open ended search and destroy against civilian militants that kills 9 unintended civilian victims for every target. We are caught up in a crisis of policy which none of us is completely responsible for, but none of us can fully escape responsibility. We fight by legal means to restore our government function to the law.

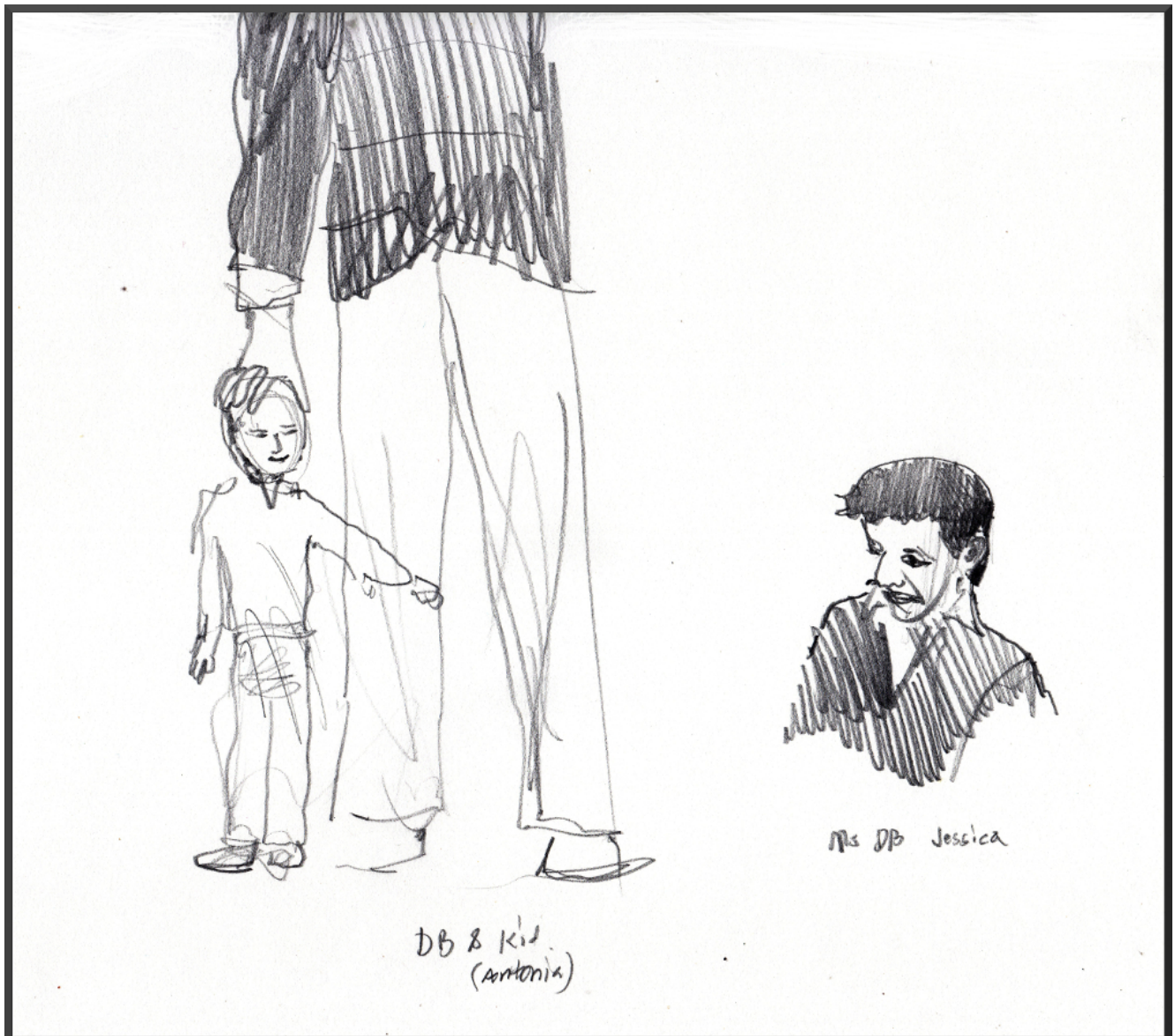
## James Ricks Opens

He greets the jury and shares that he has Native American ancestors. He said "I find it hard to be charged with trespassing on land that has been basically misappropriated. After crimes you committed against my ancestors it is no wonder you do so with such a deservedly paranoid view. He went on to say "The evidence will show

that my co-defendants and myself are innocent of these charges and that the charges are a very thinly veiled smokescreen to divert attention from the real concerns and reasons that we were there that day, that they are committing war crimes on that base."

## Daniel Burns Opens

He said "This is a case about the killing of people, women, children, the elderly . . ." He said "This is a case about citizens' obligation to stop war crimes." He said "This is a case about hope for a better world and the responsibility we have to one another . . ."



Daniel with his wife and daughter



He said, " I nonviolently upheld domestic and international law. Drone war is premeditated murder, which we all know is illegal. Drone killings . . . violate the ban on assassinations and they violate the policy that due process be granted before deprivation of life. They not only violate US state and federal law, they violate the military code of conduct and they violate international law. Since 1986 it has been illegal for US agents to assassinate people in other countries". Gerald Ford Signed a Presidential Executive signed disallowing assassination, which was later affirmed by Ronald Reagan.

Daniel quoted article 2 of the United Nations Convention which says that it is illegal to use armed force except in self defense, and even then only in a manner proportional to the attack you are confronting and not punitive in nature. Furthermore, he said that the UN Charter says that if you know your country is committing a crime and you do nothing to try and prevent it, you are guilty before the law. "The US is not in authorized [by the United Nations] combat in Pakistan, Somalia or Yemen. Therefore it is illegal to kill there. " The US government justifies these actions as anticipatory self defense. Would the United States allow this on our territory?

## **Jonathan Wallace Opens**

Jonathon began by telling a story that is related in both the old and new testaments of the Christian (and Jewish) scriptures. This is the story of the rejected stone that eventually becomes the cornerstone of the structure. The stone is initially rejected because it is different, and only used when all other options fail. It proves to be strong and stable. New ideas take time to be heard but they carry us forward.

Jonathan tells the Jury he is interested in speech. He says, "What you are doing is the cornerstone of our legal

system.” He says “Words that seem to have an obvious meaning may not. Think about the meaning of words.” “The trial isn’t about what Mr. Albert says or what I say. It is about your beliefs [understanding]. You may have to decide what a ‘lawful order to disperse’ is.”

The defendants mocked up Big Books to communicate a message to government officers and staff at the base. They presented a new stone. Was there a lesser way for the government to respond to this attempt to communicate? Whether you agree with their message or not, the first amendment guarantees that:

*“Congress shall make no law [] abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”*

Jonathan told the jury “You are not expected to become androids for jury process, but to bring your own experiences to the process; to bring that humanity to your determination. If you find one of the pieces of the law missing then maybe you have to acquit – or not. Do you need all the parts to convict? The judge will inform you. [you do] ” There is an old saying: “I disagree with what you say but I will fight to the death for your right to say it. That may be this instance.”

## --- Testimony ---

### **The Prosecution calls Chief Master Sargent Michael Ramsey**

Chief Master Sargent Ramsey has been at Hancock Air National Guard Base since 1991. The point wasn’t made, but he had just returned from deployment to Iraq in Operation Desert Storm at the time. In April of 2001, just before 9/11, he became Chief Master Sargent.



In his testimony, Chief Ramsey described the front gate at Hancock base on East Molloy Rd as the primary point of entry and exit used by both civilian and military traffic. He said there is lots going on at the base beyond the drone related activities of the 174th Attack Wing. It is the Headquarters of NY State National Guard and the initial processing location for recruits in all branches of the military.

He said that there is an easement of about 60' from the center line between East and Westbound lanes on East Molloy Road. There is a blue line at the end of the access road, though it is unclear what it designates. At least in some cases it has acted as a 'property line'. There are 2 other gates on either side of the base, one on Thompson Rd and the other on

Townline Road. These gates are normally not open except for some deliveries. There is also access to the base through Syracuse Hancock International Airport which shares some facilities with the base.

When Chief Ramsey became aware of the protesters along the road outside the front gate, he had the gate closed and the Thompson road gate opened. The process for opening the side gate takes 10 – 15 minutes. He also deployed security officers to greet vehicles that entered the turning lane on East Molloy road and redirect them to the Thompson road gate. He said that he closed the gate immediately for the protection of the protesters. It would be dangerous for them to go through the gate into the base.

On March 19, 2015, the protesters arrived around 9 AM, and removed the Big Books from a U-Haul, placing them in locations across the bottom of the access road.

They were in the road for about an hour before he pressed them to move. He didn't ask them to leave immediately as he was waiting for enough local police to arrive to arrest them individually one to one. There is an agreement in place that outside the gate that surrounds the base property is the jurisdiction of the local authorities and not the military authorities. He did go out and speak with them. He wanted to make sure they were on an even keel and that they were aware that they were on base property.

The second time he spoke with them he addressed each individual personally and offered him or her the opportunity to cross the road and join the other protesters. He told them that if they did so, they would not be arrested. Mr. Albert asks whether anyone on the other side of the road was arrested. Ramsey replies "No".

Mr. Albert shows clips of video from the base security cameras so the jury can see the actions of the protesters. There are

7 – 10 people standing between the Big Books in the access road, and a group of people on the shoulder of the road across the street holding signs. People cross back and forth across the street periodically and base personnel walk among the protesters and into the road. The Books are light so, when cars drive up them on exiting the base, they move the Books and allow them to pass.

Chief Ramsey identifies the defendants in the courtroom as the protesters he spoke with that day recognizes them by name, but in the listing he has made of the video, mapping events to time-stamps, the protesters are referred to as 'protester 1', 'protester 2', etc. not identified by name. He says he told them that if they don't cross the street they will be arrested. You can see him in the video walking from one person to the next but there is no sound. Finally, we see law enforcement officers arrive and arrest the protesters, knocking over the Books as they approach them.

There is a second video that shows events along East Molloy Rd. You can see the blue line at the end of the access road on the left and Chief Ramsey says that the line demarcates the property line. I find myself confused because he previously stated that the property line is at the double yellow lines in the center of East Molloy Rd. In any case, on the left side of the line is base property. Master Sgt. Ramsey says the town has given permission to the base for exclusive ownership to the left of the blue line. There is a Big Book on the blue line, and there are people to the right of the line. After a while the Books are moved inside the blue line, i.e. to the left of the line.

The blue line interests me. Base personnel have given inconsistent definitions of the property line at different trials over the years. Common sense does not suffice to bring understanding. The base is surrounded by a ten foot fence with two feet of barbed wire at the top, and there is a Guard Shack next to the opening which is manually closed by a

rolling gate. It isn't surprising that the base claims the property to the road since that is normal. The grassy area along side the road is usually an easement so that work can be done on and pedestrians can pass by.

This was the assumption by everyone at our first couple of protests. Then, suddenly, we found out in court one day that the base owns the property to the center of the road; and the easement is not viable in certain cases. Two years ago, Mary Anne Grady Flores was sentenced to a year in jail for standing in the west bound lane (on the same side of the base) of East Molloy Rd. taking photos. She walked back and forth across the street and at one point her shadow touched the blue line. But, when the final warning came (as it always does) she crossed to the opposite shoulder of the road and then left the scene.

So, after the discussion of what happened, facilitated by the video, Daire Irwin was the first to cross examine Master Sgt. Ramsey.

## **Daire Irwin's Cross**

Daire asked Chief Ramsey if he was trained in New York State law. He said the he was not. His job was base security. He then asked him some questions about the function of the base. Ramsey said it was responsible for both weaponized and surveillance Reaper UAVs. Daire asked for a clarification. A UAV, and unmanned aerial vehicle is another name for what is commonly called a 'drone'. Ramsey said that he isn't a member of the 174th. He is in charge of base security and law enforcement. He knows that they fly Reapers locally to Fort Drum and back but he isn't privy to their mission briefing. That information is classified in any case.





Daire showed Chief Ramsey photos of the demonstrators holding signs with words on them and of the Big Books they brought to the base. He asked him what the protest was about. Ramsey said he didn't know exactly. They don't like the drone mission. He was dismissive of the details. He said he lets people talk, but he doesn't necessarily stop this or that protest unless the protesters are on base property. Did he notice what any of the books were? They are representations of actual books.

Daire shows him photos of the books, The Constitution, The

United Nations Charter, Dirty Wars, Living Under Drones and You only Die Once. Was he familiar with Article 6 of the Constitution? It says that treaties signed and ratified by congress become the “supreme law of the land.” Ramsey didn’t seem certain. “Are you sworn to protect the Constitution?” Daire asked.

Chief Sgt. Ramsey did not remember many details about the books but he said that he is familiar with “Dirty Wars”. “Dirty Wars”, a book by Jeremy Scahill, describes the brutal actions of JSOC (Joint Special Operations Command Units) and Drones in Afghanistan, Yemen and Somalia. Did he know about the many civilians killed by drones? About the American citizens killed by drones? They include a 16 year old boy from Colorado.

Daire further questioned the fact that the gate was closed on the arrival of the protesters to ‘keep them off the base’. Would the closed gate not be a visual barrier to those who wish to enter? The protesters were letting people out. There was no clear reason to believe they would not also allow cars and deliveries to come in. However, no cars approached the protesters and asked to be allowed to pass. No car was deliberately barred from entry by the protesters. Ramsey concurred that the protesters were courteous and cooperative except that they did not leave when asked to do so.

The hour or so of the demonstration passed while waiting for local police to show up to clear the driveway including the right of way and easement up to the blue line. Even so, to his knowledge no deliveries to the base were missed and no one was absent from work. He checked. Local law enforcement decides what the charges will be. They typed up Chief Ramsey’s statement together.

## **Jonathan Wallace’s Cross**

Chief Ramsey is in charge of security for the entire base,

of the 300-500 people who work there, about 30 work for him. Asked for a clarification, Ramsey said the blue line is a 'Stop Line'. The gate is visible to approaching cars on East Molloy Rd. Eleven local police and five or six base personnel were involved in the arrest. Did the anyone request that the protesters move the books? No.



Jonathan Cross Examines Chief Ramsey with Jessica and Daire looking on.

Members of base security tell people not to go through or past the protesters as the contact may cause a confrontation. No protesters at any time interacted with the vehicles. The gate is closed to make certain the protesters won't try to get into the base. The drivers do not interact with the protesters or vice versa. The scene is managed.

Jonathan says that other protests occur at other times where people chain themselves to fences or to one another and create blockades that take hours to dismantle. Chief Ramsey says these protesters don't do anything like this. Ramsey estimates he has attended about fifty demonstrations at the base. They were all nonviolent events. At some demonstrations the protesters stay on the far side of the road and don't cause any trouble at all.

Jonathan asks what Governmental Functions did the protesters interfere with? Ramsey says it is "Keeping traffic open in the driveway". Interesting. At some trials there were serious clarifications about whether it is a driveway or an access road. It seemed to matter. In this moment it clearly doesn't.

The prosecution rests.

Mr. Albert asks if Chief Ramsey can stay in the courtroom now that he has testified. Of course. He always attends our trials.

## ———— Motions ————

The jury retired. Mr. Albert had no motion. **Jonathan Wallace** made a motion to dismiss all charges. He said that the prosecution did not prove all of the necessary elements of OGA. OGA is a misdemeanor, but in this case the specifics are redundant with the violations. He says "It wasn't the intention of the legislature to have violations automatically elevated to misdemeanors" with no additional elements. He goes on to say that the OGA charge requires that physical force is involved. The law specifically requires 'intimidation, physical force and interference'. "Ramsey", he says, "informed us of the opposite. " There is nothing to escalate out of the level of a violation.





He goes on to say that the disorderly conduct charge doesn't stand up. There was no intent to obstruct. It seems like the base is vested in the game. The protesters should no show up and the should be obedient. No effort was made to avoid a confrontation or to receive the message. There is no evidence that anyone was impacted by the actions of the defendants. Every element is missing.

Finally, with regard to the trespass charge, Ramsey did not place everyone at the scene. He recognized the people here, but didn't remember who was there until he saw them in the video to refresh his memory. Without Lt. Dailey here (the local policeman who was in charge at the scene) there is no

specific enough description of a lawful order to disperse to satisfy the charge. Chief Ramsey spoke with the protesters, but he does not have jurisdiction outside the fence.

He further asserted that the blue line has no legal standing. It seems more like a 'stop line' than a property boundary. Ramsey had conceded this point. There was no intent on the part of the protesters to cause inconvenience, annoyance or alarm. The principal intent was to communicate. They were cooperative and peaceful.

There is no claim that the protesters obstructed pedestrians. But the disorderly charge states that they obstructed traffic and pedestrians.

The disorderly conduct charge requires that people congregate in a public space therefore is inconsistent with trespass. There was no 'lawful order' by the police and no testimony that Ramsey is the police.

With regard to the First Amendment, the reaction of the government has to be narrowly tailored to a significant government interest in creating an appropriate channel of communication. This is needed for the trespass charge, but was not proven. The arrest did not allow ample alternative for communication. It was not in the government's interest to take no action other than to arrest the protesters. "First Amendment rights must be protected!"

All of the defendants joined in this motion.

**Daire Irwin** argued a motion to drop the charge which required warnings by the police. There was no testimony by the Sheriffs department and it was not proven that there were multiple warnings by members of the sheriffs department.

Jonathan's motion was rejected but Daire's was upheld and one count of disorderly conduct was dropped. Judge Gideon (and perhaps all court officials) likes narrow technical arguments.



## The Defense Opens with Witness from James Ricks

James begins by explaining that the birth of his young grandson was a seminal moment for him as an activist and a black man. The same year, a black man named Sean Greenwood was killed under suspicious circumstances by a white police man in Ithaca. The two men had attended high school together and had a history of poor relations. Even so, no charges were brought against the man who killed Sean Greenwood. The killing was ruled 'accidental' by an internal police department inquiry. James was concerned for the kind of world his young grandson, Hassan, would live in. Eight year old Hassan was in the courthouse with his mother for the duration of the trial.

James then attended a meeting with drone activists where he learned that people in several countries were being assassinated by US drones on a daily basis. Not only were the targets not given due process, but in most cases significant numbers of innocent civilians who happened to be in the vicinity were killed with them. Drone deaths are never accidental. They are planned. The deaths of innocents are factored in as 'collateral damage'.

James read the United Nations Charter to find out what it had to say about these killings. The UN Charter, Article 2 states the following:

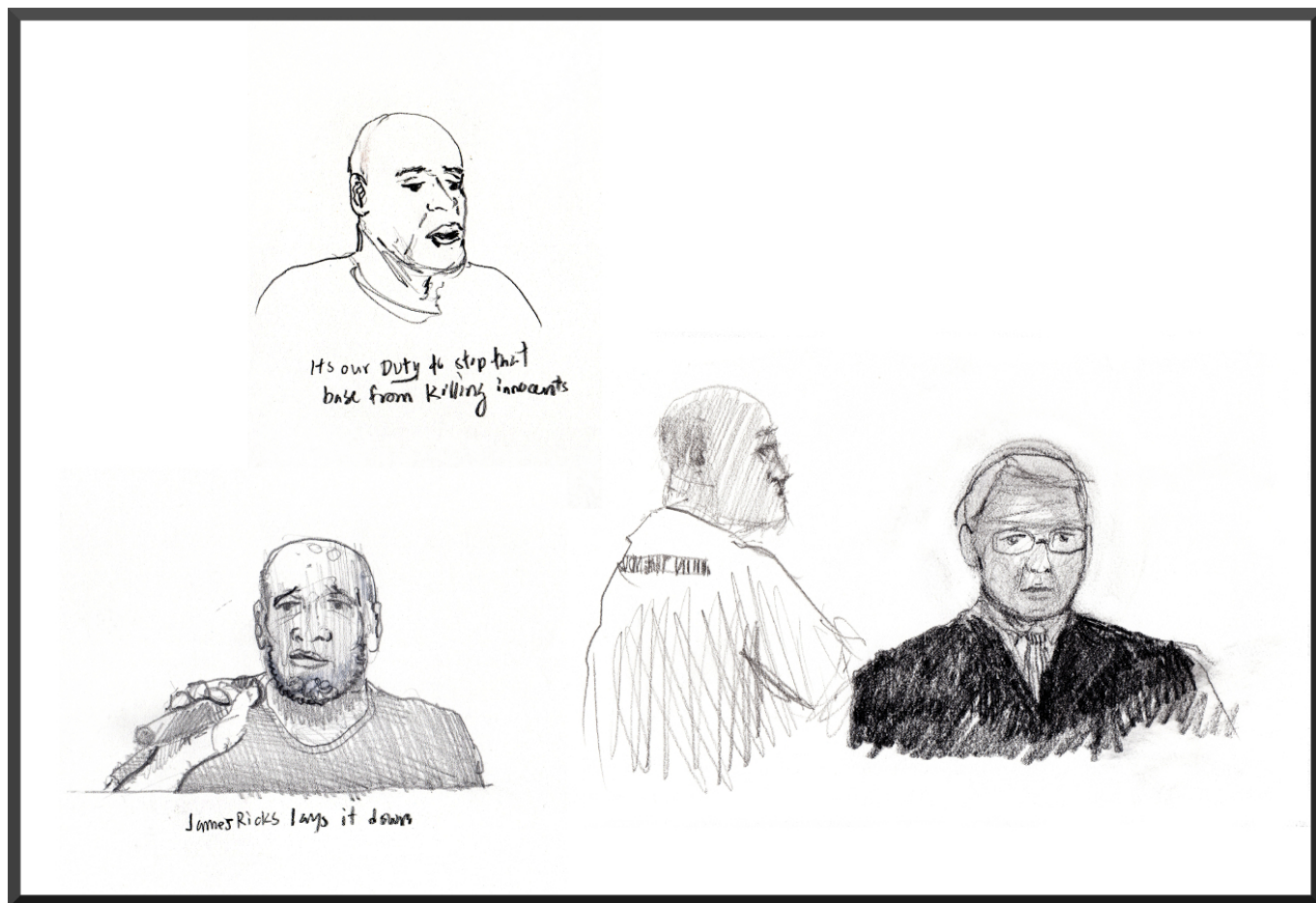
- 1. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.*
- 2. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations*

and

*1. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter*

According to Article 6 of the U.S. Constitution, violating the U.N. Charter, legally signed and ratified by the U.S. government is a violation of the Constitution. Corruption in our government has allowed powerful forces to cross the threshold. The law exists to protect the vulnerable.

James talked about his trip to Pakistan and Waziristan in 2012. He met Karim Khan there. Karim Khan is a well educated journalist from Waziristan. His younger brother and his teenage son were killed by a drone strike on his house. Karim Khan has spent time in Texas. He loved America, but now he is better. James held up a photo of Karim Khan with photos of his dead brother and son.



Military attacks without United Nations Security Council approval are going on in Hancock base. They are committing war crimes on the base. We have tried to present an indictment accusing the chain of command of these crimes but it was rejected. It is the chain of command that he holds responsible and not the enlisted men working on the base. However, he said, "it is our duty to stop that base from killing innocents".

James also pointed out that the military base, because it is directly engaged in acts of war makes the base and the local community a war zone, i.e. a legitimate target for retaliation.

**—— Thursday: More Witness Testimony, Closing and Verdict ——**

## **Mr. Albert Cross Examines James**

I didn't record the questions but James made the following points during cross examination:

He has tried repeatedly to deliver the indictment.

The base is committing war crimes in violation of the U.N. Charter and the Constitution of the United States.

He understands that Chief Ramsey has to do his job. He likes Ramsey because he once compassionately escorted James' friend Louis across the road. However, he does not remember being invited to cross the street on the day of the Big Books protest. He saw the police and thought, "Oh Good! War Crimes are being committed on the base. " The next thing he knew, his hands were cuffed behind his back.

## **Jonathan Wallace calls Ed Kinane to Testify**

Ed is a Syracuse native who earned his graduate degrees at Syracuse University. He has traveled to foreign countries as a peace advocate with the Peace Brigades, Witness for Peace and Voices for Creative Nonviolence. He has traveled to Afghanistan, Guatemala and El Salvador, Sri Lanka, Iran and Iraq. He spent five months in Iraq with Voices for Creative Nonviolence during "shock and awe". They visited hospitals and saw casualties. He believes that aerial bombardment is a form of terrorism. Thousands of people die. Living in Iraq during this period, he saw the dignity of the Iraqi people under these circumstances.

In the U.S. in 2009, he became aware of the drones at Hancock Air National Guard Base. Reaper drones fly 24/7 over Afghanistan, Pakistan, Yemen Somalia and other countries. He was disturbed by this understanding that robotic planes controlled from 'here' were responsible for bombardment in these countries. He wrote letters to the editor, published on national and international websites. In 2010, he began

the vigil across the street from the base twice a month. They stand there at rush hour and hundreds of cars pass by.

Our taxes pay for the drones, Ed said. The killing is done in our name. What is it about the drones? This is my home town. We have to protest against the crimes of our government. This was the judgement of Nuremberg. If you know your government is perpetrating war crimes you have an obligation to expose those crimes.

How do drone operations translate to war crimes. Not much information gets out about what the drones are doing from the areas where the strikes occur. There is not much reporting going on. The military is secretive.

We have a tableau at the New York State Fair every year. We try to show the destruction that drones perpetrate. We have a drone model we put up, and in front of it, a die-in with people lying on the ground covered with bloody shrouds. We show the wreckage of their homes in the background. People stream by going in and out of the fair. It is educational. People ask 'what is a drone'? 'Do drones save lives?' The answer is 'no'.

Drones are tactically clever but strategically stupid. They can be used as a tool in a context where you can't send regular troops. But they create hostility towards the United States. When families are incinerated it creates hostility towards U.S. people, the U.S, military and U.S. interests. Drones are a cowardly and despicable tool.

Drones are a tool of war. What is the difference between a drone and a battleship. For starters, battleships are not here in New York. Drones are a whole new form of warfare. There is no way to defend oneself. A strike comes from the heavens. You can't even see the drone that launched the strike sometimes. Hundreds of thousands have been displaced out of fear.

Drones implement a kind of warfare that depends on assassination. The United States has laws against assassination. This kind of warfare is not worthy of us. For every 'target', 9 others are killed. Targets are not just named militants. There are strikes targeting patterns of behavior. Men gathering in a meeting; men carrying guns – nearly everyone in these rural areas carries a gun.

Do we know the result of drone warfare? Yes, It is documented. They use double tap strikes. The second strike incinerates rescuers who come to the aid of the victims of an initial drone strike. There are triple tap strikes, where the funeral of the victims is targeted by further drone strikes.

People are very concerned about refugees right now. For instance, there was a protest at Hancock International Airport against those who would reject refugees and about 1000 people attended. Right around the corner, Hancock Base is part of the problem. People have no clue. Hancock Base shares the facilities of the Hancock Airport. It is wrong to expand the use of civilian facilities for warfare. It makes the region a war zone, a legitimate target for retaliation.

We have an organization to support our activism. It is called Upstate Drone Action. Ed goes on to talk a little about the 'Big Books'. He is intimately familiar with their content.

"Living Under Drones" presents research by a team from NYU. They interviewed people in communities that were frequently subject to drone attacks and survivors of drone attacks. The people in these regions live in constant fear.

"Dirty Wars" is a book by Jeremy Scahill that describes actions by the Joint Special Operations Control and by drones in Afghanistan, Yemen and Somalia. He interviews many people including survivors and perpetrators. He talks at length to the family of Anwar Awlaki and his 16 year old son



Abdulrahman, both killed by drone strikes in Yemen. What is 'terrorism'? It is violence or a threat of violence towards civilians for political gain. What is 'assassination'? It is killing without due process.

"You Never Die Twice" is another research paper from the human rights organization, Reprieve. It investigates the number of strikes required to kill a particular target and the number of innocents killed along the way – collateral damage. On average four separate operations occurred targeting an individual before he was actually killed (present). Each time, the target was reported as killed and then later found to be still alive. As many as 41 innocent persons were killed in the process of 'taking out' a single target.

Other defendants talked about the United Nations Charter and the U.S. Constitution at length so I will leave that here.



## Mr. Albert Cross Examines Ed

Under cross examination, Ed states that he has been to the base to protest over 100 times. He has, on occasion 'risked arrest' there.

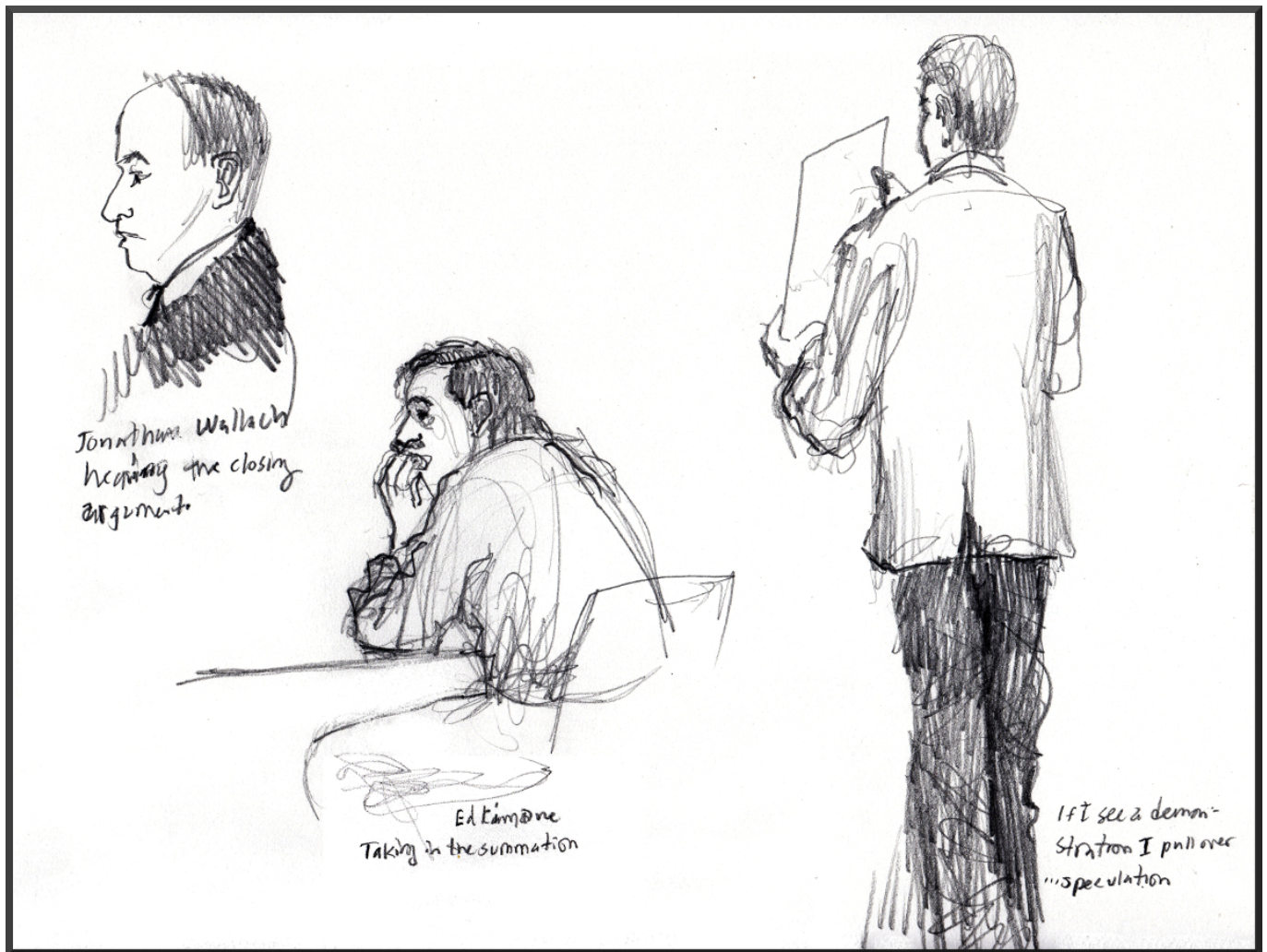
## ————— Closing Remarks —————

Judge Gideon proceeds to inform the jury that their sworn duty as jurors is to follow his instructions as to the law over the

interpretations of the lawyers and pro se defendants.

## Daire Irwin Closes

Daire tells the jury that all of the defendants are the same. Some did not testify, but that was not because they are any more or less guilty. Testifying is nerve wracking. He tells the jury that they are the most important element of the trial.



He reminds the jury that we talked about the First Amendment and Religious freedom. The defendants were morally and ethically compelled to act as they did. Sunshine is the best disinfectant. The case is not content based. What if it was military appreciation day. They still have to consider the issues of free speech.

The testimony of Lt. Dailey (the responsible police officer)

is missing. Who is innocent? Everybody is innocent until proven guilty. A jury trial is a public trial and is based on the presumption of innocence. The defendants are only guilty if you say they are guilty.

Be true to yourself and follow your conscience. Do what you feel is right.

## Jonathan Wallace Closes:

Every trial is a temporary community. This is a valuable context. We are all in that community, protesters, Chief Ramsey, base personnel, court officials and yourselves. Peaceful demonstrations are not an act of defiance, but an act of cooperation.



The elements of Obstructing Governmental Administration

require that the defendants intentionally obstructed, impaired or perverted government function by physical force. There is no proof that these defendants did so. Sometimes words stop thought. The words aren't a crime. Only physical force would be a crime.

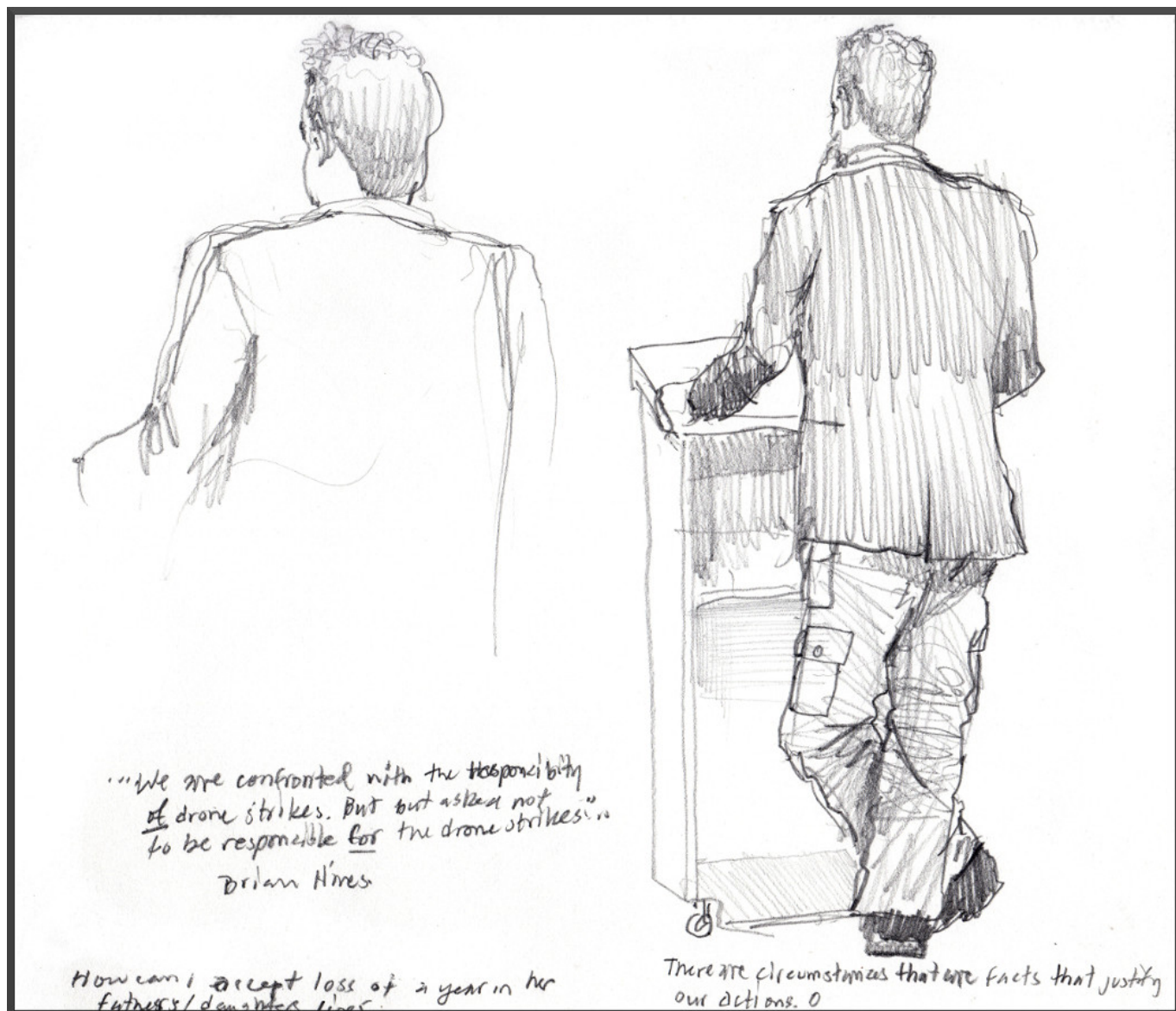
With regard to the Trespass charge, the warning was unclear. The elements of the Disorderly Conduct charge require that the defendants stopped vehicular and pedestrian traffic so as to cause alarm, annoyance or inconvenience. It is unclear whether the defendants stopped vehicular traffic and they clearly did not interfere with pedestrian traffic.

Speculation is not evidence.

## **Brian Hynes Closing**

We were Educating the base. Someone has to settle the questions. You the jury are like kings and queens. You can decide whatever you feel is correct. The facts are not in dispute. What you have to decide is the meaning.





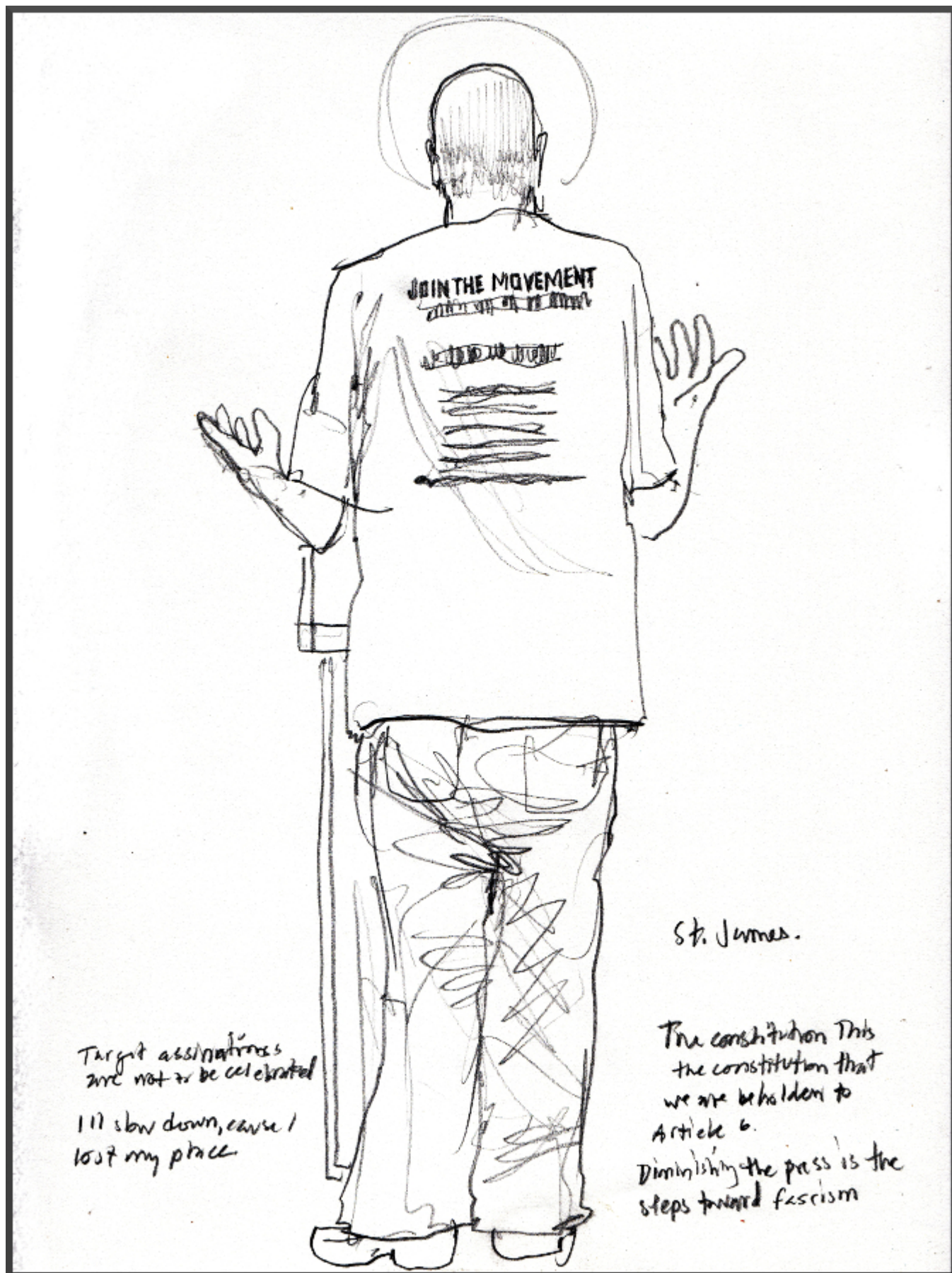
There is a circumstance that demands attention. There is no fact that isn't already embedded in some context of meaning. No crime was committed. You are free to respond in a way to what you hear. You have the right to acquit for any reason that appeals to your imagination. The elements given in testimony, drone operations wreak havoc on our neighbors, drive recruitment of enemies and traumatize operators. The protesters symbolically closed Hancock. [This is the difference between 'civil resistance' and 'civil disobedience'. ]

## James Ricks Closing

You can't yell 'fire' in a crowded theater. But what if the building is really on fire".

We each took an oath of nonviolence before going to the protest. We do this every time we have a demonstration. We came to deliver an indictment. War crimes are being committed on the base in violation of the U.N. Charter and the U.S. Constitution. It would seem that these words and these documents are meaningless. There is a need for oversight and accountability on the part of our government.

James saw the truth of drone strikes when he visited Pakistan and spoke with drone victims.



I don't want my country celebrating the death of any living being. Secret justifications of what appear to be illegal



actions are disingenuous. Our government is becoming a law unto itself. Speaking truth to power is troubling and it can be dangerous. Our charges are a diversion from real crimes.

### Prosecutor Albert Closing:

Use your common sense. You saw with your own eyes. Listen to the Judge's instructions and follow the law.

