

No Justice for Drone Protesters

Gagged and Censored:

Justice is not Served for Drone Protester in Wisconsin Court

by Joy First

In May of 2014 Bonnie Block and Jim Murphy were arrested at Volk Field, a Wisconsin Air National Guard Base where they train operators to pilot Shadow drones with cameras to do surveillance and "target acquisition" so that the Predator and Reaper drones (remotely piloted from other US military bases) can drop Hellfire missiles on presumed militants in multiple countries. Bonnie and Jim are both part of the Wisconsin Coalition to Ground the Drones and End the Wars and have been protesting drones at Volk Field every month for more than three years.

Last May Bonnie and Jim went on a bus tour of Volk Field as part of an open house to which the public was invited. When the bus stopped at a museum on the base, they got off and tried to hand out flyers to others who were on the tour. They were told to stop handing out their "propaganda" and leave the base. Since they had come by the tour bus they had no way leaving on their own and yet they were arrested for trespassing and taken to the Juneau County Jail. They were released on bail and the ultimate charge was an ordinance violation of "trespass to land".

In September, Jim was found guilty in a bench trial and ordered to pay a fine.

Bonnie asked for a jury trial and, in response, the Juneau County District Attorney filed a Motion in Limine, asking that Bonnie be prohibited from making "any argument that is known to be false or irrelevant to the issues before the Court"

including among other things the policies of the US Government, International laws, the Charter or certain Resolutions of the United Nations, or moral or ethical strictures believed in by the defendant. She was also prohibited from commenting in any way "that her prosecution was a violation of any Constitutional or International Right or privilege." This hearing was on March 3, 2015 in Mauston, WI.

It is common for prosecutors to file a Motion in Limine when a jury will be hearing a case against protesters, and this is something that we must continue to vociferously object to. In this case, the prosecutor had 25 points listed in his Motion, including 19 that asked the Court to prohibit Bonnie's possible defense in some way. It looked like he used a boilerplate document that was more applicable to a criminal trial and he actually withdrew 8 of them when Bonnie objected. Many of the points were simple procedural issues that Bonnie didn't object to and the judge quickly granted.

Of course, the important matters of the motion revolved around whether Bonnie could raise Constitutional free speech issues or provide any of the reasons she has for opposing drone warfare and handing out a leaflet raising four questions about drones. The judge also forbade Bonnie to make any reference to jury nullification i.e. asking the jury to ignore the facts and nullify the jury instructions in reaching their verdict. He did allow that juries have this right, but Bonnie is not allowed to raise it.

In arguing for her right to speak about drones, the US Constitution, or why she was handing out leaflets, Bonnie said that she needs to be able to tell the whole truth for there to be a fair trial. Otherwise the jury could presume she was on the base for no good reason. Prohibiting this in a pretrial order prevents her from presenting a defense for her action. She argued that the prosecutor can object during the trial if something is improper and the judge can make a ruling at that

point. Bonnie said that these pretrial motions are overbroad and will have a chilling effect because she will have to wonder if something inadvertent will result in her being found in contempt.

The judge responded saying that this charge is about trespass and that is all that is going to be tried. Political beliefs are not going to be allowed. If Bonnie talked about drones or international law or the US Constitution, it could mislead the jury. He went on to say that there is no way they will get through the trial without referencing the leaflet that Bonnie and Jim were attempting to distribute, but neither side, nor any witness, can say anything about the actual content of that leaflet. If these rules are not followed the judge will grant a mistrial and impose sanctions.

Bonnie said that this trial is about a constitutional free speech issue and the jury should be the ones to decide on whether she was trespassing or had a constitutional right to be on the base sharing her literature. The judge responded that deciding about constitutional issues is not up to the jury and Bonnie will not be allowed to bring that up.

Bonnie will now be going to trial on April 1 without being able to offer a strong defense. Her ability to do so has been taken away by the prosecutor and the judge before the trial even begins. This happens so many times in trials for protestors and it is outrageous. We are gagged and then we are censored.

As we consider this grave miscarriage of justice in Wisconsin, we realize it is all part of a bigger system of illegal actions by our government. Our hearts and minds hold the images of the children, the mothers and fathers, the grandparents who have been murdered by US drone strikes, remembering that the training for this program of targeted assassination begins at places like Volk Field, and knowing for certain that the resistance must continue.