

Why We Persist: Activists Have Protested US Drone Base for Over a Decade

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“All human beings possess the basic right under international law to engage in non-violent civil resistance activities for the purpose of preventing, impeding, or terminating the ongoing commission of [international crime].” – International law expert Francis Boyle

Nonviolent civil resistance against international crime is about effectiveness *and* persistence. Or as Dorothy Day might say, *faithfulness*. We sow seeds – awakening the cogs in the machine of imperial crime *and* informing those who, with their federal taxes, help finance that crime.

But it's about *us* – getting off our duffs and out of our comfort zones. Here in Syracuse, New York, we call it “street heat” – baby steps toward resistance, dipping our toes into the waters of risk and sacrifice. The “streets,” where Chris Hedges and Noam Chomsky keep telling us that, if things on this planet are going to turn around, *that's* where it has to happen.

In the fall of 2003 in a series of front-page stories, the Syracuse *Post-Standard* announce

d with satisfaction that our local Hancock Field Air National Guard Base was becoming the hub for the wondrous weaponized MQ9 Reaper drone. For several days over that Thanksgiving weekend, several of us protested and fasted in downtown Syracuse.

Since then, for the past decade, immediately outside Hancock, with over 170 more protests, activists from what soon became

the Upstate Drone Action Coalition have sought to expose the ensuing Reaper drone terrorism in Afghanistan and elsewhere. Allies from the Syracuse Peace Council, Veterans For Peace, Voices for Creative Nonviolence and the Catholic Worker have provided the campaign's life blood.

The Campaign

For 45 minutes every first and third Tuesday of the month, a handful of us locals demonstrate across from Hancock's main gate. Yes, these are brief demos, but some of us are differently abled and some are "octos" – activists over 80 years old. We face the vehicles going in and out of the base at afternoon shift change. This is also rush hour along East Molloy Road. Our signs and banners urge, "STOP THE KILLING" and "ABOLISH WEAPONIZED DRONES" and "DRONES FLY, CHILDREN DIE."

A second, more dramatic element of the campaign is our episodic (roughly twice a year) "tableaux" and street theater blocking the driveway into that main gate. Both approaches – the first with little risk of arrest and the second with inevitable arrests – seek to poke the conscience of the 174th New York Air National Guard's Attack Wing operating out of Hancock.

Here at our very doorstep, 174th personnel pilot remotely controlled Reaper robots laden with bombs and "precision" Hellfire missiles. Via rapid satellite relay, from within the riskless anonymity of Hancock's fortified base, those warriors and their chain of command spew death and destruction.

Maybe our repeated poking will afflict their consciences. To the extent that they have eyes to see, the pilots get to witness firsthand on-screen the carnage they perpetrate – scattered and smoldering body parts. Such exposure just may induce "moral injury," the psychic wound caused by betraying one's core values. We hope that, despite being offered hefty

bonuses, these technicians will refuse to re-enlist. The fewer enlistments, the less death.

Their targets and their civilian victims are mostly uncounted, undefended, unidentified Muslims inhabiting oil-rich lands. Here is Islamophobia with a vengeance. Multitudes are terrorized. If they survive, many become internal or external refugees. And why wouldn't some also become the imperium's die-hard foes? As the Pentagon surely counts on, the inevitable blowback generates further mayhem. Such mutually reinforcing (but extremely asymmetrical) mayhems reliably produce the high-tech contracts Lockheed Martin and its ilk thrive on.

It's usually mid-morning when two of our Upstate Drone Action members and a videographer approach Hancock's main gate, unannounced, to hand-deliver a letter through the barbed wire fence to the armed gate-keepers. Addressed to the 174th Attack Wing, the letter urges personnel to uphold their oath to protect the U.S. Constitution. We cite Article Six of that Constitution, which mandates that international treaties and international law are the "Supreme Law of the Land." Such law, including the legally binding UN Charter, supersedes federal, state and local law. It stipulates that such military aggression amounts to a war crime.

Simultaneously, down the base driveway, our flash mob sets up banners and dramatic props. These, along with our bodies – vertical or horizontal, sometimes clad in hijab or draped in bloody shrouds – block any incoming traffic.

Within minutes, soldiers pop out from behind cement barriers to divert incoming vehicles to Hancock's other entrances. An officer marches out to inform us – with profound understatement – that we aren't wanted on base property. Working hand in glove with the military, the town, county and state constabularies arrive, red lights flashing. These, helpfully, draw the public's gaze to our event. The cops

schmooze with the soldiers, taking an hour or two to assemble their forces. Then, having dutifully warned us for the third time to leave, they handcuff us while soldiers confiscate our props. Our supporters across the road chant and sing. Surveillance cameras and police and military videographers record the scene.

At our tableaux and die-ins, up to 38 of us at a time have been arrested. We are driven to cells in area police stations. Despite these many forays onto federal property, military police never arrest us and we're never charged with federal crimes. Invariably we keep getting two contradictory state charges: trespass (private property) and disorderly conduct (for public places). Both charges are "violations," a minor matter. Violations for others generally lead to quick release with an appearance ticket. But we get special handling: strip searches along with the protracted tedium of being booked. After some hours, we are arraigned. In the late evening, we may be released with dates for the DeWitt Town night court. Often there's bail, not because we are flight risks (we relish our days in court) but as a kind of pre-trial chastisement. Some of us refuse to post bail.

Sometimes, arbitrarily, misdemeanor charges are piled on: obstruction of government administration (OGA) or contempt of court for allegedly defying Orders of Protection (OOP) forbidding us to return to the base. Those stay-away orders "protect" the base commander who has alleged that we physically threaten him. This fiction parallels the perennial propaganda trope that migrants from afar – in Vietnam, Nicaragua, Afghanistan – threaten the U.S. The local judges impose OOPs on dozens of us. Bizarrely re-purposed, OOP wording is derived from child or spouse abuse boilerplate.

Such OOPs have been enforced unevenly. Several years ago, Mary Anne Grady Flores, a grandmother from Ithaca, New York, got a yearlong sentence for allegedly violating her OOP. Her sole crime: photographing protesters (who subsequently were all

acquitted) from Molloy Road's shoulder. After a few months in Jamesville Penitentiary, Mary Anne won release pending appeal. If eventually her appeal fails, she'll be re-incarcerated.

We've long lost track of the numbers, but well over 100 of our cases have been tried before either of the two elected part-time DeWitt Town justices, Robert Jokl Jr. or David Gideon. Those are mostly bench trials, in which a judge determines verdict and sentence; or, if involving misdemeanors, a six-person jury renders the verdict. In this court, not shy about doling out maximum sentences, juries are forbidden to hear what the max can be.

On the brink of a trial, the prosecutor may suddenly drop the misdemeanor charge, cleverly disrupting our defense prep. Jury trials in DeWitt are only occasional, since these burden the court calendar and the town budget, while providing us the opportunity to testify about drone atrocity. In an arrest-happy time and place, law enforcement and the court prop up the ambient militarism, particularly where a community embraces its military base as a "job-provider." Conveniently for stoking public buy-in, multitudes of redundant military installations are spread widely over congressional districts across the land.

Central New York is one of the nation's major drone technology incubators, housing a branch of Lockheed Martin and SRC Inc., a defense research company. This gravy train seems to mesmerize local mainstream media, the Chamber of Commerce, nearby citadels of higher learning, and those of all political stripes dependent on government jobs and grants: co-optation broad and deep. Even liberal activists compartmentalized in their domestic issues shrink from acknowledging Hancock's war crimes.

When we point out to police that war crimes occur just yards from where we're being arrested, we hear, "It's not our jurisdiction." The court dismisses out of hand our

International Law and Necessity defenses. Nor, of course, does it acknowledge that Hancock, in violation of the 1794 Treaty of Canandaigua, occupies Haudenosaunee Indigenous land. Note the historical continuity: most Reaper victims are themselves tribal or Indigenous people of color inhabiting formerly colonized but now nominally sovereign lands such as Pakistan, Somalia and Yemen. All areas, it happens, the U.S. has yet to even officially declare war upon. Those Hellfire missiles – talk about trespass!

The disorderly conduct charge is bogus; as the base's surveillance cameras attest, we treat everyone with respect and don't resist arrest. (Before each demonstration, every participant signs a pledge of nonviolence.) Nor do our blockades discommode the public. The OGA charge is likewise bogus: trial witnesses, citing "security," refuse to reveal details of Hancock's illegal and clandestine operations, which we call out and allegedly disrupt.

At trial, we defend ourselves *pro se* or with *pro bono* attorneys. Our lead attorney travels well over 300 miles from Long Island at his own expense. On the witness stand, we speak to what drone strikes do to human flesh, psyches and souls, and thus why we risk prison opposing brutality. We note that we don't do civil disobedience – we do civil *resistance*. We don't disobey law; we seek to *enforce* law – both U.S. and international. We observe the Nuremberg injunction that those aware of war crimes must try to expose and impede them – or else we would be complicit ourselves.

For the DeWitt court, international law is an alien concept. In many of this rogue nation's law schools, international law apparently isn't taught. U.S. superpower exceptionalism prevails. The Constitution's First Amendment – which validates our right to petition the government for redress of grievances – is also alien.

In the early days, seeking to deter continued civil

resistance, we were each customarily fined the maximum amount of \$375, and some of us were also sentenced to 15 days in jail. In a further attempt to deter, the DeWitt judges – in apparent cahoots with the base – eventually conjured up those aforementioned Orders of Protection. Fortunately, suburban juries can't always be counted on to find scrupulously nonviolent defendants guilty. Sometimes they find us not guilty on one or more counts, or the court feels compelled to dismiss a lackadaisically prosecuted charge.

Nowadays, the DeWitt court seems to be kicking the judicial can down the road. As I write in December 2019, our July 2018, June 2019 and September 2019 arrests have yet to be assigned trial dates. In DeWitt, New York, the notion that “justice delayed is justice denied” is quaint. This past summer, one judge, without explanation or apology, simply didn't show up for a motions hearing or to set a trial date. More recently, one evening's judge told us, after we'd all traveled to a mandated court hearing, that our case wasn't on that evening's docket. Can it be that the validity of our cause is now dawning on the judges, making it hard to know what to do with us?

Reaper terror, first under Bush, increasingly under Obama, then far more under Trump, keeps escalating. We may never know if our efforts somehow slow the pace. But we do know that here in our backyard, if we don't stand up and speak out against war crimes, it's unlikely anyone else will. And we know that if no one speaks out, the Pentagon will keep operating as if it has a popular mandate to keep up the killing.

So we persist.

For video footage of Hancock actions, see upstatedronaction.org. For updates on our arrests and trials, see nukeresister.org. To glimpse the horror of weaponized drones, see the Stanford and NYU Law Schools' joint 2012 report, “Living Under Drones.”

**Featured Image: An MQ-9 Reaper remotely piloted aircraft flies by during a training mission at Creech Air Force Base on November 17, 2015, in Indian Springs, Nevada. ~Isaac Brekken / Getty Images*

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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).

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."