

# People's Indictment (Update with video)

FOR WAR CRIMES PERPETRATED BY THE 174TH ATTACK WING  
OF THE NEW YORK NATIONAL GUARD AT HANCOCK AIR FORCE BASE,  
SYRACUSE, NY

*Video recorded by Charley Bowman of Buffalo, NY. Speaking:  
Ed Kinane, Julianne Oldfield, Dan Burgevin.*

Since 2010 the 174th Attack Wing, via satellite, has been remotely piloting weaponized MQ9 Reaper drones over Afghanistan – perhaps the poorest and most vulnerable nation in the world. U.S. weaponized drones are also known to target people in Pakistan, Iraq, Libya, Somalia, Yemen and elsewhere in the Islamic oil lands. Those who participate in these operations may believe they are fighting “terrorism”; in fact they are unwitting cogs in a war – on behalf of corporate profiteers – whose main instrument is terrorism.

The Reaper maims and kills untold numbers of human beings and terrorizes whole communities. Reaper aggression generates both internal and external refugees; generates hatred toward the U.S. (bolstering recruitment for hostile groups); heightens global insecurity as other state and non-state powers join the weaponized drones arm race; and, by blatantly violating such law, undermines both U.S. and international law.

U.S. drone killing violates due process and national sovereignty. It involves intentional, premeditated extrajudicial murder and the massacre of civilians.

These crimes violate Article VI of the United States Constitution: ***“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made under the Authority of the United States, shall be the supreme Law of the Land; and***

***the Judges of every State shall be bound thereby, anything in the Constitution or Laws of the U.S., including treaties made under authority of the U.S. shall be the supreme law of the land."***

One such treaty, since 1945 the supreme law of the United States, is the United Nations Charter. The Charter's Preamble states that its purpose is to "***save future generations from the scourge of war***". It further states that "***all nations shall refrain from the use of force against another nation.***" This Treaty applies to federal, state and local branches of U.S. government as well as to law enforcement and to U.S. Armed Forces personnel – all of whom are sworn to uphold the Constitution.

Since 2010 Upstate Drone Action – impelled by our conscience – has sought to expose Hancock AFB war crimes and to awaken Hancock AFB personnel and their chain of command to their role in perpetrating these crimes. Today, as on many former occasions, we come to Hancock to renew that wake-up call. **People of Hancock: we urge you – we implore you – to stop the killing.**

UPSTATE DRONE ACTION

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# **War Crimes Indictment for Good Friday**

**WAR CRIMES INDICTMENT**

WAR\_CRIMES\_INDICTMENT\_Good\_Friday\_2017.pdf

Indictment read by Matt Ryan, recorded by Judy Bello:

[http://upstatedroneaction.org/wp/wp-content/uploads/Audio/Good\\_Friday\\_Indictment-Matt\\_Ryan.mp3](http://upstatedroneaction.org/wp/wp-content/uploads/Audio/Good_Friday_Indictment-Matt_Ryan.mp3)

To President Donald Trump, to Secretary of Defense Secretary James Mattis, to the full Military Chain of the Command, including Command Chief Michael Will, to all Service Members and civilian staff of Hancock Air Base, and to the local police and Sheriffs Department of the Town of Dewitt, NY:

Each one of you, when you became a public servant, serving in a government position or when you joined the United States Armed Forces or police, you publicly promised to uphold the United States Constitution. We take this opportunity to call your attention to Article VI of the US Constitution, which states:

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

This clause is known as the Supremacy Clause because it provides that the Constitution and laws of the U.S., including treaties made under authority of the U.S. shall be supreme law of the land.

The Supremacy Clause provides part of the Supreme Law of the Land.

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

The Preamble of the U.N. Charter states that its purpose is

to “save future generation from the scourge of war” and it further states, “all nations shall refrain from the use of force against another nation.”

This Treaty applies both collectively and individually to all three branches of government, on all levels, U.S. federal, state and local governments, starting with the executive branch: the U.S. President and the executive staff; the judicial branch: all judges and staff members of the judiciary; the legislative branch: all members of the U.S. Armed Forces and all departments of Law Enforcement and all civilian staff, who have sworn to uphold the Constitution, which includes Article VI.

Under the U.N. Charter and long established international laws, anyone—civilian, military, government officials, or judge—who knowingly participates in or supports illegal use of force against another nation or its people is committing a war crime.

Today you must recognize that when you promised to uphold the Constitution, you promised to obey Treaties and International Law – as part of the Supreme Law of the Land and furthermore, under the Uniform Code of Military Justice of the U.S., you are required to disobey any clearly unlawful order from a superior.

Based on all the above,

*WE, THE PEOPLE, CHARGE THE UNITED STATES PRESIDENT, DONALD TRUMP AND THE FULL MILITARY CHAIN OF COMMAND*

*TO COMMAND CHIEF MICHAEL WILL, EVERY DRONE CREW, AND SERVICE MEMBERS AT HANCOCK AIR BASE, WITH CRIMES AGAINST PEACE & CRIMES AGAINST HUMANITY, WITH VIOLATIONS OF PART OF THE SUPREME LAW OF THE LAND, EXTRAJUDICIAL KILLINGS, VIOLATION OF DUE PROCESS, WARS OF AGGRESSION, VIOLATION OF NATIONAL SOVEREIGNTY, AND KILLING OF INNOCENT CIVILIANS.*

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

These drones are being used not only in combat situations for the purpose of assassinations but also for killings far removed from combat zones without military defense, to assassinate individuals and groups far removed from military action.

Extra judicial killings, such as those the U.S. carries out by drones are intentional, premeditated, and deliberate use of lethal force to commit murder in violation of U.S. and International Law.

It is a matter of public record that the US has used drones in Afghanistan and in Iraq for targeted killings to target specific individuals which has nearly always resulted in the deaths of many others.

There is no legal basis for defining the scope of area where drones can or cannot be used; no legal criteria for deciding which people can be targeted for killing, no procedural safeguards to ensure the legality of the decision to kill and the accuracy of the assassinations.

In support of this indictment, we cite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, who has said that the use of drones creates "a highly problematic blurring and the law applicable to the use of inter-state force.... The result has been the displacement of clear legal standards with a vaguely defined license to kill, and the creation of a major accountability vacuum.... In terms of the legal framework, many of these practices violate straightforward applicable legal rules."

See United Nations General Assembly Human Rights Council Study on Targeted Killings, 28, May 2010.

The drone attacks either originating at Hancock or supported here are a deliberate illegal use of force against another nation, and as such are a felonious violation of Article VI of the US Constitution. By giving material support to the drone program, you as individuals are violating the Constitution, dishonoring your oath, and committing war crimes. We demand that you stop participating in any part of the operations of MQ-9 drones immediately, being accountable to the people of United States and Afghanistan.

As citizens of this nation, which maintains over 700 military bases around the globe, and the largest, most deadly military arsenal in the world we believe these words of Martin Luther King still hold true, "the greatest purveyor of violence in the world today is my own government".

There is hope for a better world when WE, THE PEOPLE, hold our government accountable to the laws and treaties that govern the use of lethal force and war. To the extent that we ignore our laws and constitution and allow for the unchecked use of lethal force by our government, allowing the government to kill who ever it wants, where ever it wants, how ever it wants with no accountability, we make the world less safe for children everywhere.

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

Signed by: THE UPSTATE COALITION TO GROUND THE DRONES AND END THE WARS

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# Taking Responsibility for Drone Killings

## Taking Responsibility for Drone Killings *President Obama and the Fog of War*

*by Brian Terrell, reprinted from Voices for Creative Nonviolence*

When President Barack Obama apologized on April 23 to the families of Warren Weinstein and Giovanni Lo Porto, an American and an Italian, both hostages killed in a drone attack in Pakistan in January, he blamed their tragic deaths on the “fog of war.”

“This operation was fully consistent with the guidelines under which we conduct counterterrorism efforts in the region,” he said, and based on “hundreds of hours of surveillance, we believed that this (the building targeted and destroyed by drone launched missiles) was an al Qaeda compound; that no civilians were present.” Even with the best of intentions and most stringent of safeguards, the president said, “it is a cruel and bitter truth that in the fog of war generally and our fight against terrorists specifically, mistakes – sometimes deadly mistakes – can occur.”

The term “fog of war,” *Nebel des Krieges* in German, was introduced by the Prussian military analyst Carl von Clausewitz in 1832, to describe the uncertainty experienced by commanders and soldiers on the battlefield. It is often used to explain or excuse “friendly fire” and other unintended deaths in the heat and confusion of combat. The term raises

vivid images of chaos and ambiguity. Fog of war describes incredible noise and trauma, volleys of bullets and artillery shells, bone jarring explosions, screams of the wounded, orders shouted out and countermanded, vision limited and distorted by clouds of gas, smoke and debris.

War itself is a crime and war is hell, and in its fog soldiers can suffer from emotional, sensory and physical overload. In the fog of war, fatigued past the point of endurance and fearful both for their own lives and for those of their comrades, soldiers must often make split second decisions of life and death. In such deplorable conditions, it is unavoidable that “mistakes – sometimes deadly mistakes – can occur.”

But Warren Weinstein and Giovanni Lo Porto were not killed in the fog of war. They were not killed in war at all, not in any way war has been understood until now. They were killed in a country where the United States is not at war. No one was fighting at the compound where they died. The soldiers who fired the missiles that killed these two men were thousands of miles away in the United States and in no danger, even if anyone were firing back. These soldiers watched the compound go up in smoke under their missiles, but they did not hear the explosion nor the cries of the wounded, nor were they subjected to the concussion of its blast. That night, as the night before this attack, it can be assumed that they slept at home in their own beds.

The president attests that those missiles were fired only after “hundreds of hours of surveillance” were carefully studied by defense and intelligence analysts. The decision that lead to the deaths of Warren Weinstein and Giovanni Lo Porto was not reached in the crucible of combat but in the comfort and safety of offices and conference rooms. Their line of sight was not clouded by smoke and debris but was enhanced by the most advanced “Gorgon Stare” surveillance technology of the Reaper drones.



The same day as the president's announcement the White House Press Secretary also issued a release with this news: "We have concluded that Ahmed Farouq, an American who was an al-Qa'ida leader, was killed in the same operation that resulted in the deaths of Dr. Weinstein and Mr. Lo Porto. We have also concluded that Adam Gadahn, an American who became a prominent member of al-Qa'ida, was killed in January, likely in a separate U.S. Government counterterrorism operation. While both Farouq and Gadahn were al-Qa'ida members, neither was specifically targeted, and we did not have information indicating their presence at the sites of these operations." If the president's drone assassination program sometimes accidentally kills hostages, it also sometimes accidentally kills Americans alleged to be members of al-Qa'ida and apparently the White House expects us to take some consolation in this fact.

"Hundreds of hours of surveillance" notwithstanding, and despite being "fully consistent with the guidelines under which we conduct counterterrorism efforts," the order to attack the compound was given in the absence of any indication that Ahmed Farouq was there or that Warren Weinstein was not. Three months after the fact, the United States government admits that they blew up a building that they had been watching for days without the slightest idea who was in it.

The "cruel and bitter truth" is actually that Warren Weinstein and Giovanni Lo Porto were not killed in a "counterterrorism effort" at all, but in an act of terrorism by the United States government. They died in a gangland style hit that went awry. Killed in a high-tech drive-by shooting, they are victims of negligent homicide at best, if not of outright murder.

Another "cruel and bitter truth" is that people who are executed by drones far from a battlefield for crimes they have not been tried for or convicted of, such as Ahmed Farouq and Adam Gadahn were, are not enemies lawfully killed in combat.

They are victims of lynching by remote control.

“Predators and Reapers are useless in a contested environment,” admitted General Mike Hostage, chief of the Air Force’s Air Combat Command in a speech in September, 2013. Drones have proven useful, he said, at “hunting down” al Qa’ida but are no good in actual combat. Since al Qa’ida and other terrorist organizations have only flourished and multiplied since Obama’s drone campaigns took off in 2009, one might take issue with the general’s claim for their usefulness on any front, but it is a fact that the use of lethal force by a military unit outside of a contested environment, outside of a battlefield, is a war crime. It might follow that even the possession of a weapon that is useful only in an uncontested environment is a crime, as well.

The deaths of two western hostages, one an American citizen, are indeed tragic, but no more so than the deaths of thousands of Yemeni, Pakistani, Afghan, Somali and Libyan children, women and men murdered by these same drones. Both the president and his press secretary assure us that the events in Pakistan last January were “fully consistent with the guidelines under which we conduct counterterrorism efforts,” business as usual in other words. It seems that in the president’s view, death is only tragic when it is inconveniently discovered that western non-Muslim people are killed.

“As President and as Commander-in-Chief, I take full responsibility for all our counterterrorism operations, including the one that inadvertently took the lives of Warren and Giovanni,” said President Obama on April 23. From the time President Ronald Reagan took full responsibility for the Iran-Contra arms deal to the present, it is clear that a presidential admission of responsibility means that no one will be held accountable and that nothing will change. The responsibility that President Obama accepts for only two of his victims is too paltry for consideration and, along with

his partial apology, is an insult to their memories. In these days of governmental evasions and official cowardice, it is crucial that there are some who do take full responsibility for all of those killed and act to stop these acts of reckless and provocative violence.



### **Taking Responsibility for Drone Killing At Beale AFB, California**

Five days after the president's announcement of Weinstein's and Lo Porto's murders, on April 28, I was privileged to be in California with a dedicated community of activists outside of Beale Air Force Base, home of the Global Hawk surveillance drone. Sixteen of us were arrested blocking the entrance to the base, reciting the names of children who have also been killed in drone attacks but without a presidential apology or even, for that matter, any admission that they died at all. On May 17, I was with another group of anti-drone activists at Whiteman Air Force Base in Missouri and in early March, in the Nevada desert with more than one hundred resisting drone murders from Creech Air Force Base. Responsible citizens are protesting at drone bases in Wisconsin, Michigan, Iowa, New York at RAF Waddington in the United Kingdom, at the CIA headquarters in Langley, Virginia, at the White House and other scenes of these crimes against humanity.

In Yemen and in Pakistan, too, people are speaking out against the murders taking place in their own countries and at great risk to themselves. Lawyers from Reprieve and the European Center for Constitutional and Human Rights have filed suit in

a German court, charging that the German government has violated its own constitution by allowing the U.S. to use a satellite relay station at Ramstein Air Base in Germany for drone murders in Yemen.

Perhaps one day President Obama will be held responsible for these murders. In the meantime, the responsibility that he and his administration shirks belongs to all of us. He cannot hide behind a fog of war and neither can we.