

Mark Colville's CLOSING Arguments from September, 18, 19 2014 Jury Trial

As transcribed by Judy Bello (any mistakes are mine)

In his Closing Argument, Mark did a brilliant job of presenting some of the most complex themes and concepts that underlie our work as we protest the use of Reaper drones in illegal wars to kill civilians, suspects and unidentified 'militants' driving down the road, sleeping in their beds, worshiping in the mosque or buying bread at the bakery. He said:

I don't feel that my actions were a serious breach of the law, if they were a breach, which I contend they were not. [Keeping in mind that his five charges could result in a two year jail sentence]

Prosecutor McNamara's duty is to seek justice, not to seek convictions. But what I hear from him is more like in sports, either he wins, or I win. There is a particular reason – it goes to what I believe about the law and about the current system – not this particular court, but this one is included – lawyers have to be about 'winning'. I want to be what you are charged to be, a seeker of truth. [Mark is talking to the jury] You are about justice, not swayed by bullet points and someone who tells you that this matters and that doesn't matter.

At most he will say that the government is not on trial here. But one day it will be. The government has a role in what is happening here. We have a claim to be at the base under the 'First Amendment of the Constitution'. He has a claim to remove us with the Order of Protection. You can decide which is stronger. The inference from reading the document is that one person will be in some physical danger if the other gets close to him. It's ridiculous in this case. Judge Gideon has abused that instrument.

This court is operating with an agenda and bias, not only protecting what is happening there from us, but protecting it from community knowledge. Only I will tell you, you have the power of every officer. The faces of the 4 dead children you are not allowed to see, I have seen them. This is a crime with no equitable remedy. If the defendant tampers with a witness, there is nothing we can do about that.

Col Evans is far from the only witness. He is not the most near witness. So why was he singled out for protection. There are laws in place to deal with what I did. But the Order of Protection turns the law on its head. It paints me as a threat. Many people in this courtroom are under these Orders of Protection. You have the power to do something about that. This order restricts the freedom of a person. You have to have good reason to do that. The court should state the reason for issuing the Order, but they haven't done that. We say that is because they have no explanation.

The Obstructing Governmental Administration is used for someone interfering with an arrest. We weren't doing that. They weren't happy to see us at the base. A petition, a public petition is not usually welcome. Does that make it disruptive to the point of criminalization?

Why didn't we mail it in? We have, we've written letters, signed petitions, lobbied our

representatives. We've been there. In any case, under the Order of Protection it would be illegal for me to mail something to the commander of the base. [Col Evans]

The law says we may protest. The judge says we may not. I want you to think about that. The judiciary is the most democratic branch of government. You ordinary citizens get to steer the ship of state for a little while. The basis of law is common sense. It has to be. Not by big ideas. Law has to be based on principle and applied with common sense.

It's interesting. There was no video today. The What happened to the base security cameras?. One of the officers testified that he had watched the action on the video camera? It isn't good enough for me to learn that the computer crashed. Why is there video then, seems — to me, with five charges, inexplicable.

How an we obey the law when it is full of tricks and not guided by principles? The prosecution has to provide evidence! Yet the basis of two of my charges conflict. One requires a public domain, and the other, private. Did anyone ask us to move? If traffic was blocked, it was redirected by base personnel. We didn't come up from New Haven to block traffic.

We wanted to make a formal objection to the killing of civilians, which is illegal by the fourth Geneva Convention. By article six in the bill of rights, treaties signed into law supersede all other laws. You have the power to uphold the law. That's what power you have.

The first amendment allows us to make a petition. The base says, if you petition us, we will throw you into jail for two years. These protests are gentle and restrained, particularly in comparison with what goes on inside the base. Targets are selected by the CIA. The CIA are not military personnel. That is a very dangerous development.

You have the power to do something about that. Killing based on CIA interests is not legal. Who said that? Eisenhower said it.

What I intended to do is absolutely key. The bottom line is that only I know what my intent was. I told you what was. Do you believe me? The government is presenting witnesses who speculate about my intention. My idea of winning is - stop allowing killing to go on and on in secret. I'm not saying that is the intention of the airbase, I'm saying that is the reality.

Assume your power and don't be afraid. I ask you not to be afraid to apply the law as the law should be applied.