

# Mary Anne Grady's Closing Argument w/Transcript

Closing Argument in the Case of Hancock Protesters from  
October 25, 2012

*by Mary Anne Grady-Flores, Presented 01/31/2014*

I begin with the prayer that the non-violent witness, to stop the killing of other brown people on the other side of the world by drones at Hancock, be an offering to the healing begun by the Two Row Wampum Renewal, reminding us to honor treaties made with the Six Nation Confederacy, here, and honor the global treaties created for peace for all peoples!

Greetings Judge Gideon, Mr. McNamara, Scott, Coleena, Pat, and all of you who are here to serve the people and provide us with due process, I thank you for believing in this and dedicating your life's energy to this fundamental process of a democracy. Due process is something drone victims are denied.

Judge Gideon, I was one of the Hancock 38 defendants who stood before you on November 1st through the 5<sup>th</sup> of 2011, for 45 hours of trial. On the eve of that first trial, on Oct. 31<sup>st</sup>, 2011, there was a drone strike in Pakistan that killed 16 yr. old Tariq Aziz and his 13 yr. old cousin as they drove to a soccer game.

Over 4,000 people have been murdered by US drone strikes. Tariq is one of over 300 children that have been killed by drones. Ninety eight percent of drone strikes kill civilians. Killing Tariq hasn't made us any safer. Today I wear this t-shirt with his photo.

I saw the film, UNMANNED: America's Drone Wars. When I saw Tarik playing soccer with his team mates, it reminded me of

being at the soccer field with my own 3 sons and daughter, who are Guatemalan & Irish, and who look like Tariq. As a mother, I am horrified at the thought that another mother's son was murdered, and that Hancock is responsible for murder of children by drones.

On Dec. 12<sup>th</sup>, the day we were suppose to start this trial, a wedding party was hit in Yemen. I can only try to imagine the pain the families are feeling. This pain is being multiplied throughout many countries due to US drone strikes in the never-ending "war on terror".

When I learned that drones were being piloted from Hancock Airbase, I knew that, like my co-defendants, I had to go to Hancock to call a halt to this war crime, upholding our US Constitution, Article 6, Sect. 2 in relation to the codified treaties the US has signed on to, the UN Charter and the Geneva Conventions, the International Civil and Political Rights Covenant Article 6, which codifies the obligation of the United States to respect the right to life of people at home and abroad. These treaties that the US has publicly promised to honor, state their intent as "to end the scourge of war". The current US hidden and twisted reasoning for using drones clearly violates the purpose and letter of these central contracts.

The Vienna Treaty, of 1968, which the US has accepted as established law, says that these treaties must be honored in their simplest, clearest terms. These codified laws are the most important laws binding all humans everywhere, always!!!!

The United States is also a party to the Kellogg-Briand Peace Pact. The Nuremberg Crime against Peace was premised upon that Pact. Then incorporated into US Army Field Manual 27-10 (1956), along with Nuremberg War Crimes and Nuremberg Crimes against Humanity. As has been stated before, all of the judgments made at on Nuremberg are recognized judicial decree, and recognized by the United States Federal Rules Decisi

New York Penal Law 35.05, the Justification Statute states: conduct which would otherwise constitute an offense is justifiable and not criminal when:

1. *Such conduct is required or authorized by law or by a judicial decree,*

In addition I cite case law from the Tokyo War Crimes Tribunal Trial Decision:

*"Anyone with knowledge of illegal activity and an opportunity to do something about it is a potential criminal under international law, unless that person takes affirmative measures to prevent the commission of the crimes."*

*Furthermore, Judge Gideon, the U.S. Constitution does not require or contemplate implementing legislation for treaties. As a consequence of Article 6, the Treaty clause, U.S. treaties constitute a source of federal law supreme over state law. This is established by the Third Restatement of Foreign Relations.*

*The treaties: codified, statutory law that are being routinely violated, are all self-executing. They are therefore binding on all courts",*

including De Witt Town Court.

This is from Cornell Law Professor Chantal Thomas, giving detailed legal analysis in her statement on the Judicial Enforceability of International Law. She is a current Vice President of the American Society of International Law.

My intent, in going to Hancock was to uphold law, never to break law. As a citizen of this country I am responsible for what my country does. Judge Gideon, in your sentencing statement on Dec. 1<sup>st</sup>, 2011, you wrote that you had had sleepless nights in trying to decide our innocence or guilt.

Like you, I've also had sleepless nights, because I know in my gut that the extra judicial killing that goes on, perpetrated from our back yard, is a crime. As I have shared with this court before, I make a living as a cook, a caterer. I normally deal with preparing food and serving people. I am not practiced in dealing with legal matters but I'm willing and capable to work at it.

So, I'm willing to stretch ...to figure out how best to invite you to look more closely at the evidence presented. I respectfully invite you to entertain a new understanding of your judicial role and the issues we bring before you. One thing that is obvious to me is that there is no way "WE" (that includes you, Judge Gideon in our circle) that WE, as a community, can not turn our backs and stay silent when a murder is happening. When we see something, we must say something, and then do something.

I have been raised Catholic and have been taught to respect life in the tradition of what we call "the seamless garment"... A garment of one continuous piece of fabric, not made patchwork style. "The Seamless Garment" is a way of looking at creative and just ways to support life from conception until death. In thinking about the seamless garment theme, I've thought much about how we ALL become comfortable in our respective types of work, our training, our thoughts, sometimes boxing ourselves in and only wanting to look at what we are used to and what we are comfortable with.

In thinking about the seamless garment theme, I have thought about your role as trier of fact in this trial. It is obvious that these issues of violation of sovereignty laws, violation of due process, extra judicial killings, crimes against peace and humanity, and wars of aggression are not the issues usually addressed here in De Witt Town Court, although it is becoming more frequent, as it should be. Tackling these issues may be a stretch for you, going beyond your comfort zone, as I am also going beyond what I'm used to.

In Notre Dame Law Professor Mary Ellen O'Connell's introduction to her book "The Power and Purpose of International Law. Insights from the Theory and Practice of Enforcement", it states, "international law compliance is the product of rule internalization. It suggests that this happens if international law rules are implemented in domestic law, enforced by domestic courts, and administered by government agencies."

Judge Gideon, as you are indeed a believer of the worth of the law, applier of law, and trier of fact, then, the law must be applied as a seamless garment, not disconnecting from one part, the international law, because it may be "politically inconvenient" for you. We submit that the crime of murder, is happening in this jurisdiction. We came to Hancock Airbase as "first responders", if you will, to the scene of the crime. We invite you to apply the laws that our Congress has ratified,... here locally,... upholding the system of checks and balances that our constitution created.

Congress and the President ratified these laws. If Congress doesn't want these codified treaties in place, they can un-ratify them. As long as they are in place every judge is bound to uphold them.

Judge Gideon, I recall you saying to Former Attorney General Ramsey Clark, in the 2011 trial, that your father was at the Nuremberg Trials. Co-defendant Andrea Levine told us her grandfather, Jacob Leib, who testified at a trial subsequent to Nuremberg, telling of how his whole family was murdered in the death camps.

Our U.S. Supreme Court Justice Robert Jackson went to preside as the Chief American Prosecutor at the Nuremberg trials. On April 13<sup>th</sup>, 1945, Jackson had given a major address at the American Society of International Law in Washington in which he had advocated that such a trial be conducted. In his view, the victory about to be secured by the Allies in the most

destructive war in human history should be ended with a civilized proceeding where a court of law would judge the guilt or innocence of the major Nazi figures. I suggest Justice Jackson would be aghast at the extra judicial murder initiated by the White House Tuesday meetings drawing up the Kill List, and then followed through by our 174<sup>th</sup> Attack Wing of Hancock Airbase, naming it a flagrant violation of due process.