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Resisting drones in Missouri: First person account

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By Brian Terrell

The United States District Courthouse in Jefferson City, Missouri, is a modern and graceful structure sitting on a bluff over the Missouri River. Less than one year old, it is a virtual temple in white marble, granite and glass, its clean lines all the more immaculate in contrast to its nearest neighbor, the crumbling 19th century hulk of the derelict and empty Missouri State Penitentiary, now a tourist attraction and occasional movie set. Set into the floor of the courthouse rotunda, executed in marble and bronze, is the image of the Great Seal of the United States, the eagle with arrows in one talon and olive leaves in the other, circled by a quote from the Bible, from the prophet Amos, ?Let Justice Flow Like A River.?

Even the wide Missouri?s current gets a bit sluggish in the summer months and justice was flowing just as slowly through the high ceilinged halls of the courthouse on June 6, the day appointed for me, Mark Kenney and Ron Faust to answer to the charge that we ?did enter a military installation for a purpose prohibited by law.? Aside from our arraignment there was little else going on in the building that day and but for our small party of defendants, attorneys and friends, the big new courthouse was almost as quiet and deserted as the abandoned old prison across the street.

Mark, Ron and I had been summonsed here by the powers after having been apprehended on April 15 at Whiteman Air Force Base. Our action was part of the ?Trifecta Resista? nonviolence training and direct actions at three locations around the Kansas City area. Besides protesting at Whiteman, from which killer drones engage in combat in Afghanistan by remote control, our contingent of activists from around the Midwest acted at Kansas City?s new nuclear weapons plant and at the military prison at Fort Leavenworth where suspected Wikileaks whistleblower Pfc. Bradley Manning had been held for trial.

At the Whiteman base, Ron, Mark and I attempted, on behalf of a larger group of protestors, to deliver an ?indictment? to Brigadier General Scott A. Vander Hamm, the base?s commander. Our indictment charged the chain of command, from President Obama to General Vander Hamm to the drone crews at Whiteman ?with the following crimes; extrajudicial killings, violation of due process, wars of aggression, violation of national sovereignty, and the killing of innocent civilians.? It noted the fact that ?extrajudicial targeted killings by the use of unmanned aircraft drones by the United States of America are intentional, premeditated and deliberate use of lethal force in violation of US and international human rights law? and demanded that these crimes immediately cease.

Our polite request to the base sentries for directions to headquarters to deliver the indictment was denied and our way blocked by military police who handcuffed us and took us away. Our thirty or so companions, clearly exercising the constitutionally-protected right to peaceably assemble for the redress of grievances, were chased off the property by about fifty Air Force personnel in full riot gear who performed a carefully if grotesquely choreographed drill routine, complete with goosesteps and synchronized grunts and beating of clubs on shields. Reminiscent of a Monte Python sketch or of the ?Springtime for Hitler? dance number in the Mel Brooks? musical ?The Producers,? this performance (since seen by thousands on a YouTube video taken that day)

reveals a government literally scared silly by its own citizens.

In court, Mark pled guilty to the charge. Before accepting this plea from a defendant representing himself, Judge Matt J. Whitworth patiently questioned Mark to be sure that he knew what rights he was waiving by pleading guilty. Did Mark know, the judge asked, that if he pled ?not guilty,? he would have the right to a full trial, to present evidence, to call or subpoena witnesses on his behalf, and to cross-examine any witness that the government might bring in to testify against him? Mark was told of his right to be represented in these proceedings by an attorney and that the court would appoint one if he could not afford one.

Mark replied that he was aware of all this, but he told Judge Whitworth that these rights simply do not exist anymore. The Obama administration had not only claimed for itself the prerogative to arrest and indefinitely imprison any suspected ?terrorist? without trial, but also to target noncitizens and citizens alike and to order their executions by missile bearing drones anywhere in the world, with no more ?due process? than the president?s determination. Mark asked to be sentenced immediately.

Judge Whitworth agreed and asked the probation office to prepare a presentence report, listing Mark?s previous ?crimes,? his employment, education, family and other factors which might inform a sentence. A few hours later we were back in court, where the Assistant US Attorney, citing Mark?s dozen or so previous arrests for protests, asked the judge to keep him in prison for four months, allowing that he might be spared the maximum six month sentence in consideration for his guilty plea, saving the trouble of a trial. Mark for his part said that as a disciple of Jesus he had no other choice but to act as he had done. Citing difficulties his family will face in his absence, Mark asked only for a few weeks? time before surrendering himself to prison.

Judge Whitworth sentenced Mark to four months in prison, a sentence to begin in about six weeks. The judge proclaimed his commitment to the security of the base and also cited the valuable warplanes and other weapons the Air Force keeps at Whiteman that need protection. As judges are prone to do, Judge Whitworth indulged in a bit of spiritual direction as well, assuring Mark that ?the good Lord would rather have you protest off the base and stay out of trouble. When you trespass, you are only hurting yourself.?

I do not presume to know what, if any, spiritual tradition Judge Whitworth follows, but he should be informed before he offers such counsel that Mark?s good Lord bids him not to stay on the sidelines avoiding inconvenience and suffering for himself. The Lord Mark serves calls him to solidarity with those who suffer, even to the point of taking up his own cross. The God whose words are cast in bronze on the floor of the courthouse rotunda regards the weapons amassed at Whiteman Air Force Base not as resources to be protected by riot police or defended by putting the likes of Mark behind walls, but as swords waiting to be beaten into plowshares by the hands of faithful women and men.

Ron and I pled not guilty and were given a trial date of September 5, a date that might be changed in the next few weeks. This will be my third trial for resisting drone warfare, once in Nevada at Creech Air Force Base and once in New York, at Hancock Field Air National Guard Base near Syracuse. After more than three decades as a peace and human rights activist, these two trials out of many have evoked the most dramatic, intense and unpredictable trials and I expect no different in Jefferson City.

The other ?drone trials? I participated in in Nevada and New York were prosecuted by local assistant district attorneys, who have ?no dog in this race,? as they say, arguing before state courts where judges can too easily claim to be neutral arbiters of the facts. In this case, we are in US District Court and the prosecution will be handled by a young captain in the Air Force Judge Advocate General Corps, acting as a Special Assistant United States Attorney. ?Going federal? raises the stakes: witness Mark?s four months compared with my one night of ?time served? in Las Vegas and my ten days in a New York jail this past winter.

Federal prosecutors also have more case law at their disposal empowering them to limit testimony, to exclude

the domestic and international laws that make drone warfare a criminal, legally preventable act. They have more power to shut us up. Still, I appreciate the clarity that speaking in US District Court will bring this fall, addressing the Air Force and the US Empire more directly than at my previous trials.

Ron will be represented by Ruth O?Neill, attorney and Catholic Worker from Columbia, MO, and I will represent myself with assistance from Kansas City, KS, attorney, Henry Stoever, both experienced resistance lawyers (Henry is awaiting trial himself for his part in the nuke weapons segment of the ?Trifecta Resista? ? a trial at which he will be represented by Ruth!) and both good friends. We are lining up expert witnesses and collecting evidence for our coming trial. My best hopes for the courtroom are that we can keep from being distracted by the minutiae of a falsely alleged ?trespass? and keep focused on the infinitely more serious crimes committed by our drones in Afghanistan, Pakistan, Yemen and other places known and unknown.

Please join us this fall in Jefferson City. Stay in touch as details develop. Will justice flow like a river in the US District Courthouse there, or will the judge and prosecutor hold it festering as in a stagnant pool? For all its majestic and stately architecture, is this the temple of justice, of law and reason, that it purports to be, or is it instead the proverbial ?whited sepulcher,? beautiful on the outside but on the inside putrid, rotten and full of corruption?

Does this court have a place in a peaceful and just future or is this shiny new building, like the condemned prison across the street, already a relic of a barbaric and wholly regrettable past? The world waits to know. We also plan for a return to the ?scene of the crime,? Whiteman Air Force Base, to protest the ongoing crimes of the drones flown from there. We invite you to join us in resistance and perhaps to lay the foundations of your own federal case in Jefferson City.

Brian Terrell is a member of a Catholic Worker community and a co-coordinator of Voices for Creative Nonviolence.

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