

Closing Argument - Mary Anne Grady Flores (part 4)

Before beginning my statement, I just wanted to acknowledge this court and you, Judge Gideon, and everybody who's had to sit through this process. I wanted to first acknowledge your amazing listening abilities. I sit in awe of that. I stand awe of that. I wanted to say thank you to Fred McRoberts, to Scott our security officer, and Ann – the lovely Ann – who's so sweet back there. And I found out that your name is Kalina, and Paula – thank you for your patience with this. I happen to be in the hospitality business, as are many in my family, and so I wanted to just say that you guys are great. And you have treated us like human beings, in a way that many courts don't. So thank you for that.

So I want to start by saying that invitations can be a very powerful tool for change. I am Mary Anne Grady Flores. I live in Ithaca New York with my five siblings, you've met a few of them in the court, as codefendants. And I live also with 3 of my 4 adult children and 3 of my grandchildren. They've also joined us in the court room over time a few nights ago. I run a small Latino catering company, and I've done that for the last thirteen and a half years, serving the Cornell Latino community and the Ithaca community. Catering is my second job so that I can keep my first job of working on something that I've come to understand is central in our democracy. That is the resistance to the growing crisis of resource wars waged by the U.S. Pentagon, with operations taking place in over 60 percent of the countries in the world. Not 60 countries, but 60 percent of the countries in the world. I am a member of the Ithaca Catholic Worker Community. My parents were friends of Dorothy Day, whose granddaughter Martha Hennessey had testified as a co-defendant. As a Catholic Worker Community, we meet weekly and have been central in organizing the four day 60 mile walk, or 62 mile walk as Tim said.

To take courage – that I hope will give you courage and help you to take courage to stand on the side of the Constitution, allowing foreign affairs versus the political question doctrine most recently upheld in 1962 by Justice Brennan, Supreme court Justice William Brennan.

When I was a teenager, which was many moons ago, the United States was in a crisis. 58,000 U.S. soldiers had been killed in Vietnam. Over 2 million Vietnamese had been killed. The United States citizenry had come to their wits end, and the consciousness of the nation was shifting. Young men were fleeing in droves to Canada to escape the draft, and many others were tearing up their draft cards. Vietnam vets were going AWOL, and others kept a vigil across the street from the White House, drumming, causing President Nixon – he was ready to pull his hair out because he had a headache from this.

Demonstrations were happening all across the country. My parents were also responding to this crisis. As Catholics, their faith lead them to question the morality of the war along with a great many other Catholics, including the Americans who are like family to us. My mother was showing films from the Indochina peace campaign which showed U.S. bombings of Vietnam, and brought the sufferings of the Vietnamese people home to us and our neighbors. My father participated with many other Catholics, clergy and lay people in direct actions of tearing up draft files of our soldiers that were to be drafted

from our poor inner cities that were going to be sent to Vietnam. These files, it turned out we learned, were the only copies of these young men's names that were to be sent to Vietnam.

My father was arrested when I was fourteen in 1971. And for this action he was facing 47 years in prison. He was the father of five children. I was the oldest – I am the oldest. He was also facing seven felony accounts, and was tried two years later in 1973, and something very unusual happened in that courtroom in the federal courtroom of Camden, New Jersey. The federal Judge, Clarkson Fisher, who happened to be a Nixon appointee, made a decision at that time of moral crisis to allow the issue of foreign affairs into the courtroom, upholding the Constitution, not upholding the political question doctrine.

As a result, many amazing things happened in this courtroom, including our dear friend Howard Zen, the famous historian who just passed away this past year, who was able to testify for three hours. He was able to give a history lesson to the jury describing what the real reasons were that we were in Vietnam, which was about resources: oil, tin and rubber. Sounds familiar, doesn't it? Vietnamese women came in and testified about the ravages and the effects of war that we were supposedly fighting communism against and how that war affected their people, their community and their country.

Betty Good, a mother of 12 children – and she was also the mother of one of the defendants – happened to be sitting in the courtroom as Howard Zinn was speaking. She had never known the truth. So she sat there, and it hit her like a ton of bricks that her eldest son had died for a lie. She had taken a turn to take the stand and she told the jury, she said “What these people have done, of tearing up paper, was the right thing to do.”

My father talked to the jury and described to them about their right to nullify the law and uphold the spirit of the law which is to protect life. As Ramsey testified, our dear friend Ramsey Clark, who I've know since I was child, he said, “Was it good for the children, ours and theirs?” – the action of the Camden 28.

As a result of the judge's decision to allow the issues of foreign affairs and acknowledge Article 6 [of the Constitution], the 28 defendants were acquitted in a historical decision – because the truth was allowed in the courtroom.

So I invite you, Judge Gideon, to look closely at what the justices were obligated and bound to, as has been stated over and over again here in this courtroom. That the protections provided by the UN charter, because as stated in Article 6, the judges in every state shall be bound thereby and not only the Constitution of the United States but to treaties made in pursuance thereof.

The jury reflected the consciousness of the American people and so did the judge's decision. The defendants and the support community went back to their lives, and we Gradys moved from the Bronx – it was really hard, I was a senior in high school or about to go into my senior year of high school – and we moved to Ithaca, New York.

But it didn't end there. 1974, I'd just graduated from my high school and that following summer after the trial, my sister Clare and I went to go visit our cousin Mary in Nantucket. And her husband Bill invited me out on the back deck. He said "Mary Anne, I want to introduce you to our neighbor." He brings me over to the side of the deck, and I see this old Irish guy standing there, and he says, "Mary Anne, this is Supreme Court Justice William Brennan." I was flabbergasted, and then Bill, my cousin's husband, said, "Justice Brennan, this is Mary Anne Grady, the daughter of John Grady of the Camden 28." His eyes lit up, he had a huge smile on his face and he reached over the deck and said, "The Camden 28, that was one of the greatest trials of the 20th century."

Now it didn't hit me, I did not realize the import of that until I was older. But what I realized after John's presentation two weeks ago was that Justice Brennan, in declaring this about my father's trial, had had a change of heart from 1962 in his decision of *Baker v. Carr* to 1974 on the back deck after having read about my father's trial.

So you, Judge Gideon, Fred McRoberts, I – Mary Anne Grady Flores – and every person in this courtroom, has a responsibility to uphold the Constitution and our supreme laws of the land, the international law. There are already laws in place – both customary and contractual – to prevent wars of aggression. At this moment in history, there is no way to enforce these laws on powerful nations. And this is not a trivial thing. Our very survival as a human family depends on our resolving this and creating a way to honor these agreements to keep peace among all nations.

That's what the UN charter is for. The UN and the Nuremberg principles came out of, as Ramsey Clark said, the world's attempt to never allow the horrors of war to happen again. We inherited these laws from that terrible time, and now it's our task to figure out how to make these principles become real. These are laws which need to be embodied by all of us, not just embraced. That means we have to put our bodies on the line. We have laws that call us to be our better selves, and we have to make that a reality, especially in times of crisis.

So this brings us back to invitation, and your courtroom, Judge Gideon. Judge Gideon, you permitted the dialogue, to enter into this dialogue, just as Justice Clarkson Fisher did. And I thank you for that. And I say to you, you're not alone. Take courage, and stand with Article 6. Right now, Danny Burns, who's in the other room, pulled up his iPad and read a poll that shows that 67 percent of the American public are against the war in Afghanistan.

We know about the crimes that the drones carry. This is a critical moment in our history. So we, and you and all of us have to stand on the side of the Constitution and declare, pursuant to the United Nations' charter, that the operations of drones at Hancock Air Base are illegal under international law, and that we had a right to be there to redress our grievances as is permitted under the First Amendment, to bring the war crimes indictment and demand accountability of our government and military officials to stop the killing.

We heard testimony from many of the co-defendants and Ramsey Clark on how this weapon system is being utilized with no accountability and in direct violation of international law, which includes sovereign law. There are laws on the books that prevent the international lynchings as Pete described earlier, and they go unchecked as there are not enough people taking risks to uphold these laws.

Here's my last invitation tonight. Let's stop the killing and the drones together. You Judge Gideon, you Fred McRoberts, myself included, and all of us in the courtroom, let's uphold the Constitution, Article 6, and international law together. It takes the beloved community to stop an international crime that's happening right here in our own backyard, in this little town of DeWitt, at Syracuse Hancock Air Base. Thank You.