

Closing Argument – Defendant Harry Murray

The end is near. Soon, the trial of the Hancock 38 should be over, at least in court. The judge, the prosecutor, the defendants, and the lawyers who have generously volunteered their services to help in our defense – can all breathe a sigh of relief and move on to other things, perhaps including a penalty phase for the defendants. But it won't be over for the people of Afghanistan and Pakistan, Yemen, Somalia and so many other countries, for whom the death toll from the drones mounts.

Since April 22, when our action occurred, drones have killed between 250 and 360 human beings in Pakistan alone according to the New America Foundation. These numbers probably don't include the deaths of 16 year old Tariq Aziz and his 12 year old cousin, Waheed Khan, who were killed on Monday, the day before our trial began.

We are charged with two counts of disorderly conduct. The statute states:

“A person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof:

1. he obstructs vehicular or pedestrian traffic; or
2. he congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse.”

The evidence presented in the case, including the statement of James McKenna and Lieutenant Daley, clearly establishes that we did not act “recklessly.” We were, in fact, pretty orderly – certainly not up to the standards of military precision – and I doubt that anyone who has spent a week with us in this courtroom could possibly claim that we acted with military precision. I suspect that Mr. Young and Mr. Van Nordstrand would be the first to object to any such claim on my part. But we were still, pretty orderly. We walked. We did not run or use threatening gestures or language. Most of us lay down, wrapped in “bloody” sheets to symbolize the victims of drone attacks. Two sat in their wheelchairs. One stood with her cane. Hardly a reckless action. It seems, then, that we are left with the statute's language about intent, since we did not do anything recklessly.

The statute employs intent in a fashion that is broader than the standard definition of criminal intent as intending to perform the act which is deemed criminal. Here “intent to cause public inconveniences, annoyance, or alarm” refers to what I as a sociologist consider to be motive – the reason or purpose for the act. The language of the statute opens the door to discuss our motives for this act. And, you have allowed us to do that. The evidence clearly shows that it was our intent to petition our government for redress of grievances, as epitomized by our attempt to present the indictment of drones on the basis of international law to base officials. In conjunction with this we intended to act symbolically in a way that would raise public consciousness about the harm caused by the use of drones to kill human beings overseas.

We did not intend to cause “public inconvenience, annoyance, or alarm.” We simply wanted to petition our government for redress of grievances and to raise public consciousness, and perhaps conscience about public killing. We believe the drones violate international law and that under the Nuremberg Principles we have an obligation to publicly express our opposition to killing by drones through nonviolent action, as testified to by former Attorney General Ramsey Clark who has directly influenced many of us through his writings and in personal conversations. Drone killings violate the Nuremberg Principles in that they are a crime against peace when used in nations which are not a war zone, and war crimes when they are used within a war zone.

Although the government claims that they are precision weapons, they continue killing of civilians. Most recently the killing of Tariq and Waheed puts the lie to such claims. Killing on the basis of remote imaging fosters a high tech fog of war which destroys innocent human beings. Drone attacks in Afghanistan and Pakistan and elsewhere have killed thousands of innocent civilians. Such high tech killing breeds deep hatred of the perpetrators on the part of neighbors and relatives of the victims, who see death striking out of the sky with no pilot putting his or her life even minimally at risk, an ever threatening, unseen hand of death, previously only imaginable in science fiction. Dealing death while sitting safely at home, thousands of miles away can only be viewed by those on the receiving end as a cowardly, evil act.

The increased use of drones blurs the distinction between war and peace, and as noted by Council on Foreign Relations Fellow, Mikah Zenko, between threats and war, makes it politically easier for the president to order killings in countries with which we are not at war and because there is no risk of the lives of American Troops. This increases the likelihood he would use drones, the increases the likelihood of incidents which could lead to even more wars.

Drones also create the threat of a new arms race. Drone technology is much easier to develop than nuclear weapons technology. A number of nations besides the U.S. have already developed them, including Israel and China. The specter of a world in which both state and nonstate actors can launch drones to target any individual they wish, remotely controlled from half a world away, is a nightmarish world, a world we do not wish to bequeath to our children. Furthermore drones make Upstate New York a war zone. Drone pilots at Hancock Field kill people in Afghanistan. By international law, that makes them combatants, and therefore legal targets. Even when they are off duty, they may be considered legal targets. That makes all of Upstate New York a war zone. What happens when a suicide bomber decides to target a legal combatant, a drone pilot at Hancock when they are sitting at a soccer game, watching their kids play soccer?

We believe that we have exhausted our legal alternatives. Collectively, the 33 defendants have engaged in centuries of voting, petitioning our government leaders, signing petitions, writing letters to the editor. I dare say, I don't think anyone would disagree that Cynthia Banas alone has done more of this sort of petitioning than the average small town put together. We believe that non violent civil disobedience is an important component of any movement for social change. We have acted as part of a casual network

of individuals and organizations which are using a variety of tactics including civil disobedience to try to change government policy with respect to drones.

As a social scientist I know that there are an increasing number of studies which indicate that non violent direct action is more likely than violence to be an effective instrument for change. Peter Ackerman and Jack DuVall's book, *A Force More Powerful, A Century of Non Violent Conflict*, documents dozens of cases of successful non violent action. Erica Chenowik and Maria Stephan's *Why Civil Resistance Works* uses quantitative social scientific methods to conclude that non violent methods are more effective than violent approaches to social change. As I have mentioned on a more philosophical note, John Rawls, in his classic *Theory of Justice*, argues in principal non violent civil disobedience is necessary for the proper functioning of the democratic legal system.

And, Your Honor, you sort of stole my ending because you came up with my point when you were questioning me, but I'll say it anyway. I acted on Good Friday because I firmly believe in the non violence of Jesus Christ, of Martin Luther King, of Mohandas Gandhi, of Dorothy Day. Gandhi said that when you do civil disobedience, you should plead guilty and ask for the maximum penalty. I should explain again why we did not do that. I do accept responsibility for my actions on Good Friday, and am willing, if not eager, to serve the maximum sentence if convicted. In pleading "Not Guilty" and making the arguments I have made, I was trying to create an opening for you, Your Honor, to use our gift of this action to speak to a national crisis. I wish that you would find us "Not Guilty," not because I do not want to assume responsibility for my actions, but because a verdict of "Not Guilty," which acknowledges our arguments, would be one more voice for goodness in the face of evil. Your voice, like ours, would be a small one in the larger scheme of things. However, to have a United States Judge speak in court, or through a decision, of the illegality of drone warfare, would be a ray of hope for all who seek peace. Us "Whos down in Whoville" might finally be heard. And so, Your Honor, I am asking for a sign of hope. Without hope, there is no justice. Thank you.