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Anti-drone activists in New York receive jail time, restraining order

Claire Schaeffer-Duffy | Feb. 12, 2014 NCR Today

On Friday, Judge David Gideon of DeWitt, N.Y., issued a jail sentence and two-year restraining order against 12 anti-drone activists after finding them guilty of disorderly conduct for their October 2012 protest at Hancock Field Air National Guard Base in nearby Syracuse.

Home of the 174th Attack Wing of the Air National Guard, Hancock is a hub for the remote piloting of Reaper drones used in air strikes in Afghanistan and has been the scene of multiple protests since 2010, many of them coordinated by the Upstate New York Coalition to Ground the Drones and End the Wars [1].

The 12 activists were among a group of 17 who blocked an entryway to the base and attempted to deliver a citizens' indictment for war crimes to military personnel as part of a nonviolent protest against U.S. drone warfare.

Gideon sentenced the defendants to 15 days in jail and ordered them to pay $325 in fines and court costs. He also imposed an order of protection prohibiting the activists from being near the home, family or place of work of Col. Earl A. Evans, one of the commanders at Hancock responsible for base operations.

An order of protection is typically used to protect victims of domestic abuse from their assailants. But since October 2012, the DeWitt court has issued more than 50 such orders against the anti-drone protestors on behalf of Evans, a man most of the activists say they cannot even identify. Gideon, who previously imposed a one-year order of protection against the 12 defendants, told them the new order would last until Feb. 7, 2016.

From the bench, the judge read aloud the details of the prohibition to the silver-haired peace activists assembled before him, a group that included grandparents, Catholic Workers, a former professor and former town mayor. All were ordered to "stay away from the home, school, business or place of employment of Earl Evans"; to refrain from communicating with him via mail, email, voicemail or any other means technologically available; and to "refrain from assaulting, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation through obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, or threats, or any criminal offense against him or his family."

"I know you don't agree with this, but do you understand what I have just read?" Gideon asked each of the defendants.

"I find it pretty surrealistic. I understand it like I understand *Alice in Wonderland*," said Ed Kinane of Syracuse.

When the judge asked the defendants to sign the orders, all refused.

The 12 were acquitted of trespassing, for which they were also charged, because of conflicting information presented at their trial about the boundaries of the military base.

Of the five not sentenced Friday, two had charges dropped on technical grounds and two pleaded guilty at an earlier court appearance. Elliott Adams, former president of Veterans for Peace from Sharon, N.Y., has a Feb. 24 court date.

Gideon's verdict and sentencing comes after days of testimony in which the anti-drone activists argued they had gone to Hancock to uphold rather than break the law. An excerpt from their Feb. 3 press release reads:

"Since drone attacks embody terrorism, the defendants were not defying the law, but rather obeying international law and the U.S. Constitution, which holds that treaties made are the supreme law of the land. While due process is fundamental to the U.S. legal system, it is a luxury not afforded drone attack victims, so the defendants had come to Hancock as first responders to the scene of a crime. They stated that U.S. arguments for legal use of weaponized drones can be summarized with one word -- 'impunity' -- and argued that judges even at the local level are bound by the rules of international law, as wars of aggression and drone assassinations are crimes against peace and humanity."

"War on any level is not good. War is evil. It leads to senseless killing," Gideon said in closing remarks made before sentencing. "But 'morally correct' does not necessarily equal 'legally correct.' "

The judge later told the defendants: "You would not have been arrested if you had not blocked traffic. I have thought long and hard about imposing appropriate sanctions. I do not know where this stops. And it seems to be escalating in a bad way. ... At some point, you are going to get confronted by an individual who is going to get violent. I can see it happening. I don't want to see anybody get hurt. I don't think anybody on that base wants to see people get hurt. But the bottom line is it has to stop at some point. There has to be some consideration here given for the future."

Adams, who was on the West Coast during the trial and watched a videotape of the proceedings, said he was "disappointed, not surprised," by the two-year order of protection.

"Gideon has been fairly thoughtful throughout the process, but this seems like a step-and-fetch-it for the military," Adams said. "He says we have to stop this. I am not sure what he means. Colonel Evans said on the stand that he did not feel threatened by us. Chief Master Sergeant [Michael] Ramsey, who is also in charge of base operations, said he was never threatened by our action. This serves one purpose and one purpose only, and that is to deny our First Amendment right to petition our government for redress. It's a terrible misuse of an important law.

"Did someone forget to tell the judge that Colonel Evans is the one with the M16 rifles, the M1s, the F-16 fighter jets, and the MQ-9 Reaper drones, and we are the ones who follow a pledge of nonviolence, which includes protecting those who disagree with us?"

Anti-drone activist Ellen Grady of Ithaca, N.Y., sister of two of the activists on trial and a frequent participant in the Hancock protests, said the judge's statement, "This must stop," made her want to return to the military base with an enlarged photo of children killed in drone attacks and a sign that reads: "Judge Gideon: This is really what must stop."

All 12 activists are serving their sentence in the Onondaga County Jail in Jamesville, N.Y. They are:

- Judy Bello of Rochester, N.Y.
- Daniel Burgevin of Trumansburg, N.Y.
- Mark Colville of New Haven, Conn.
- Clare Grady of Ithaca, N.Y.

- Mary Anne Grady Flores of Ithaca, N.Y.
- Martha Hennessy of New York, N.Y.
- Brian Hynes of Bronx, N.Y.
- Ed Kinane of Syracuse, N.Y.
- Rae Kramer of Syracuse, N.Y.
- James Ricks of Ithaca, N.Y.
- Mark Scibilia-Carver of Trumansburg, N.Y.
- Patricia Weiland of Northampton, Mass.

Sentencing And Jailing Of Hancock 17 [2] from Western New York Peace Center [3] on Vimeo [4].

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[1] http://upstatedroneaction.org/index.html
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