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Antiwar defendants get unexpected hearing

by Joshua J. McElwee



Members of the 'Creech 14' and supporters gather outside Las Vegas, Nev. April 9, 2009. Photo courtesy of Nevada Desert Experience.

Fourteen antiwar activists claimed a victory of sorts Sept. 14 when a county judge in Las Vegas helped them turn a misdemeanor trespassing case into a wider hearing on the legality of the use of unmanned military drones by the U.S. military abroad.

Surprising both the activists and prosecutors, Clark County, Nev., Judge William Jansen said he needed at least three months to look into witness testimony and study applicable international law regarding the activists' allegedly illegal April 2009 prayer vigil on Creech Air Force Base.

The activists, who are known together as the 'Creech 14,' walked on to the base outside Las Vegas on

Holy Thursday, April 9, 2009. Once there, they offered Air Force personnel bread and water and started a prayer vigil for the end of the military's use of unmanned aerial vehicles. After about an hour at prayer they were arrested and taken into custody.

According to a Sept. 14 news release, the activists' key strategy for the trial was to call several notable figures as expert witnesses regarding international law: former U.S. Attorney General Ramsey Clark, Center for Constitutional Rights legal director Bill Quigley, and retired U.S. Army Col. Amy Wright.

After relatively brief questioning from prosecutors, the witnesses were questioned at length by Jesuit Fr. Steve Kelly, a defendant who acted as his own counsel. At first Jansen said the witnesses would only be able to answer questions pertaining to the charge of trespass, but allowed them to go on as he became interested in the issues of international law involved with the activists' action.

Jansen ultimately delayed the verdict for the activists by four months and scheduled a written decision for Jan. 27, 2011.

Speaking to NCR Sept. 18, Brian Terrell, one of the activists, said he was completely surprised by Jansen's decision to delay judgment and had "expected everything we tried to be shot down."



Terrell, who is a community member at the Strangers & Guests Catholic Worker farm in Maloy, Iowa, said a crucial moment in the trial came when, during questioning from the prosecution, Clark compared the activists' action calling attention to the use of unmanned drones to saving a child from a burning house with a "No Trespassing" sign posted.

In his closing statement, Terrell used Clark's analogy to explain the activists' actions.

"I submit that the house is on fire and babies are burning in Afghanistan, Iraq and Pakistan because of the activities at Creech," Terrell said in his statement. "We 14 are ones who have seen the smoke from the fire and heard the cries of the children [inside]. We cannot be deterred by a "No Trespassing" sign from going to the burning children."

Other members of the Creech 14 include Jesuit Fr. John Dear, Franciscan Frs. Louie Vitale and Jerry Zawada, Holy Child of Jesus Sr. Megan Rice, and Voices for Creative Nonviolence coordinator Kathy Kelly.

While a memorandum filed in court by the activists argues that the continued use of unmanned drones by the U.S. military constitutes "extrajudicial killing" and is thus illegal according to international law, the federal government has continued to defend its use of the unmanned aerial vehicles.

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In a March 25 speech to the American Society of International Law, Harold Koh, a legal advisor to the U.S. State Department, said the use of drones by the U.S. military adheres to the criteria in international law for war-making.

‘Great care is taken...to ensure that only legitimate objectives are targeted and that collateral damage is kept to a minimum,’ Koh said. ‘There is no prohibition under the laws of war on the use of technologically advanced weapons systems in armed conflict -- such as pilotless aircraft or so-called smart bombs -- so long as they are employed in conformity with applicable laws of war.’

[Joshua J. McElwee is an *NCR* staff writer.]

Editor's Note: Jesuit Fr. John Dear's 'On the Road to Peace' column takes a closer look at the unmanned drones the military uses today, Sept. 28. Click over to **his column** to learn more.

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