

By Voices for Creative Nonviolence

In US District Court in Jefferson City, Missouri, two anti-drone protestors were sentenced for trespassing at Whiteman Air Force Base, one of the stateside bases from where predator drones are operated in the skies over Afghanistan and Pakistan. Brian Terrell will begin a six month prison sentence on November 30, Ron Faust will be on federal probation for five years.

**Brian Terrell's statement at sentencing, US District Court,
Jefferson City, Missouri, October 11, 2012**

Mark Twain called free speech the "privilege of the grave," a privilege never afforded the living save as an empty formality, not to be regarded seriously as an actual possession. "As an active privilege, it ranks with the privilege of committing murder: we may exercise it if we are willing to take the consequences. Murder is forbidden both in form and in fact; free speech is granted in form but forbidden in fact....Murder is sometimes punished, free speech always."

Punishing free speech and letting murder off the hook is the order of the day in this courtroom.

How to speak of an appropriate sentence where no crime has been committed? No crime committed, at least, by the defendants? Last month's trial in this courtroom concerning a protest of killer drones flown from Whiteman Air Force Base left no doubt that this is the case.

Each of the government's witnesses, all of them Air Force police personnel, testified that participants in this protest were nonviolent, respectful and peaceable in assembling at Whiteman Air Force Base, a government installation, to petition that government for redress of a grievance, demanding that the remote control killing carried out daily from Whiteman cease. They testified that at no time, before or during our protest, did they perceive us as a threat.

Our expert witnesses testified that our behavior was consistent with the activities that the drafters of the First Amendment intended to be protected, not persecuted, by the government. The order and security of the base would not have been compromised had the security police allowed us to proceed to the headquarters to deliver our petition. No testimony to the contrary was offered this court.

Instead of planning to accommodate a constitutionally protected peaceable assembly, however, the Air Force chose intimidation and conspired to deprive us of the rights they are sworn to protect. We learned from government witnesses that that the phalanx of goose stepping riot police is a "Confrontation Management Team," deployed only in the case of preannounced events. Whiteman security did not call out the Team to defend the base but to intimidate citizens engaged in lawful activities.

The court was mistaken a month ago when it said that our group was "allowed" to assemble on

the highway right of way by the Air Force and that this space provided for us met free speech requirements of reasonable time and place. This place in question is not only outside the base's jurisdiction, it is outside the sight and hearing of anyone on the base. The court's decision is part of a widening disintegration of civil liberties, where speech is tolerated only in designated and remote "free speech zones" where it cannot be heard by the government, and criminalized in any place where that speech might actually have a chance to be understood. Intended or not, the court's message is a chilling one- that a citizens' constitutional right to assemble to petition the government extends only to places outside government facilities and where the government does not have to hear it.

The court's easy dismissal of international law as not "trumping" domestic law has precedents, but is all the more disturbing for this fact. Last fall, I was on trial for a drone protest in a New York State where, in contrast to this court, former United States Attorney General Ramsey Clark was permitted to testify on international law. Judge Gideon, after listening to Ramsey Clark speak of the Nuremburg Principles at length, leaned over the bench and asked him, "This is all interesting, but what is the enforcement mechanism? Who is responsible for enforcing international law?" "They are," responded Mr. Clark, pointing to us defendants, "and so," he said to Judge Gideon, "are you!" Every citizen is responsible under international law and every judge more so.

In our trial here last month, as at our protest in April, our intention has been to put the illegally operated predator drones on trial and so we have focused on the machines that are sowing death and terror in Afghanistan and Pakistan by remote control from Whiteman Air Force Base. It was never our intention to address or to protest the weapons system that is the larger mission of Whiteman, namely the B-2 Stealth Bomber.

However, Judge Whitworth, both in sentencing Mark Kenney and in our trial, you noted that your commitment to maintain the security of the B-2 weighs heavily in your decisions.

For a judge to admit to being swayed by a consideration other than the law, not to mention when that consideration is the security of weapons of mass destruction, raises obvious questions about that judge's impartiality. For my part, Judge Whitworth, I am grateful to you for calling our attention to the larger picture. It is not, of course, the technology of robotics that we protest but the murderous and criminal uses the government puts it to. Drones are the weapon of choice in the current administration's wars of aggression, but it was the B-2s from Whiteman that first violated Afghan airspace eleven years ago this week and began killing the people of Afghanistan. The crimes against humanity that began in October, 2001, with B-2 airstrikes on a defenseless civilian population continue today with drones operated from that very same base.

The B-2 Bomber, blasphemously nicknamed the "Spirit Bomber," is also ready at a moment's notice to commit the ultimate and unthinkable war crime of delivering the first nuclear payload to any place on earth. A cold war boondoggle, the B-2's stealth capability shields it from radar the Soviets never got around to developing before their own tragic empire finally imploded. It is a prime illustration of President Eisenhower's admonition, "[Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed. This world in arms is not](#)

spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children. This is not a way of life at all in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.

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On the official website for Whiteman Air Force Base I found the base’s mission statement. It is as brief as it is vicious: “Skilled and proud Airmen providing full spectrum, expeditionary, B-2 global strike and combat support capabilities to geographic commanders and the Commander, USSTRATCOM, while supporting Team Whiteman. We kick down doors and kill targets... Weapons on Target, On Time!”

I have visited Afghanistan and know that eleven years of NATO troops kicking down doors has not brought peace there. Often soldiers don’t seem to know whose door they’ve kicked in or whether the “target” they kill is who they are hunting for. B-2 bombers from a great height or even drones with state of the art video feed do no better. We know that even children are sometimes named as targets to be killed by drones. Children regularly are among their “collateral damage.” The targets themselves are often victims of assassination rather than legitimate casualties of war. Eleven years of kicking down doors has only made the world a more frightening place and has earned our nation more enemies and less security. Whiteman’s mission is not counter-terrorism- it is terrorism.

Judge Whitworth, you told me at the close of our trial that you do not take sentencing someone to prison lightly. This case offers certain challenges. As my presentence report attests, “There are no identifiable victims of the offense.” Beyond your own surmises, there was no suggestion at trial that our conduct threatened any person, property or institution. The question for you is, how to pass a sentence commensurate with harm done when the substance of the “crime” itself is only a good deed without harmful consequences to any?

I expect nothing other than a prison sentence today. I accept this without regret and will, if allowed, surrender myself to a designated prison some weeks from now, but I cannot say that I see justice in this. I admit that my conduct was as the government described it at trial. That conduct, however, does not constitute a crime but was a response to one. It is conduct this court should be protecting.

Our expert witness Professor Bill Quigley spoke from the stand here last month about the difference between law and justice and the ongoing struggle to bring these into one. Since first entering this courthouse back in June, I have been ruminating over the words circling the Great Seal of the United States in the floor of the rotunda of this courthouse, “Let Justice Flow Like a River.” How did these words from the Bible make it into this modern, tax-supported government building? I wonder if these words of scripture might have made their way here to the secular domain from the prophet Amos through Dr. Martin Luther King, Jr., who quoted them in his classic “Letter from the Birmingham Jail.” In any case, these lofty words ring hollow in this place. Justice has not flowed through these proceedings and even law itself has proved but a disappointing trickle. Another Biblical quote suggests itself for the trampling under the feet of the litigants, defendants, judges and attorneys who enter this building oblivious to the unpunished murder in places far away but perpetrated from a place not so far from here; this

from the prophet Isaiah: “My Beloved looked for justice and found it denied, for righteousness but heard cries of distress.”