

# War Crimes Continue Abroad as our Civil Liberties Crumble at Home

By [Joy First](#)

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I am part of the National Campaign for Nonviolent Resistance (NCNR) and I risk arrest several times a year as I join other activists in actions of nonviolent civil resistance speaking out against the crimes of our government.

The United States government continues to engage in war crimes under the Obama administration, and we, as citizens of the US, are complicit in these crimes against humanity and it is our obligation to try to stop them. The list of crimes is long and includes the wars in Iraq and Afghanistan, torture and illegal detention in Guantanamo, Bagram, and other places around the globe, drone attacks which are killing innocent civilians in Pakistan and Afghanistan, and executive approval of extrajudicial assassinations, including killing of US citizens.

After an arrest, we continue our witness by taking the case to court, and so eight of us were scheduled to appear in the Alexandria Federal Courthouse on October 22 for actions of resistance at the Pentagon in August. On August 6, 2010, four of our friends from the Catholic worker movement were arrested at the Pentagon as they knelt and prayed in repentance, remembering the horror of what happened in Hiroshima 65 years ago. Arrested on August 6 were Bill Frankel- Streit, Nancy Gowen, Art Laffin, and Chrissy Nesbitt. They were charged with failure to obey a lawful order and were given a court date of October 22.

The following Monday, August 9, 65 years after the US dropped the atomic bomb on Nagasaki, members of NCNR, Jay Fanning, Malachy Kilbride, Max Obuszewski, and I went to the Pentagon to deliver a letter to Defense Secretary Gates. As citizens living in a democracy, we had mailed a letter to Secretary Gates a few months earlier asking him to meet with us to talk about ending the wars, and to end the policies of the military that make it the single largest entity leading to the instability of the earth's climate. Because this matter is urgent and we did not get a response, we decided we would hand-deliver the letter and ask for a meeting with Secretary Gates or a representative, and so we went to the Pentagon with our letter in hand.

As we engage in actions of nonviolent civil resistance, we don't ever believe we are breaking the law; rather we are acting in resistance to our government's law-breaking. So, though I don't ever believe I am breaking the law when I take action, this case in particular was a clear-cut case of false arrest. We did absolutely nothing, but stand where we were told to stand and ask for a meeting with the Secretary. I don't believe it is illegal to want to meet with the Secretary of Defense. We did not cross any police lines and try to push our way in. We did not block any movement by Pentagon staff or others who were there. We were simply standing in an area where there were many other citizens standing in a similar

manner to us. We were arrested for failure to obey a lawful order and we were also given a court date of October 22.

When I joined the seven other activists in the Alexandria Federal Courthouse on Friday October 22, 2010, we knew we had to address both the war crimes being committed by our government in our name, and the erosion of our civil liberties. Magistrate Theresa Buchanan, Pat Buchanan's sister-in-law, presided over the case. She has proven to be a very difficult and unsympathetic judge in the past, and lived up to her reputation in this case..

We talked to a government prosecutor before we went into the courtroom and he told us that because of a policy to drop the charges on a first arrest at the Pentagon, the charges against Malachy, Jay, Nancy, and Chrissy would be quickly dropped. There would be two separate trials, one for Art and Bill from the August 6 action, and one for Max and I from the August 9 action.

We also received discovery (the evidence the government has against us, such as police reports, photos of the action etc.) from federal prosecutors just a few minutes before we had to go into the courtroom. First of all, we should have received discovery well before the trial date so we would have had time to examine it before the trial. In addition, Max, Malachy, and I had filed a report for extended discovery around the first part of October, and there was no extended discovery in the packet we received from the prosecutor. So, during negotiations in the hallway we told the prosecutor that we had filed this motion for extended discovery and we wanted them to see if there was anything else. We were looking for intelligence reports from the day in question. In a previous trial when we finally persuaded a judge to provide us with the daily intelligence report, we discovered that the government had been illegally spying on us, and we wondered if the Pentagon police had been illegally spying on us because when we approached the Pentagon on August 9, it was clear they knew we were coming. We wanted to know how they received that information.

Max and I told the prosecutor that we would like to ask for a continuance and try to get extended discovery before we went to trial and they agreed.

At that point, it was time to go into the courtroom with Buchanan presiding. A number of cases, including those of our friends, were dismissed. Then the cases that were asking for a continuance were taken care of. Max and I were one of many cases asking for a continuance, which was granted to us. The government prosecutor noted that he would not be asking for jail time for us, and Buchanan said that unless there were extenuating circumstances she would follow their recommendation. Our trial will likely be continued Friday January 7 when I am DC for Witness Against Torture.

After going through matters with about 20 other defendants for things like drunk driving, accidents on the Pentagon reservation etc., it was time for Art and Bill to begin their trial.

I was deeply moved by the powerful testimony of both Art and Bill as they spoke strongly against the war-making of the United States. Bill stated that what happened in Hiroshima is an unacknowledged war crime and we can draw a line from there directly to the war crimes of today. He said that under Nuremberg, it is not only our right, but our duty to be at the Pentagon in repentance, wearing sack cloth and ashes.

Art said that he was compelled to kneel and pray in repentance for the war crimes of 65 years ago. As Art was talking about a survivor he had met from Hiroshima, he asked the

judge to imagine everything we have being destroyed. Buchanan abruptly interrupted and stated that she did imagine that on 9/11. Art said that he must plead for the abolition of nuclear weapons.

Buchanan quickly found them guilty and asked them if they wanted to make a sentencing statement. Art said that he was acting in accordance with the law – international law, including Nuremberg. It was his right and his duty to do what he did. He said he didn't want to see any more shadows on the rock. This was a reference to bodies that evaporated during the atomic attacks on Hiroshima and Nagasaki and left a shadow on the rocks.

Bill said that the world today was a dangerous place. Buchanan again interrupted asking him what he did on 9/11, and Bill said he did what he does everyday – he prayed. Bill continued that we have a history fraught with violence beginning with the genocide of the Native Americans and he mourns all loss of life.

After Buchanan invoked 9/11 at two different times during the trial, Bill stated that we have to look at ourselves first. It was clear to all the supporters in the courtroom that though the deaths on 9/11 were tragic, the United States was responsible for the deaths of over 100,000 innocent people. It was unbelievable that a judge presiding over a trial would express such a political viewpoint, rather than objectively upholding the law.

Bill then thanked Buchanan for the opportunity to speak and reminded her that when they first came before her many years ago, she would not allow them to speak. Buchanan quickly interrupted Bill again and said that was because at that time they were spilling blood at the Pentagon. She said to Bill, "You will have to agree that this is more civil." I couldn't believe what I was hearing! The United States is responsible for the shedding of the blood of untold millions of innocent women, children, and men, and for that Buchanan seemed to have no concern at all. However, she thought the spilling of a few drops of blood on the Pentagon Reservation was very uncivil. Justice at the Arlington Federal Courthouse is surely blind!

It is horrifying to think about the atrocious war crimes that our government has been involved in over the last 200 years. It is horrifying to think that today, under the "Peace President", the winner of a Nobel Peace Prize, our government continues to commit war crimes. When we go to court we must bring these war crimes into the light of day. We must call on the court, as one of the three branches of our government, to take a stand and do something to bring the real criminals to justice.

We must also speak out against the erosion of our civil liberties. We are increasingly being arrested for dissent. We were not breaking the law when we went to the Pentagon on August 6. I think about the FBI raids of activists homes a few weeks ago, the illegal spying on activists, wiretapping, and the Secret Service violence that I experienced with 22 other activists in front of the White House in October 2009. Habeas Corpus is no longer the law of the land. When will it end? What kind of world are we leaving our children and grandchildren?

We must continue to speak out against both the war crimes abroad and the crumbling of our civil liberties here at home because they are both part of a system that seems so broken, an empire that does not care about the people anymore.

And so we continue to take action against the atrocities that are being committed in our name because that is what we must do. Witness Against Torture is organizing for actions in

DC in January 2011, after nine years of torture and illegal detention in Guantanamo. We will be acting in solidarity with them here in Madison, WI. NCNR is coordinating the organizing for an action of nonviolent civil resistance at the Pentagon in March 2011. We have held two simulated drone attack actions in Madison, joining activists doing this around the country, and will likely be doing more. We must continue to come up with ideas about how we can speak out in resistance. We, the people, must take action now.

Please feel free to contact me for more information on upcoming activities or to get involved.

*In Peace and Resistance Joy First [joyfirst5@gmail.com](mailto:joyfirst5@gmail.com)*

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