

WAR CRIMES INDICTMENT

To President Obama, to Secretary of Defense Secretary Leon Panetta, to the full Military Chain of the Command, including Commander Colonel Greg Semmel, to all Service Members and civilian staff of Hancock Air Base, and to the local police and Sheriffs Department of the Town of De Witt, NY:

Each one of you, when you became a public servant, serving in a government position or when you joined the United States Armed Forces or police, you publicly promised to uphold the United States Constitution. We take this opportunity to call your attention to Article VI of the US Constitution, which states:

“This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary not with standing.

This clause is known as the Supremacy Clause because it provides that the Constitution and laws of the U.S., including treaties made under authority of the U.S. shall be supreme law of the land.

The Supremacy Clause provides part of the Supreme Law of the Land.

One Treaty duly ratified by the U.S. is the United Nations Charter. It was ratified by a vote of 89 to 2 in the U.S. Senate, and signed by the President in 1945. It remains in effect today. As such, it is part of supreme law of the land.

The Preamble of the U.N. Charter states that its purpose is to “save future generation from the scourge of war” and it further states, “all nations shall refrain from the use of force against another nation.”

This Treaty applies both collectively and individually to all three branches of government, on all levels, U.S. federal, state and local governments, starting with the executive branch: the U.S. President and the executive staff; the judicial branch: all judges

and staff members of the judiciary; the legislative branch: all members of the U.S. Armed Forces and all departments of Law Enforcement and all civilian staff, who have sworn to uphold the Constitution, which includes Article VI.

Under the U.N. Charter and long established international laws, anyone--civilian, military, government officials, or judge- who knowingly participates in or supports illegal use of force against another nation or its people is committing a war crime.

Today you must recognize that when you promised to uphold the Constitution, you promised to obey Treaties and International Law – as part of the Supreme Law of the Land and furthermore, under the Uniform Code of Military Justice of the U.S., you are required to disobey any clearly unlawful order from a superior.

Based on all the above,

**WE, THE PEOPLE, CHARGE THE UNITED STATES PRESIDENT,
BARAK OBAMA AND THE FULL MILITARY CHAIN OF COMMAND
TO COMMANDER COLONEL GREG SEMMEL,
EVERY DRONE CREW, AND SERVICE MEMBERS AT
HANCOCK AIR BASE, WITH
CRIMES AGAINST PEACE &
CRIMES AGAINST HUMANITY, WITH
VIOLATIONS OF PART OF THE SUPREME LAW OF THE LAND,
EXTRAJUDICIAL KILLINGS, VIOLATION OF DUE PROCESS,
WARS OF AGGRESSION, VIOLATION OF NATIONAL SOVEREIGNTY,
AND KILLING OF INNOCENT CIVILIANS.**

We charge that the Air National Guard of the United States of America, headquartered at Hancock Field Air National Guard Base, home of the 174th Fighter Wing of the Air National Guard, under the command of the 174th Fighter Wing Commander Colonel Greg Semmel, is maintaining and deploying the MQ-9 Reaper robotic aircraft, called drones.

These drones are being used not only in combat situations for the purpose of assassinations but also for killings far removed from combat zones without military defense, to assassinate individuals and groups far removed from military action.

Extra judicial killings, such as those the U.S. carries out by drones are intentional, premeditated, and deliberate use of lethal force to commit murder in violation of U.S. and International Law.

It is a matter of public record that the US has used drones in Afghanistan and in Iraq for targeted killings to target specific individuals which has nearly always resulted in the deaths of many others.

There is no legal basis for defining the scope of area where drones can or cannot be used, no legal criteria for deciding which people can be targeted for killing, no procedural safeguards to ensure the legality of the decision to kill and the accuracy of the assassinations.

In support of this indictment we cite the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, who has said that the use of drones creates “a highly problematic blurring and the law applicable to the use of inter-state force.... The result has been the displacement of clear legal standards with a vaguely defined license to kill, and the creation of a major accountability vacuum.... In terms of the legal framework, many of these practices violate straightforward applicable legal rules.” See United Nations General Assembly Human Rights Council Study on Targeted Killings, 28, May 2010.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>

The drone attacks either originating at Hancock or supported here are a deliberate illegal use of force against another nation, and as such are a felonious violation of Article VI of the US Constitution.

By giving material support to the drone program, you as individuals are violating the Constitution, dishonoring your oath, and committing war crimes.

We demand that you stop participating in any part of the operations of MQ-9 drones immediately, being accountable to the people of United States and Afghanistan.

As citizens of this nation, which maintains over 700 military bases around the globe, and the largest, most deadly military arsenal in the world, we believe these words of Martin Luther King still hold true, "the greatest purveyor of violence in the world today is my own government".

There is hope for a better world when WE, THE PEOPLE, hold our government accountable to the laws and treaties that govern the use of lethal force and war. To the extent that we ignore our laws and constitution and allow for the unchecked use of lethal force by our government, allowing the government to kill who ever it wants, where ever it wants, how ever it wants with no accountability, we make the world less safe for children everywhere.

We appeal to all United States citizens, military and civilian, and to all public officials, to do as required by the Nuremburg Principles I-VII, and by Conscience, to refuse to participate in these crimes, to denounce them, and to resist them nonviolently.

**Signed by:
THE UPSTATE COALITION TO
GROUND THE DRONES AND END THE WARS**