

Testimony of Elliott Adams 23 Jan 2014  
in court for actions at Hancock Air Base 25 Oct 2012

Your honor we are here before you as ordinary concerned citizens. Maybe we are citizens who feel the responsibility of democracy more strongly than the average but still just being citizens. We believe we have a tangle connection to our government and we have a responsibility to mold our government to serve the needs of the people.

When I went to Hancock on 25 Oct 2012 I went to up hold the law, US domestic law, international law, and US constitutional law. I believed and still believe that I was fulfilling my rights, obligations, and responsibilities to uphold the law - peaceably petitioning my government for redress for the commission of war crimes, crimes against peace, crimes against humanity, and inchoate crimes incidental thereto and also to halt the commission of those crimes. And I am not asking for nullification of local domestic law as mentioned in this court's earlier judgment. International law is part of our domestic law - they are integral. One can no more have local law free from international law than one can have local law free from US Constitutional law.

I was there also believing that key to the structure and defense of our republic is the balance of powers – that counter balancing triad of Administration, Legislation, and Judicial. Unfortunately the balance of powers in this nation is broken. The Administrative branch, from the President down to Hancock Field Air Base, is ignoring the laws of the land - in this case committing crimes against peace, crimes against humanity and war crimes. But not only is Hancock committing war crimes, they seem to have disengaged from the rudimentary responsibilities incumbent on the administrative branch. Chief Ramsey testified that senior NCOs (such as Chief and Senior Master Sergeants) are intensely trained, basically run the military, and presumably express the policies of the administrative branch. Yet instead of questioning if we were fulfilling our responsibility as citizens and up holding the supreme laws of the land, senior NCOs verbally attacked us, said their only job was only to follow orders, and that our only avenue for redress was in the election booth. Additionally, somewhat shockingly, CMSgt Ramsey said he was not familiar the US Air Force's Manual “Operations and the Law, A Guide for Air and Space Forces” which is about what they must do to preform operations and stay within the law and in particular international law. Meanwhile the Judiciary branch, from the Supreme Court down to the Dewitt Town Court, is ignoring its responsibilities to hold the administrative branch within the law. Since our government has spun out of the law abiding process, one that was maintained by that balance of powers, we, as good law abiding citizens, have had to step in and petition the administrative branch to come back within the law. For which we were

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arrested and we are now presenting this court, part of the judiciary, with an opportunity to do its job - uphold the supreme laws of the land and requiring the administrative branch, including Hancock, operate within the law.

The basis of international law is customary law which is a body of law that is not written down or codified. Customary law was confirmed to be part of our US domestic law by the Supreme Court in *Paquete Habana* 175 U.S. 677 (1900) [Exhibit I pg 5] saying, “International law is part of our law, and must be ascertained and administered by the Courts of justice of appropriate jurisdiction.” In *Banco Nacional de Cuba v. Sabbatino*, 376 U.S., at 423, (1964) [Exhibit I] the Supreme Court said (“[I]t is, of course, true that United States courts apply international law as a part of our own in appropriate circumstances”). Even the US Air Force's own “Operations and the Law, A Guide for Air and Space Forces” page 24 says, “The US, as with all nations, is bound by customary rules of international law. The Supreme Court, in the landmark 1900 case of *The Paquete Habana*, 175 U.S. 677, affirmed that customary international law was part of the law of the US through operation of article VI of the US Constitution.”

I believe the Nuremberg Principles give us the right and obligation to stop our government committing war crimes, crimes against humanity and crimes against peace. This court has noted that the Nuremberg Principles were not ratified by the US, in so doing implying that they are not US law. But despite not being ratified, they are part of the law of the land. The Nuremberg Principles were just a written summation of the principles of case law established by the Nuremberg Judgments and the Nuremberg Charter (which was ratified by the US Volume 59 Stat. 5144 (1945)). The Nuremberg Judgments were based on the customary law. Whether or not the Nuremberg Principles were ratified by the US does not change the fact that they were in fact law before they were written down; they were embodied in customary law, then later confirmed in case law by the Nuremberg Judgments, and compiled as the Nuremberg Principles. Further more the UN in General Assembly Resolution 95(1) of Dec 11, 1946 unanimously affirmed “the principles of international law recognized by the Charter of the Nuremberg Tribunal and the Judgment of the Tribunal.” “Since then [Resolution 95(1)], the statues of these Nuremberg Principles as peremptory norms of customary international law has never been seriously questioned by the world community of states”, says international law authority Francis Boyle.

Internationally acclaimed international law authority and past US attorney General

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Ramsey Clark testified under oath, in this court, that in his legal opinion everyone has an obligation under the law to try to halt their government from committing war crimes, crimes against peace and crimes against humanity. I place great weight on his statement because while in domestic law the opinion of an expert is just an opinion, in international law the opinion of an expert is a legal authority, just like case law. This was expressed by the Supreme Court in *Pauquette Habana*, [Exhibit I pg 6] saying, "Such works [writing of experts] are resorted to by judicial tribunals, not for the speculations of their authors concerning what the law ought to be, but for trustworthy evidence of what the law really is." This is also supported by Federal Rules of Evidence Rule 702. And, the International Court of Justice Statute, which is part of our law because it is part of the UN Charter, in article 38(1) delineates the universally recognized sources of international law and lists in paragraph (d) "judicial decisions and the teachings of highly qualified publicists." I understand, that both state and federal US courts have routinely invoked article 38(1) for rules of international law.

I fear this might sound like as if I am presuming to lecture to this court on the law, on the contrary I am only trying to show you that my belief that I was up holding the law is well founded.

Some have argued that our right to peaceably assemble and petition our government for redress is not absolute, it does not mean I can do it anywhere, which is of course well established. But surely no one would suggest we petition our government for redress to stop war crimes, crimes against humanity and crimes against peace at the Salvation Army or at Star Bucks. And, just as surely, no one would suggest we do it at the Post Office; while there are government officials there, they are not committing crimes. No, the only appropriate place and therefore the constitutionality protected place is where there are government officials are directly involved in and giving support to the committing war crimes, crimes against peace and crimes against humanity - that Constitutionally protected place must be Hancock Air Base.

And, lastly, I feel a personal need to inform my brothers and sisters in uniform that they are committing war crimes, crimes against peace, and crimes against humanity. I know there were those who told me the war in Vietnam was illegal and I ignored them. But maybe if one more person had tried or if someone had tried in a different way, maybe I could have heard. I do not want my brothers and sisters now in uniform to be plagued by memories and guilt the rest of their lives. Memories that could be avoided if they

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only acted in accordance with the law now.