

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

USA

V

NO. 2:18-CR- 22

ELIZABETH MCALISTER

DRAFT DECLARATION OF FRANCIS A. BOYLE

Pursuant to 28 USC 1746, Francis A. Boyle declares under penalty of perjury:

1. I am a Professor of Law at the University of Illinois College of Law at Champaign, Illinois. I hold both a Doctor of Law Magna Cum Laude from Harvard Law School and an A.M. and Ph.D. in Political Science from the Harvard Graduate School of Arts and Sciences, Department of Government, where I specialized in International Political Science and its relationship to International Law. I graduated from the exact same Harvard Ph.D. Program that produced Henry Kissinger, Zbigniew Brzezinski, Samuel Huntington et al. before me. My resume is attached to this Declaration and is hereby incorporated by reference.

2. I am an expert in International Law and Foreign Policy. I have studied, read, and written extensively in these areas, and have been qualified as an Expert Witness in several courts across the country and abroad. In particular, with respect to these proceedings concerning the Laws of War with respect to nuclear weapons, I have been qualified as an Expert on the Laws of War and testified in U.S. military court-martial proceedings involving (1) U.S.M.C. Corporal Jeff Paterson (1990); (2) U.S. Army Captain Doctor Yolanda Huet-Vaughn (1991); (3) U.S. Army Captain Lawrence Rockwood (1995); (4) U.S. Army Reserve Staff Sergeant Camilo Mejia (2003); and (5) U.S. Army First Lieutenant Ehren Watada (2006).

3. Currently valid U.S. Army Field Manual 27-10 (1956) on **The Law of Land Warfare** was drafted for the Pentagon by then Major Richard R. Baxter. Professor Baxter later taught me his course on *The Laws of War* at Harvard Law School. I was the top student in his class and Professor Baxter recommended me for my current position as a law professor. Professor Baxter was later elected a Judge on the International Court of Justice, the so-called World Court of the United Nations System. While he was alive Professor Baxter was generally considered to be the world's leading Expert on the Laws of War, and even by the United States Government itself. The United States Government chose Professor Baxter to lead the American Delegation for the negotiation and the drafting (1974-1977) of Additional Protocols I and II of 1977 to the Four Geneva Conventions of 1949 dealing with the Laws of War and International Humanitarian Law. I was his student at that time and personally studied these Geneva Protocols under him while he was negotiating them for the United States Government.



4. I currently teach a course on *The Constitutional Law of U.S. Foreign Affairs*. Previously, I had taught the course here on *Criminal Law* for several years before I moved over to teach *International Human Rights Law*, which includes therein International Humanitarian Law and the Laws of War. I also currently teach our course on *International Law*.

5. In 1983 the United States Military Academy at West Point invited me to Lecture and Debate before their 21<sup>st</sup> Senior Conference on **Nuclear Deterrence** on the subject of *Nuclear Deterrence and International Law*. The audience consisted of about 200 high-level officials from the United States Government in charge of supervising U.S. nuclear weapons and U.S. nuclear deterrence policies. Sitting in the audience for my West Point Lecture and Debate were among other Generals the Three-Star General in charge of War-operations at the Pentagon, the Three-Star General Commandant at West Point, the Director of the Defense Nuclear Agency, the U.S. Air Force's Special Assistant for Nuclear Targeting, former White House National Security Advisor Brent Scowcroft, former United States Undersecretary of State George Ball, the Developer of the American Hydrogen Bomb Richard Garwin, etc. My West Point Paper was later published by the United States Military Academy in *The Nuclear Debate: 21st Senior Conference Proceedings* (West Point: 1983) and later in Volume 4 of the *New York Law School Journal of International and Comparative Law*, No. 2 (1983). I am uniquely qualified to testify in this case concerning the relevance of international law and in particular the Laws of War to U.S. nuclear weapons and U.S. nuclear deterrence policies.

6. I offer this Declaration based upon personal knowledge of the allegations against these particular Defendants named herein as set forth in the Indictment; my personal knowledge of the past protest activities, cases and actions filed both by and against these named Defendants, and their strongly held religious beliefs. I further offer this Declaration in support of Defendants in this matter in establishing the content and application of the Laws of War to elements of the offenses charged and in support of justification defenses, including necessity and crime prevention, and their absence of criminal intent.

7. I am aware that expert opinion on points of law is ordinarily not permitted in court. However, opinion of published international legal scholars is an important exception to that rule. The Statute of the International Court of Justice provides that questions of international law shall be determined by resort, inter alia, to "the teachings of the most highly qualified publicists of the various nations..." Id., Art. 38 (1) (d). An integral part of the United Nations Charter, which is a treaty and thus equivalent to a federal statute as the Supreme Law of the Land under Article VI of the United States Constitution, this rule of evidence is applicable in federal court. The Supreme Court expressed the same opinion in *The Paquete Habana*, 175 US 677, 700 (1900), which directly concerned the Laws of War at Sea. Cf. Fed. R. Crim. P. 26.1 (ordinary Rules of Evidence do not apply to determination of foreign law). I have written extensively on the Laws of War at Sea and the Laws of War on Land and the International Laws of Neutrality during Wartime in my book **Foundations of World Order** (Duke University Press: 1999). Volume XXI, No. 3 of the prestigious **The International History Review** (September 2000) reviewed my book as follows: "...**Foundations of World Order** is a major contribution to this reinterrogation of the past, and should be required reading for historians, political scientists, international relations specialists, and policy-makers." Id. at 667-68.



8. In the implementation of foreign policy, the current Administration, at the Kings Bay Naval Station continues to plan, prepare and conspire for threat or use of many W-76 and W-76-1 nuclear warhead weapons, each capable of unleashing 100 Kilotons of heat, blast and radiation, and many of the W88/Mk-5 warheads which carries 455 Kilotons of nuclear weapons. Any planning, preparation, conspiracy for threat or use of even one of these nuclear warheads was and is unlawful, that is illegal and criminal. This conclusion is elaborated in paragraphs below.

9. The body of federal law which governs these matters includes rules and principles of international law including therein the Laws of War. International law is not “higher” or separate law; it is part and parcel of the structure of federal law. The Supreme Court so held in the landmark decision in The Paquete Habana, 175 US 677, 700 (1900), that was recently reaffirmed in Hamdan v. Rumsfeld, 548 US 557 (2006). Federal statutes must be interpreted and applied consistently with international law. See e.g. US v Flores, 289 US 137, 159 (1933); Jordan J. Paust, **International Law as Law of the United States** (2nd ed 2003) at 99, 120, 124-25. Thus international law including treaties and customary international law and the Laws of War must be considered along with Congressional statutes, Constitutional law, administrative law, federal common law, Rules of Court, military law such as U.S. Army Field Manual 27-10 (1956), incorporated state law and any other pertinent body of law, whenever it applies according to the pertinent rules of supremacy, parallel construction, and choice of law.

10. International law, as part of US law, includes the Laws of War. This body of positive law as applied to threat or use of nuclear weapons is summarized most authoritatively by the International Court of Justice, *Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996 (ICJ Op). The London Charter (1945) establishing the Nuremberg Tribunal and the Nuremberg Judgment (1946) made it clear that those rules and principles preempt contrary domestic law. Particular prohibitions of law are directly incorporated into the US criminal code as war crimes (18 USC 2441) or genocide (18 USC 1091-1093) and binding US treaties that are “the supreme law of the land” (U.S. Constitution, Article VI, clause 2), US Military Manuals including the Naval Commanders’ Handbook and U.S. Army Field Manual 27-10 (1956), and universally binding “intransgressible” rules of humanitarian law. The fundamental rules and principles of humanitarian law include: a) “States must never make civilians the object of attack and must consequently never use weapons that are incapable of distinguishing between civilians and military targets” (ICJ Op., § 78). A corollary is that it is prohibited to use weapons that cause uncontrollable effects [1977 Protocol I to the Geneva Conventions, Art. 51(4)]. Use of the Trident II system where most of the above described nuclear warheads are deployed for threat or use is unlawful per se because if targeted at military objects, the effects still are indiscriminate and uncontrollable. b) “It is prohibited to cause unnecessary suffering to combatants; it is accordingly prohibited to use weapons causing them such harm or uselessly aggravating their suffering” [ICJ Op., § 78; 1907 Hague Convention IV, Art. 23(e)]. “If an envisaged use of weapons would not meet the requirements of humanitarian law, a threat to engage in such use would also be contrary to that law” (ICJ Op., § 78). The United States is bound as a party to each of these treaties. Because of the known and intended effects of the explosion of the nuclear warheads, each of these rules prohibits their planning, preparation, threat or use. In addition, any use of the warhead would also violate the international law of armed conflict by causing widespread, long-term and severe damage to our common environment and contaminating neutral states, and violate the right to life



and other non-derogable human rights, rights that cannot be suspended even in a state of emergency.

11. As further explained in my book **The Criminality of Deterrence** (2002), thermonuclear warheads such as those on Trident II are in a category of nuclear weapons that are, ipso facto, incapable of distinguishing between civilian and combatant, are uncontrollable in space or time and cause unnecessary suffering. Thus any planning, preparation, threat or use of these warheads was and is both illegal and criminal.

12. The London Charter for the Nuremberg Tribunal made explicit that violations of the Laws of War are criminal and that individuals are punishable for committing war crimes. In addition, the Nuremberg Charter defined crimes against peace and crimes against humanity as well as war crimes. The former basically consist of waging a war of aggression or a war in violation of a treaty or other international obligation. It is also important to reiterate that the Nuremberg Charter articulates inchoate crimes as well, such as the planning or preparation and conspiracy to commit a crime against peace, a crime against humanity, or a war crime. My teacher Professor Baxter expressly incorporated these Nuremberg Principles of international criminal law and the Laws of War into Paragraphs 498, 499, and 500, inter alia, of U.S. Army Field Manual 27-10 (1956) **The Law of Land Warfare** for the Pentagon where they still are as of today.

13. These provisions apply equally in times of formal peace as in times of war.

14. The various scenarios developed by the United States Government for the use of nuclear weapons cannot be accomplished without violating international law, including the Laws of War as incorporated into U.S. law. The plans for targeting of U.S. nuclear weapons were found in the Single Integrated Operational Plan ("SIOP"), which is now renamed the Operations Plan ("OPLAN") which lists the targets to be destroyed in a number of nuclear and non-nuclear countries. To employ these weapons, as is currently planned, would clearly violate the Nuremberg Principles, in that the concept of a crime against humanity specifically prohibits such wanton destruction, including and especially the Nuremberg War Crimes themselves of (1) the "wanton destruction of cities, towns, or villages"; and (2) "devastation not justified by military necessity."

15. I am aware from my reading and study, including the Nuclear Posture Review (February 2018) as well as contracts let to "upgrade" or "extend the lives of" nuclear warheads that U.S. nuclear weapons policies include on-going threats of a "first-strike" made "believable" by maintaining the Trident II missiles and submarines in order to deliver the nuclear warheads prepared for launch on extremely short notice. I am further aware from my reading and study that a high degree of accuracy of the Trident II missiles is crucial to a first-strike and cannot ameliorate the indiscriminate and uncontrollable effects.

16. Any first-strike use of the Trident II missiles with nuclear warheads would, ipso facto, violate the United Nations Charter and the Hague Convention of 1907, prohibiting the opening of hostilities without a formal declaration of war or reasoned ultimatum. And any use of even one of the warheads in any circumstance whether in response or defense would violate the principles of necessity and proportionality because it cannot be used within the intransgressible rules and principles of international humanitarian law.



17. Since the threat or use of the Trident II is inherently criminal under international and US law, anything used to facilitate its operation is an instrument of a crime.

18. The Judgment of the Nuremberg International Military Tribunal meted out severe punishment in 1946 against individuals who, acting in full compliance with domestic law but in disregard of the limitations of international law, had committed war crimes and crimes against peace as defined in its Charter. 6 FRD 69 (1948). That Charter has been enacted as a law of the United States, 59 Stat. 5144 (1945) and as War Crimes 18 USC 2441. By implication, the Nuremberg Judgment privileges all citizens of nations engaged in war crimes to act in a measured but effective way to prevent the continuing commissions of those crimes. The same Nuremberg Privilege is recognized in Article 38 of the Statute of the International Court of Justice ("General Principles of Law Recognized by All Civilized Nations") which has been adopted as a Treaty by the United States. In my opinion, such action certainly includes non-violent exposure and inspection of sites of ongoing war crimes.

19. In the present day, there has been a breakdown in the Constitutional principle of checks and balances which implements the separation of powers; most notably neither Congress nor the courts have been willing to ensure that the Executive Branch act within the laws that limit methods and means of the threat or use of military force. The fact that the U.S. Government continues to use nuclear warheads and that their use is actively threatened on high alert reflects the stubborn refusal of the U.S. Government to abide by its own fundamental Laws of War and to proceed with negotiations for nuclear disarmament in all its aspects as required by the 1968 Nuclear Non-Proliferation Treaty to which the United States is a contracting party. In spite of years in which these Defendants have participated in citizens petitions, letters, referendums, civil cases, requests for criminal prosecution and the recent decisions on these questions with the full participation of the United States Government before the International Court of Justice, the U.S. government flouts its responsibility to abide by the Laws of War, laws to which we are fundamentally bound. Under these circumstances, where redress within traditional channels is refused and ineffective, domestic criminal law coincides with the "Nuremberg Privilege" mentioned in the preceding paragraph to afford a justification for seeming violations of domestic criminal laws in an effort to prevent the war crimes outlined above.

20. In my opinion the charges brought against these Defendants in these circumstances must be dismissed. The prosecution of this case cannot go forward because all charges brought contain elements directly related to the production and processing of nuclear materials for nuclear warheads for active threat or delivery. These statutes as applied in this case are all promulgated pursuant to the War Powers of Congress, can only be and must be interpreted consistent with the Laws of War and international law in general. Any alleged installation must be for a purpose that comports with the Laws of War. Clearly the Trident II missiles can never be planned, prepared, threatened or used within the Laws of War and any instrumentalities or property furthering that planning, preparation, threat or use is illegal and criminal. All charges must be dismissed because the court may not apply conspiracy or protection of property statutes in a way that ignores or abrogates the fundamental Laws of War. In these circumstances, where the alleged "property" is part of ongoing planning, preparation for illegal and criminal threat of or use or use of the most grotesque weapons of mass destruction these Defendants acted lawfully and reasonably to prevent egregious and fundamentally prohibited of all crimes, war crimes. The gas showerheads at



Auschwitz were instrumentalities of crimes. The same principle of international criminal law holds true for Trident II missiles.

21. It is my opinion that these Defendants undertook non-violent, symbolic action to attempt to disarm the Kings Bay Naval base.

22. It is further my opinion that these actions described in the Indictment are in full compliance with the laws, treaties, and legal principals outlined herein and served a legal purpose.

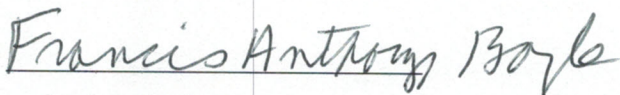
23. It is my further opinion that for all the reasons discussed above that are generally known to these unique Defendants, they did not possess the criminal intent required to establish any of the crimes for which they have been indicted.

24. Pursuant to the requirements of the United States Supreme Court set forth in *Mullaney v Wilbur* 421 U.S. 684 (1975) and *In Re Winship*, 397 U.S. 358 (1970), the United States Government must prove beyond a reasonable doubt the criminal intent and all facts necessary to constitute the crimes for which these Defendants have been indicted. I respectfully submit that this Declaration of today's date creates a reasonable doubt with respect to all the crimes for which the Defendants have been indicted. Therefore all charges against them must be dismissed.

25. I declare under penalty of perjury that the foregoing is true and correct. I am prepared to testify under oath and answer questions on these and related matters.

Signed this 25 day of

June, 2018 at Champaign, Illinois



FRANCIS ANTHONY BOYLE  
Professor of Law  
University of Illinois  
College of Law  
Massachusetts Bar No. 052540



RESUME OF FRANCIS A. BOYLE

EDUCATION

University of Chicago, A.B. (1971) in Political Science. One of seven students in my entering Class of 1972 elected to Phi Beta Kappa as a Junior; winner as a Junior of the Sigma Xi Certificate of Merit and Prize for Excellence in Undergraduate Scientific Research in Biology for 1971 for *The Differential Effects of Three Simulated Systems of Inbreeding on the Frequency of the t<sup>w</sup> Allele in Wild Populations of Mus Musculus* on nomination of Richard C. Lewontin; graduated in three years.

Harvard Law School, J.D. Magna Cum Laude (1976). Third year paper designated "Honor Paper" by Richard R. Baxter, and deposited in H.L.S. Library. A+'s in Federal Income Taxation (Stanley Surrey), Soviet Economic Law and Law of Foreign Trade (Harold Berman), United Nations Law (Louis Sohn), Sociology of Law (Lon Fuller), and Jurisprudence (Roberto Unger).

Harvard Graduate School of Arts and Sciences, Department of Government, A.M. (1978) and Ph.D. (1983) in Political Science. Awarded full Harvard Fellowship for all years of residence. Offered Russian History (Edward Keenan), Soviet Politics (Adam Ulam), Modern Political Philosophy (Judith Shklar), and International Relations (Stanley Hoffmann) on Ph.D. General Examination. Dissertation entitled *Realism, Positivism, Functionalism and International Law* under the supervision of Stanley Hoffmann.

Graduate Student Associate, Harvard University Center for International Affairs (1976-78) (elected to the Executive Committee for 1977-78).

TEACHING

Teaching Fellow, Harvard University Department of Government (1976-78) (international organizations, international law, international human rights).

Assistant Professor (1978-81), Associate Professor with tenure (1981-84), full Professor (from 1984), University of Illinois College of Law in Champaign; Professor, Unit for Criticism and Interpretive Theory, College of Liberal Arts and Sciences (from 2010).

U.S. State Department, Scholar-Diplomat Program, Bureau of Politico-Military Affairs (1981).

Lecturer, *Nuclear Weapons and International Law*, 21st Senior Conference on Nuclear Deterrence, U.S. Military Academy at West Point (1983).

Lecture Tour of Libya (1985).

Lecture Tour of the Soviet Union on *Nuclear Weapons and International Law* for the Lawyers' Committee on Nuclear Policy and the Association of Soviet Lawyers (1986).

Professor, U.S.S.R. Summer University for Jurists, Peoples' Friendship University, Moscow (1989).

Parhad Lecturer, Faculty of Medicine, University of Calgary, Canada (2001).

Bertrand Russell Peace Lecturer, McMaster University, Canada (2007).

PRACTICE



Licensed to practice law in Massachusetts (from 1977), before the U.S. Tax Court (from 1977), the U. S. Supreme Court (from 1984), and in several other U.S. Federal Courts.

Attorney, Bingham, Dana, & Gould, in Boston (1977-78) (primarily in international tax and tax). *See Hart v. U.S.*, 585 F.2d 1025 (Ct. Cl. 1978) (en banc); *Globe v. U.S.*, 620 F.2d 841 (Ct. Cl. 1980).

Counsel, Concerned Academics for Peace and Justice in the Middle East (1984-86).

Attorney for Plaintiffs, *Ali Aidi v. Yaron*, 672 F. Supp. 516 (D.D.C. 1987) (Sabra-Shatilla Massacre).

Legal Adviser to the Palestine Liberation Organization (from 1987) and the Provisional Government of the State of Palestine (from 1988) on the creation of the State of Palestine, its accession to the Geneva Conventions and Protocols, invocation of the Uniting for Peace Resolution, admission to the United Nations Organization, accepting the I.C.C.'s jurisdiction, etc.

Author of the U.S. domestic implementing legislation for the Biological Weapons Convention known as the Biological Weapons Anti-Terrorism Act of 1989, Pub. L. No. 101-298 (1990) (adopted unanimously by both Houses of U.S. Congress and signed into law by President George Bush Sr.).

Counsel to Rep. Henry B. Gonzalez on H. Res. 34, 102d Cong., 1st Sess. (1991) (impeaching President George Bush Sr. for Gulf War I).

Legal Adviser to the Republic of Lithuania under President Vytautas Landsbergis (1991-92).

Legal Adviser to the Palestinian Delegation to the Middle East Peace Negotiations (1991-93).

Legal Adviser to the Syrian Delegation to the Middle East Peace Negotiations during their First Round in Washington, D.C. (1991).

Counsel to Libya, in *Cases Concerning Questions of Interpretation And Application Of The 1971 Montreal Convention Arising From The Aerial Incident At Lockerbie (Libya v. United Kingdom) (Libya v. United States)*. *See* Orders of 14 April 1992, 1992 I.C.J. Rep. at 3 and 114, 31 Int'l L. Mats. 662 (1992).

Special Prosecutor, International Tribunal of Indigenous Peoples and Oppressed Nations in the U.S.A., San Francisco (1992).

Author, Chicago MacBride Principles on Northern Ireland Ordinance (adopted unanimously by Chicago City Council on Feb. 10, 1993).

General Agent for the Republic of Bosnia and Herzegovina with Extraordinary and Plenipotentiary Powers before the International Court of Justice by appointment of President Alija Izetbegovic (March 19, 1993 to January 12, 1994). I won two World Court Orders overwhelmingly in favor of Bosnia against the rump Yugoslavia to cease and desist from violating the 1948 Genocide Convention. *See Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))*, Order of Provisional Measures of 8 April 1993, 1993 I.C.J. Rep. at 3; and Order of Provisional Measures of 13 September 1993, 1993 I.C.J. Rep. at 325. President Izetbegovic then instructed me to institute legal proceedings before the International Court of Justice against the United Kingdom for violating the 1948 Genocide Convention



and the 1965 Racial Discrimination Convention in order to break the genocidal arms embargo against Bosnia as well as to stop the genocidal carve-up of the Republic of Bosnia and Herzegovina by the so-called European Union Action Plan. *See* Statement of Intention by the Republic of Bosnia and Herzegovina to Institute Legal Proceedings Against the United Kingdom before the International Court of Justice (15 November 1993), U.N. Doc. A/48/659-S/26806, 47 U.N.Y.B. 465 (1993). This lawsuit was terminated under duress.

Lawyer for President Alija Izetbegovic, Foreign Minister (later Prime Minister, then President) Haris Silajdzic, and all the Members of the collective Bosnian Presidency, as well as the Leaders of the Bosnian Opposition Parties, during the Owen-Stoltenberg Negotiations in Geneva (1993). There I disrupted the Owen-Stoltenberg Plan to carve-up the Republic of Bosnia and Herzegovina into three pieces, destroy Bosnia's Statehood, rob Bosnia of its Membership in the United Nations Organization, and subject 1.5 to 2 million more Bosnians to "ethnic cleansing." President Izetbegovic then instructed me to draft and negotiate the Bosnian counter-offer to Owen-Stoltenberg.

Consultant on Independence, Hawaiian Sovereignty Advisory Commission, State of Hawaii (1993).

On 12 May 1997 in a ceremony at the Bosnian Presidency in Sarajevo, President Alija Izetbegovic and Vice President Ejup Ganic awarded me a valid Bosnian Diplomatic Passport and Visa as well as a Decoration for my services to the Republic of Bosnia and Herzegovina during the Serbian war of extermination against them.

On 17 May 2000 President Aslan Maskhadov appointed me the Attorney of Record for the Chechen Republic of Ichkeria with Extraordinary and Plenipotentiary Powers in order to conduct their legal affairs. Acting pursuant to his instructions, on 1 August 2000 I sued the Russian Federation at the International Court of Justice for violating the 1948 Genocide Convention. On 14 February 2004 the Chechen Foreign Minister Ilyas Akhmadov appointed me their Ambassador to Norway with instructions to resume peace negotiations with the Russian Federation.

## PUBLICATIONS

**World Politics and International Law** (Duke University Press: 1985; 2d prtg. 1987; 3d prtg. 1995). Designated "An Outstanding Academic Book of 1985-86" in the field of Political Science by Choice Magazine, Association of College and Research Libraries, American Library Association.

**Defending Civil Resistance Under International Law** (Transnational Publishers: 1987). The Center for Energy Research published a special paperback edition in 1988.

**The Future of International Law and American Foreign Policy** (Transnational Publishers: 1989). The Islamic World Studies Center in Malta published an Arabic language edition in 1993.

**The Bosnian People Charge Genocide** (Aletheia Press: 1996). The Bosnian State Institute for Research of Crimes against Humanity and International Law, which is affiliated with the University of Sarajevo, published a Bosnian language edition in 2000.

**Foundations of World Order: The Legalist Approach to International Relations (1898-1922)** (Duke University Press: 1999). Pakyounsa published a Korean translation of this book in 2004.

**The Criminality of Nuclear Deterrence** (Clarity Press: 2002) (Crescent News, Malaysia: 2007).



Verlag Zeit-Fragen in Zurich, Switzerland published a German language edition in 2009.

**Palestine, Palestinians, and International Law** (Clarity Press: 2003;2d prtg.2005) (Crescent News, Malaysia: 2007). Shorouk International in Egypt published an Arabic translation of this book in 2004.

**Destroying World Order: U.S. Imperialism in the Middle East Before and After September 11th** (Clarity Press: 2004) (Crescent News, Malaysia: 2007). The Supreme Council of Culture in Egypt published an Arabic translation of this book in 2005.

**Biowarfare and Terrorism** (Clarity Press:2005) (Crescent News, Malaysia: 2007). Éditions Demi-Lune in Paris published a French translation of this book in 2007.

**Protesting Power: War, Resistance, and Law**, (Rowman & Littlefield Publishers, Inc.: 2008).

**Breaking All The Rules: Palestine, Iraq, Iran, and the Case for Impeachment** (Clarity Press: 2008).

**Tackling America's Toughest Questions**, (Clarity Press: 2009).

**The Tamil Genocide by Sri Lanka** (Clarity Press: 2010).

**The Palestinian Right of Return Under International Law** (Clarity Press: 2011).

**United Ireland, Human Rights, and International Law** (Clarity Press: 2012).

**Destroying Libya and World Order** (Clarity Press: 2013).

**Restoring the Kingdom of Hawaii: The Kanaka Maoli Route to Independence** (Clarity Press: 2014).

**Free Puerto Rico! Puerto Rico and the Puerto Ricans under International Law** (Editorial Borikén, P.R.: 2016).

**Poems Against the Empire** (Sentia Publishing: 2017).

*The Irrelevance of International Law*, 10 Cal. West. Int'l L.J. 193 (1980).

*The Law of Power Politics*, 1980 Univ. Ill. L. F. 901.

*International Law in Time of Crisis*, 75 Nw. U.L. Rev. 769 (1980), *republished in* 2 Nat'l. L. Rev. Rep. 537 (1981).

*International Law as a Basis for Conducting American Foreign Policy*, 8 Yale J. World Pub. Ord. 103 (1981), *republished as* U.S. Department of Defense, Current News: Special Edition, No. 979 (Mar. 23, 1983). *See also* 75 Am. Soc'y Int'l L. Proc. 270 (1981).

*The Entebbe Hostages Crisis*, 29 Nether. Int'l L. Rev. 32 (1982); 22 Indian J. Int'l L. 199 (1982); *and in Terrorism, Political Violence and World Order* 559 (H. Han ed. 1984; 2d rev. ed. 1993).



*Nuclear Weapons and International Law: The Arms Control Dimension*, 21 U.S.M.A. West Point Senior Conference Proceedings: The Nuclear Debate 147 (1983); and in 4 N.Y.L.Sch. J. Int'l & Comp. L. 257 (1983). See also 76 Am. Soc'y Int'l L. Proc. 322 (1982).

*American Foreign Policy Toward International Law and Organizations: 1898-1917*, 6 Loy. L.A. Int'l & Comp. L.J. 185 (1983). See also 76 Am. Soc'y Int'l L. Proc. 130, 135, 144 (1982).

*International Law and Organizations as an Approach to Conflict Resolution in the Middle East*, in **Contemporary Issues in International Law: Essays in Honor of Louis B. Sohn** 515 (T. Buergenthal ed. 1984). See also Middle East International, Sept. 3, 1982, at 11; 4 Arab Stud. Q. 336 (1982); **Terrorism, Political Violence and World Order** 511 (H. Han ed. 1984); 77 Am. Soc'y Int'l L. Proc. 223 (1983); 79 Am. Soc'y Int'l L. Proc. 217 (1985); Mideast Monitor, July, 1985.

*International Lawlessness in the Caribbean Basin*, 1984 Crime and Social Justice, Nos. 21-22, at 37; and in International Progress Organization (IPO), **The Reagan Administration's Foreign Policy** 89 (H. Kochler ed. 1985). See also Australia Int'l L. News, Sept., 1984; 78 Am. Soc'y Int'l L. Proc. 144 (1984); 78 Am. J. Int'l L. 172 (1984).

*Conclusions and Judgment of Brussels Tribunal*, N.Y. Times, Oct. 7, 1984, at 77; and in IPO, **The Reagan Administration's Foreign Policy** 459 (H. Kochler ed. 1985).

*The Iranian Hostages Crisis*, 63 Revue De Droit International 1 (Geneva: 1985).

*Memorandum in Opposition to the Ratification of the Proposed U.S.-U.K. Supplementary Extradition Treaty* (Aug. 30, 1985), in United States and United Kingdom Supplementary Extradition Treaty: Hearings on Treaty Doc. 99-8 Before the Senate Committee on Foreign Relations, S.HRG. 99-703, 99th Cong., 1st Sess. 511 (1985).

*Statement on Behalf of U.S.A., in On Trial: Reagan's War Against Nicaragua* 153 (1985).

*Defending Nonviolent Civil Disobedience Against the Reagan Administration Under International Law*, 1985 Crime and Social Justice, No. 24, at 110. See also 81 Am. Soc'y Int'l L. Proc. 452 (1987).

*The Relevance of International Law to the "Paradox" of Nuclear Deterrence*, 80 Nw. U. L. Rev. 1407 (1986); and in 11 Recht En Kritiek, No. 3 (Dutch trans. 1985). See also 1 Swords and Ploughshares, No. 3 (May 1987) (U.I. ACDIS Bull.).

*The Legal Distortions Behind the Reagan Administration's Chemical and Biological Warfare Buildup*, 30 St. Louis Univ. L.J. 1175 (1986), reprinted in U.S. Department of Defense, Current News: Special Edition: CHEMICAL WEAPONS, No. 1586 (28 May 1987).

*Preserving the Rule of Law in the War Against International Terrorism*, 8 Whittier L. Rev. 735 (1986).

*New Directions for International Legal Studies Toward the End of the Twentieth Century*, 80 Am. Soc'y Int'l L. Proc. 457 (1986).

*Determining U.S. Responsibility for Contra Operations Under International Law*, 81 Am. J. Int'l L. 86 (1987). See also *Nicaragua Must Survive*, 6 U.I. ACDIS Bull., No. 3 (Winter 1985-86).



*Military Responses to Terrorism*, 81 Am. Soc'y Int'l L. Proc. 288 (1987).

*The Geneva Declaration on Terrorism*, Am. Branch, Int'l L. Ass., Int'l Prac. Notebook, July 1987.

*International Crisis and Neutrality: U.S. Foreign Policy Toward the Iraq-Iran War*, in **Neutrality: Changing Concepts and Practices** 59 (A. Leonhard ed. 1988); and in 43 Mercer L. Rev. 523 (1992).

*Create the State of Palestine!*, American-Arab Affairs, No. 25, at 86 (Summer 1988); 7 Scandinavian J. Development Alternatives, No. 2 & 3, at 25 (June-Sept. 1988); 4 Palestine Y.B. Int'l L. 15 (1987-88).

*The Hypocrisy and Racism Behind the Formulation of U.S. Human Rights Foreign Policy*, 1989 Social Justice, No. 35, at 71.

*International Law, Citizen Resistance and Crimes by the State -- The Defense Speaks*, 11 Houston Int'l L.J. 345 (1989).

*Memoranda of Law on the U.S.-Israel Land-Lease and Purchase Agreement of 1989* (Ex. Comm. 89-57), American-Arab Affairs, No. 30, at 125 (Fall 1989).

*Testimony in Support of S. 993, 101st Cong., 1st Sess., The Biological Weapons Anti-Terrorism Act of 1989* (July 26, 1989), in Hearing Before the Senate Committee on the Judiciary, S. HRG. 101-416, Serial No. J-101-32, at 100 (1989).

*Memorandum on the Yaron Case*, 5 Palestine Y.B. Int'l L. 254, 257 (1989).

*Afterword* to D. Forsythe, **The Politics of International Law: U.S. Foreign Policy Reconsidered** 157 (1990).

*The Creation of the State of Palestine*, 1 European J. Int'l L. 301 (1990); and in 1991 Australian Int'l L. News 46. See also *International Law and Solutions to the Arab-Israeli Conflict*, 83 Am. Soc'y Int'l L. Proc. 122 (1989); 84 Am. J. Int'l L. 879 (1990); *Soviet Immigration to Palestine Violates International Law*, 7 Mideast Monitor, No. 2, (Summer 1990); *George Bush on Jerusalem*, American-Arab Affairs, No. 32, at 121 (Spring 1990).

*The Criminality of Nuclear Weapons*, **Waging Peace Series Booklet No. 27** (Nuclear Age Peace Foundation: 1991); and in **Waging Peace II** 103-20 (D. Krieger & F. Kelly eds. 1992); and in **Nuclear Proliferation and the Legality of Nuclear Weapons** 299 (W. Evan & V. Nanda eds. 1995). See also *Separate Opinion By Judge Francis A. Boyle*, in **IN RE: More Than 50,000 Nuclear Weapons**, at 23 (Aletheia Press: 1991) (Provisional District World Court Opinion); 8 Scandinavian J. Development Alternatives, No. 2, at 37 (June 1989); 82 Am. Soc'y Int'l L. Proc. 555 (1988).

*Memorandum of Law on the Dispute Between Libya and the United States and the United Kingdom over the Lockerbie Bombing Allegations*, in Nord-Sud XXI, No. 1, at 55 (Geneva: 1992).

*United States War Crimes During the Persian Gulf War*, in Nord-Sud XXI, No. 1, at 97 (Geneva: 1992); and in New Dawn, No. 15 (Sept.-Oct. 1992); and on Counterpunch.org, Sept. 2, 2002.



*The Definitional Context of the Iranian Hostages Crisis*, 6 Journal of Foreign Policy, Nos. 2 & 3 (1992), Institute for Political and International Studies (IPIS), Tehran, Iran (Farsi translation of Chapters 13 & 14 of **World Politics and International Law**).

*The International Legal Right of the Palestinian People to Self-Determination and an Independent State of Their Own*, 12 Scandinavian J. Development Alternatives, No. 2 & 3, at 29 (June-Sept. 1993). See also *Transcript of a Mock Arbitration of Israeli-Palestinian Disputes Before the American Bar Association Annual Meeting in Chicago (Aug. 7, 1990)*, in 6 A.B.A. International Litigation Quarterly, No. 4, at 101, 112 (Dec. 1990); and in 2 Arbitration Materials 5 (Dec. 1990).

*The Right of Citizen Resistance to State Crimes*, in **Human Rights in the Twenty-First Century: A Global Challenge** 377-92 (K. Mahoney & P. Mahoney eds. 1993).

*The U.S. Invasion of Panama: Implications for International Law and Politics*, 1 East African J. Peace & Human Rights 80 (Uganda: 1993).

*International Law and the Use of Force: Beyond Regime Theory*, in **Ideas and Ideals: Essays on Politics in Honor of Stanley Hoffmann** 376 (L. Miller & M.J. Smith eds. 1993).

*The Nuremberg Defence in Courts*, in International Peace Bureau, **The Right to Refuse Military Orders** 73 (1994).

*Memorandum to the Parliament of the Republic of Bosnia and Herzegovina: The Washington Agreements of 18th March 1994*, 15 J. Muslim Min. Aff., Nos. I & II, at 31-49 (Jan. & July 1994).

*The Decolonization of Northern Ireland*, 4 Asian Y.B. Int'l L. 25 (1994).

*The Restoration of the Independent Nation State of Hawaii under International Law*, 7 St. Thomas L. Rev. 723 (1995).

*Opening Statement and Closing Statement*, in **USA On Trial: The International Tribunal on Indigenous Peoples' and Oppressed Nations in the United States** 23-37, 263-76 (1996).

*Is Bosnia the End of the Road for the United Nations?*, 6 Periodica Islamica, No. 2, at 45 (1996).

*The Making of Genocide I and Genocide II*, 17 J. Muslim Min. Aff., No. 1, at 195 (1997).

*Teaching Against the Death Penalty: The Execution of John Wayne Gacy*, Nord-Sud XXI, No. 10, at 40 (Geneva: 1997); and in 21 J. Development Alternatives & Area Studies, No. 1 & 2, at 90-96 (March-June 2002).

*Happy Birthday Chechnya! May 12 Peace Treaty with Russia*, 18 J. Muslim Min. Aff., No. 1, at 177 (1998).

*The Criminality of Nuclear Deterrence*, 49 Social Action 156-87 (India: April-June 1999).

*Palestine: Sue Israel for Genocide before the International Court of Justice!*, 20 J. Muslim Min. Aff., No. 1, at 161-66 (2000).



*Rendition of Foreign Criminals from Foreign Soil*, 21 Mich. J. Int'l L. 673, 680-85 et seq. (2000).

*Chechen Foreign Minister's Letter to the International Court of Justice*, 21 J. Muslim Min. Aff., No. 1, at 165-70 (2001).

*Petition on Behalf of the Children of Iraq Submitted to the United Nations*, 23 Arab Studies Quarterly, No. 4, at 137 (Fall 2001).

*Law & Disorder in the Middle East*, The Link, Vol. 35, No. 1 (Jan.-Mar. 2002).

*Humanitarian Intervention under International Law*, 1 Review of International Affairs, No. 1, at 45-56 (Summer 2002).

Foreword to Rick Anderson, **Home Front: The Government's War on Solders** (2004).

*African American's Right to Self-Determination*, in International Human Rights Association of American Minorities, **From Civil Rights to Human Rights and Self-Determination?** 78-86 (2012).

## PUBLIC SERVICE

Ad Hoc Guidelines Committee, American Society of International Law (1978-80).

Consultative Council, Lawyers' Committee on Nuclear Policy (from 1981).

American Friends Service Committee, Advisory Committee on Human Rights in Lebanon (1982-83).

*See Lebanon: Toward Legal Order and Respect for Human Rights* (1983), in 1 Palestine Y.B. Int'l L. 218 (1984).

Board of Directors, International Third World Legal Studies Association (1983-87).

Judge, Provisional District World Court, World Federalist Association, Nuclear Weapons Tribunal (1984-88).

Chairman, International Panel of Jurists, IPO Brussels Conference on Reagan Administration's Foreign Policy (1984).

Advisory Board, The Council for Responsible Genetics (from 1985).

Certificate of Recognition, Association of Arab-American University Graduates (1986).

Vice-President and Board of Directors, Human Rights Research Foundation (1986-1993).

Rapporteur, IPO Geneva Declaration on Terrorism (1987).

Board of Directors, Palestine Human Rights Campaign (1987-91).

Executive Committee, American Federation of Teachers Local 2287 and Delegate to AFL-CIO Board of Champaign County, Illinois (1988-91) (elected by membership to 3 terms).

Board of Directors, Amnesty International USA (1988-92) (elected by membership to 2 terms).

Judge, International Tribunal on War Crimes in the Former Soviet Union (Moscow: 1993).

Jerusalem Fund Award (1997).

Council for National Interest, 1997 Dare to Speak Out Award.

Founder, Israeli Divestment/Disinvestment Campaign (from 2000).

Arab-American Bar Association of Illinois, 2012 Outstanding Achievement Award.

Listed in **Marquis Who's Who in the World; Marquis Who's Who in America; Who's Who in Public International Law** (Crestwall Limited, U.K.)

*Resume, fab, 05/01/18.*