

Civil Resistance and the Prevention of State Crimes

"If we Americans do not act now we could lose our Republic."

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Beginning with the Reagan/Bush administrations' ascent to power in January of 1981, the United States has demonstrated little if any respect for international law, international organizations, and human rights, let alone appreciation of the requirements for maintaining international peace and security. Instead there has been a comprehensive assault upon the integrity of the international legal order. The Reagan administration's foreign policy represented a deviation from basic rules of international deportment and civilized behavior that the United States government had pioneered in promoting for the world community. In many instances elements of the Reagan foreign policy constituted criminal activity under well-recognized principles of both international law and U.S. domestic law, specifically the Nuremberg Charter, the Nuremberg Judgment, and the Nuremberg Principles.

Among the responses to the Reagan administration's attack upon the international and domestic legal orders, was an upsurge in civil resistance activities protesting against U.S. international policies that grossly violated international law and human rights. These citizen protests led to numerous arrests and prosecutions by federal, state, and local governmental authorities all over the country. Soon thereafter, this author began to give advice, counsel and assistance to individuals and groups who had engaged in acts of civil resistance directed against several aspects of the U.S. government's foreign policy: the Nuclear Freeze Movement, the Sanctuary Movement, Greenpeace International, the Anti-Apartheid Movement, the Plowshares Movement, the Pledge of Resistance Campaign, and Gulf War resisters, among others. I also participated in the defense of individuals who engaged in civil resistance protesting against the U.S. government's policies on nuclear weapons and nuclear deterrence, Central America and the Caribbean, Southern Africa, Europe, the Middle East, etc. who were independent of formal movements.

In addition, I have also helped defend active duty members of United States armed forces who were persecuted and prosecuted because of their acts of conscience and principle. For example, in the fall of 1990, I served as Counsel for the successful defense of U.S. Marine Corps Lance Corporal Jeff Paterson, the first military resister to Bush Sr.'s Gulf War. Then I represented U.S.M.C. Lance Corporal David Mihaila in a successful effort to obtain his discharge from the Marine Corps as a Conscientious Objector during Gulf War I. Corporal Mihaila was the Clerk of the Court for the Paterson court-martial proceedings and according to him was motivated to apply for CO status as a result of my oral argument for Corporal Paterson.

In 1991 I served as Counsel for the defense of Captain Dr. Yolanda Huet-Vaughn, who was court-martialed by the U.S. Army in part because of her refusal to administer experimental vaccines to soldiers destined to fight in Gulf War I. Later, I served as Counsel for the defense

of U.S. Army Captain Lawrence Rockwood, who was court-martialed for his heroic efforts to stop torture in Haiti after the Clinton administration had illegally invaded that country in 1994. Most recently, in 2004 I served as Counsel for the defense of U.S. Army Staff Sergeant Camilo Mejia, the first military resister to the current Iraq War.

Upon their incarcerations, both Capt. Dr. Huet-Vaughn and Staff Sgt. Mejia were quickly designated as Prisoners of Conscience by Amnesty International.

Many Americans are unaware of the existence of American Prisoners of Conscience or Political Prisoners in our own prisons in the United State.

In fact, there are many. Both Captain Dr. Yolanda Huet-Vaughn and Staff Sgt. Camilo Mejia are America's equivalent to Vaclav Havel, Andrei Sakharov, Wei Jingsheng, Aung San Suu Kyi, and others who became powerful symbols of the resistance to injustice. They are the archetypal American Heroes whom we should be bringing into our schools and teaching our children to emulate, not the wholesale purveyors of violence and bloodshed adulated by the U.S. government and the media.

One generation ago the peoples of the world asked themselves: Where were the "good" Germans? Well, there were some good Germans. The Lutheran theologian and pastor Dietrich Bonhoeffer was only the most prominent exemplar of someone who led a life of principled opposition to the Nazi-terror state even unto death.

Today the peoples of the world are likewise asking themselves: Where are the "good" Americans who are prepared to stand up for principle in the face of state terror carried out on a world scale? Well, there are some good Americans. Some of them face arrest and jail for protesting against United States targeting of civilians with weapons of mass destruction (WMD) whose power for human extermination far exceeds even the wildest fantasies of Hitler and the Nazis. Others for protesting against illegal U.S. military interventions around the world since September 11, 2001. As my friend and colleague former U.S. Attorney General Ramsey Clark once said: "Our jails are filling up with saints!" This book both subjects U.S. foreign policy to scrutiny from the perspective of international law and human rights, as well as telling their stories of protest against inhumanity and injustice.

This book comes at a critical time in the history of the United States of America as a constitutional Republic with a commitment to the rule of law and human rights, both at home and abroad. In international legal terms, the Bush Jr. administration should be viewed as constituting an ongoing criminal conspiracy under international criminal law in violation of the Nuremberg Charter, the Nuremberg Judgment, and the Nuremberg Principles because of its formulation and undertaking of wars of aggression, crimes against humanity, and war crimes that are legally akin to those perpetrated by the former Nazi regime in Germany. As a consequence, American citizens possesses the basic right under international law and United States domestic law, including the American Constitution, to engage in acts of civil resistance in order to prevent, impede, thwart, or terminate ongoing criminal activities perpetrated by U.S. government officials in their conduct of foreign affairs policies and military operations purported to relate to defense and counter-terrorism.

This same right of civil resistance extends *pari passu* to all citizens of the world community of states. Everyone around the world has both the right and the duty under international law to resist ongoing criminal activities perpetrated by the Bush Jr. administration and its foreign

accomplices in allied governments. If not so restrained, the Bush Jr. administration could very well precipitate a Third World War.

The time for preventive action is now. Civil resistance is the way to go.

People power can overcome power politics. Popular movements have succeeded in toppling tyrannical, dictatorial and authoritarian regimes throughout former Communist countries in Eastern Europe, as well as in Asia, and most recently in Latin America. It is time once again to exercise People Power in the United States of America.

Despite the best efforts by the Bush Jr. Leaguers to the contrary, we American Citizens still have our First Amendment Rights: Freedom of Speech, Freedom of Association, Freedom of Assembly, Freedom to Petition our Government for the Redress of these massive Grievances, Civil Resistance, etc. We are going to have to start vigorously exercising all of our First Amendment Rights right now. We must use them or else, as the saying goes, we will lose them. We must act not only for the good of the Peoples of Southwest Asia, but for our future, that of our children, that of our nation as a democratic society committed to the rule of law and the U.S. Constitution. This book will give the reader the intellectual tools necessary to battle the international and domestic legal nihilism of the Bush Jr. administration; the Ashcroft Police State; America's Nuclear and Hydrocarbon Empires; and the U.S. Power Elite before they run completely amok all over the world as well as here at home. The Nazis had their "homeland" too.

The Athenians lost their democracy. The Romans lost their Republic. And if we Americans do not act now we could lose our Republic. The United States of America is not immune to the laws of history!

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