

“Unlimited Imperialism”, US Expansionism and the Crimes of War

The Condition of Human Rights at the International Setting

By [Prof. Francis A. Boyle](#)

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Historically this latest eruption of American militarism at the start of the 21st Century is akin to that of America opening the 20th Century by means of the U.S.-instigated Spanish-American War in 1898. Then the Republican administration of President William McKinley stole their colonial empire from Spain in Cuba, Puerto Rico, Guam, and the Philippines; inflicted a near genocidal war against the Filipino people; while at the same time illegally annexing the Kingdom of Hawaii and subjecting the Native Hawaiian people (who call themselves the Kanaka Maoli) to near genocidal conditions. Additionally, McKinley's military and colonial expansion into the Pacific was also designed to secure America's economic exploitation of China pursuant to the euphemistic rubric of the "open door" policy. But over the next four decades America's aggressive presence, policies, and practices in the so-called "Pacific" Ocean would ineluctably pave the way for Japan's attack at Pearl Harbor on Dec. 7, 1941, and thus America's precipitation into the ongoing Second World War. Today a century later the serial imperial aggressions launched and menaced by the neoconservative Republican Bush Junior administration and the neoliberal Democratic Obama administration are now threatening to set off World War III.

By shamelessly exploiting the terrible tragedy of 11 September 2001, the Bush Junior administration set forth to steal a hydrocarbon empire from the Muslim states and peoples living in Central Asia and the Middle East and Africa under the bogus pretexts of (1) fighting a war against "international terrorism" or "Islamic fundamentalism"; and/or (2) eliminating weapons of mass destruction; and/or (3) the promotion of democracy; and/or (4) self-styled humanitarian intervention/responsibility to protect (R2P). Only this time the geopolitical stakes are infinitely greater than they were a century ago: control and domination of the world's hydrocarbon resources and thus the very fundamentals and energizers of the global economic system – oil and gas. The Bush Junior/ Obama administrations have already targeted the remaining hydrocarbon reserves of Africa, Latin America (e.g., the Pentagon's reactivation of the U.S. Fourth Fleet in 2008), and Southeast Asia for further conquest or domination, together with the strategic choke-points at sea and on land required for their transportation. Today the U.S. Fourth Fleet threatens Cuba, Venezuela, and Ecuador for sure.

Toward accomplishing that first objective, in 2007 the neoconservative Bush Junior

administration announced the establishment of the U.S. Pentagon's Africa Command (AFRICOM) in order to better control, dominate, steal, and exploit both the natural resources and the variegated peoples of the continent of Africa, the very cradle of our human species. In 2011 Libya then proved to be the first victim of AFRICOM under the neoliberal Obama administration, thus demonstrating the truly bi-partisan and non-partisan nature of U.S. imperial foreign policy decision-making. Let us put aside as beyond the scope of this paper the American conquest, extermination, and ethnic cleansing of the Indians from off the face of the continent of North America. Since America's instigation of the Spanish-American War in 1898, U.S. foreign policy decision-making has been alternatively conducted by reactionary imperialists, conservative imperialists, and liberal imperialists for the past 115 years and counting.

This world-girdling burst of U.S. imperialism at the start of humankind's new millennium is what my teacher, mentor, and friend the late, great Professor Hans Morgenthau denominated "unlimited imperialism" in his seminal book *Politics Among Nations* 52-53 (4th ed. 1968):

The outstanding historic examples of unlimited imperialism are the expansionist policies of Alexander the Great, Rome, the Arabs in the seventh and eighth centuries, Napoleon I, and Hitler. They all have in common an urge toward expansion which knows no rational limits, feeds on its own successes and, if not stopped by a superior force, will go on to the confines of the political world. This urge will not be satisfied so long as there remains anywhere a possible object of domination—a politically organized group of men which by its very independence challenges the conqueror's lust for power. It is, as we shall see, exactly the lack of moderation, the aspiration to conquer all that lends itself to conquest, characteristic of unlimited imperialism, which in the past has been the undoing of the imperialistic policies of this kind....

The factual circumstances surrounding the outbreaks of both the First World War and the Second World War currently hover like the Sword of Damocles over the heads of all humanity.

Since September 11, 2001, it is the Unlimited Imperialists à la Alexander, Napoleon, and Hitler who have been in charge of conducting American foreign policy decision-making. After September 11, 2001 the people of the world have witnessed successive governments in the United States that have demonstrated little respect for fundamental considerations of international law, human rights, or the United States Constitution. Instead, the world has watched a comprehensive and malicious assault upon the integrity of the international and domestic legal orders by groups of men and women who are thoroughly Hobbit and Machiavellian in their perception of international relations and in their conduct of both foreign affairs and American domestic policy. Even more seriously, in many instances specific components of the U.S. government's foreign policies constitute ongoing criminal activity under well recognized principles of both international law and United States domestic law, and in particular the Nuremberg Charter, the Nuremberg Judgment, and the Nuremberg Principles, as well as the Pentagon's own U.S. Army Field Manual 27-10 on The Law of Land Warfare, which applies to the President himself as Commander-in-Chief of United States Armed Forces under Article II, Section 2 of the United States Constitution.

Depending on the substantive issues involved, these international and domestic crimes typically include but are not limited to the Nuremberg offences of "crimes against

peace”—e.g., Libya, Afghanistan, Iraq, Somalia, Yemen, Pakistan, Syria, and perhaps their longstanding threatened war of aggression against Iran. Their criminal responsibility also concerns “crimes against humanity” and war crimes as well as grave breaches of the Four Geneva Conventions of 1949 and the 1907 Hague Regulations on land warfare: torture, enforced disappearances, assassinations, murders, kidnappings, extraordinary renditions, “shock and awe,” depleted uranium, white phosphorous, cluster bombs, drone strikes, etc. Furthermore, various officials of the United States government have committed numerous inchoate crimes incidental to these substantive offences that under the Nuremberg Charter, Judgment, and Principles as well as U.S. Army Field Manual 27-10 (1956) are international crimes in their own right: planning, and preparation, solicitation, incitement, conspiracy, complicity, attempt, aiding and abetting. Of course the terrible irony of today’s situation is that over six decades ago at Nuremberg the U.S. government participated in the prosecution, punishment, and execution of Nazi government officials for committing some of the same types of heinous international crimes that these officials of the United States government currently inflict upon people all over the world. To be sure, I personally oppose the imposition of capital punishment upon any human being for any reason no matter how monstrous their crimes, whether they be Saddam Hussein, Bush Junior, Tony Blair, or Barack Obama.

According to basic principles of international criminal law set forth in paragraph 501 of U.S. Army Field Manual 27-10, all high level civilian officials and military officers in the U.S. government who either knew or should have known that soldiers or civilians under their control (such as the C.I.A. or mercenary contractors), committed or were about to commit international crimes and failed to take the measures necessary to stop them, or to punish them, or both, are likewise personally responsible for the commission of international crimes. This category of officialdom who actually knew or should have known of the commission of these international crimes under their jurisdiction and failed to do anything about them include at the very top of America’s criminal chain-of-command the President, the Vice-President, the U.S. Secretary of Defense, Secretary of State, Director of National Intelligence, the C.I.A. Director, National Security Advisor and the Pentagon’s Joint Chiefs of Staff along with the appropriate Regional Commanders-in-Chiefs, especially for U.S. Central Command (CENTCOM).

These U.S. government officials and their immediate subordinates are responsible for the commission of crimes against peace, crimes against humanity, and war crimes as specified by the Nuremberg Charter, Judgment, and Principles as well as by U.S. Army Field Manual 27-10 of 1956. Today in international legal terms, the United States government itself should now 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 serial wars of aggression, crimes against peace, 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 possess the basic right under international law and the United States domestic law, including the U.S. Constitution, to engage in acts of civil resistance designed 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.

For that very reason, large numbers of American citizens have decided to act on their own cognizance by means of civil resistance in order to demand that the U.S. government

adhere to basic principles of international law, of U.S. domestic law, and of the U.S. Constitution in its conduct of foreign affairs and military operations. Mistakenly, however, such actions have been defined to constitute classic instances of “civil disobedience” as historically practiced in the United States. And the conventional status quo admonition by the U.S. power elite and its sycophantic news media for those who knowingly engage in “civil disobedience” has always been that they must meekly accept their punishment for having performed a *prima facie* breach of the positive laws as a demonstration of their good faith and moral commitment. Nothing could be further from the truth! Today’s civil resisters are the sheriffs! The U.S. government officials are the outlaws!

Here I would like to suggest a different way of thinking about civil resistance activities that are specifically designed to thwart, prevent, or impede ongoing criminal activity by officials of the U.S. government under well-recognized principles of international and U.S. domestic law. Such civil resistance activities represent the last constitutional avenue open to the American people to preserve their democratic form of government with its historical commitment to the rule of law and human rights. Civil resistance is the last hope America has to prevent the U.S. government from moving even farther down the path of lawless violence in Africa, the Middle East, Southwest Asia, military interventionism into Latin America, and nuclear confrontation with Iran, Pakistan, North Korea, Russia, and China.

Such measures of “civil resistance” must not be confused with, and indeed must be carefully distinguished from, acts of “civil disobedience” as traditionally defined. In today’s civil resistance cases, what we witness are American citizens attempting to prevent the ongoing commission of international and domestic crimes under well-recognized principles of international law and U.S. domestic law. This is a phenomenon essentially different from the classic civil disobedience cases of the 1950s and 1960s where incredibly courageous African Americans and their supporters were conscientiously violating domestic laws for the express purpose of changing them. By contrast, today’s civil resisters are acting for the express purpose of upholding the rule of law, the U.S. Constitution, human rights, and international law. Applying the term “civil disobedience” to such civil resisters mistakenly presumes their guilt and thus perversely exonerates the U.S. government criminals.

Civil resisters disobeyed nothing, but to the contrary obeyed international law and the United States Constitution. By contrast, U.S. government officials disobeyed fundamental principles of international law as well as U.S. criminal law and thus committed international crimes and U.S. domestic crimes as well as impeachable violations of the United States Constitution. The civil resisters are the sheriffs enforcing international law, U.S. criminal law and the U.S. Constitution against the criminals working for the U.S. government!

Today the American people must reaffirm their commitment to the Nuremberg Charter, Judgment, and Principles by holding their government officials fully accountable under international law and U.S. domestic law for the commission of such grievous international and domestic crimes. They must not permit any aspect of their foreign affairs and defense policies to be conducted by acknowledged “war criminals” according to the U.S. government’s own official definition of that term as set forth in U.S. Army Field Manual 27-10 (1956), the U.S. War Crimes Act, and the Geneva Conventions. The American people must insist upon the impeachment, dismissal, resignation, indictment, conviction, and long-term incarceration of all U.S. government officials guilty of such heinous international and domestic crimes. That is precisely what American civil resisters are doing today!

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 U.S. government and its nefarious foreign accomplices in allied governments such as Britain, the other NATO states, Australia, Japan, South Korea, Georgia, Puerto Rico, etc. If not so restrained, the U.S. government could very well precipitate a Third World War. Here in Puerto Rico we saw the stunning example of the most courageous civil resisters against Yankee Imperialism on Vieques.

The future of American foreign policy and the peace of the world lie in the hands of American citizens and the peoples of the world—not the bureaucrats, legislators, judges, lobbyist, think-tanks, professors, and self-styled experts who inhibit Washington, D.C., New York City, and Cambridge, Massachusetts. Civil resistance is the way to go! This is our Nuremberg Moment now!

Thank you.

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