

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

USA

V

NO.2:18-CR- 22

ELIZABETH MCALISTER

SUPPLEMENTAL DECLARATION OF FRANCIS A. BOYLE

Pursuant to 28 USC I746, Francis A. Boyle declares under penalty of perjury:

1. I submitted a Declaration in this matter dated June 25, 2018. This Declaration supplements that original Declaration and should be read in light of that document.
2. I am an expert in International Law and Foreign Policy and my credentials are set out in the previous Declaration.
3. It was my conclusion in June 25, 2018, for the reasons set out at length in that document, that the existence, threat or use of any of the Trident thermonuclear weapons at Kings Bay is absolutely illegal and criminal under the laws of the United States and international law.
4. Recent events have made the existence, threat or use of those weapons of mass destruction like the Kings Bay Tridents even more horrific and the possibility of nuclear war even more likely.
5. In October of 2018, President Donald Trump and his U.S. National Security Advisor John Bolton declared it is the intention of the U.S, to withdraw from the Intermediate Range Nuclear Forces (INF) Treaty.
6. The INF Treaty was signed on December 8, 1987 by President Ronald Reagan of the United States and General Secretary Mikhail Gorbachev of the Soviet Union.
7. The INF Treaty barred both the United States and Russia from deploying nuclear and conventional ground launched ballistic missiles and cruise missiles with a range of 500 to 5500 kilometers or 300 to 3400 miles.
8. As a result of the INF Treaty, the U.S. and the Soviet Union destroyed a total of 2,692 short, medium, and intermediate range missiles by June 1, 1991.
9. Reactivating Intermediate Range Nuclear Missiles will make the world and the United States a much more dangerous place, and will greatly exacerbate the current violations of U.S. and international law which I discussed in my initial Declaration.
10. New Intermediate Range Nuclear Missiles, combined with the Trident missiles, give the United States an even more obvious and effective illegal and criminal offensive first-strike nuclear weapons capability against both Russia and China.
11. Intermediate Range Nuclear Missiles will be able to reach Russia in as little as 3 minutes from launch in Eastern Europe and the Tridents can reach Russia in around 15 minutes.

12. The Intermediate Range Nuclear Missiles would primarily target strategic nuclear weapons command centers in Russia, while the Tridents will be targeted at all other civilian population centers and infrastructure locations and nuclear forces.

13. U.S. INFs in Europe will provide Russia with an enormous incentive to "use it or lose it" by launching a pre-emptive strategic nuclear attack upon the Continental United States in the event of a crisis or an accident or a computer malfunction or a radar misinterpretation or human error. These phenomena have repeatedly happened before.

14. According to President Trump's National Security Adviser John Bolton, one of the other reasons for pulling the United States out of the INF Treaty is so that the United States can deploy INFs against China and thus better threaten China with an illegal and criminal offensive first-strike nuclear weapons attack.

15. The Intermediate Range Nuclear Missiles would primarily target strategic nuclear weapons command centers in China, while the Tridents will be targeted at all other civilian population centers and infrastructure locations and nuclear forces.

16. U.S. INFs in Asia will provide China with an enormous incentive to "use it or lose it" by launching a pre-emptive strategic nuclear attack upon the Continental United States in the event of a crisis or an accident or a computer malfunction or a radar misinterpretation or human error. These phenomena have repeatedly happened before.

17. These actions announced by the Trump administration further violate the international law obligations of the United States under the Nuclear Non-Proliferation (NPT) Treaty which is designed to achieve nuclear disarmament as interpreted by the International Court of Justice Nuclear Weapons Advisory Opinion, as I discussed in my earlier Declaration and as I discussed in my book *THE CRIMINALITY OF NUCLEAR DETERRENCE* (Clarity Press 2002).

18. These actions announced by the Trump administration are further violations of the laws of war and international humanitarian law.

19. These actions announced by the Trump administration are further violations of criminal law under U.S. and international laws. They can only result in genocide and are threatening to commit genocide.

20. The Trump administration pulling out of the INF Treaty seriously jeopardizes the renewal of the 2010 New Strategic Arms Reduction Treaty (New START) between the United States and Russia that imposes severe constraints on the offensive strategic nuclear weapons systems of these two nuclear superpowers. Non-renewal of the New START Treaty would set off a frantic nuclear arms race between the United States and Russia as well as by the other acknowledged nuclear weapons states such as China, Britain, France, India, Pakistan, Israel, and North Korea.

21. These developments would lead to the unraveling, dissolution, and nullification of the seminal Nuclear Non-Proliferation Treaty itself and the research, development, testing, production, and deployment of nuclear weapons by every state in the world with a nuclear power plant. Currently 30 countries in the world have operational nuclear power plants -- that figure is 31 if Taiwan is considered separately from China. See *Operational & Long-Term Shutdown Reactors*, Int'l Atomic Energy Agency,

<https://pris.iaea.org/PRIS/WorldStatistics?OperationalReactorsByCountry.aspx>; (last updated Oct. 28, 2018).

22. The non-violent symbolic disarmament actions of Defendants in this matter take on greater and compelling urgency in light of the announcement by the United States that it will withdraw from the INF Treaty.

23. I repeat my opinion that the charges against these Defendants should be dismissed. The Court must recognize that the possession, preparation for use, threat of use or use of Trident nuclear weapons at Kings Bay is illegal and criminal.

24. The non-violent, symbolic disarmament actions by Defendants in this matter are in full compliance with the laws, treaties and principles of U.S. and international law and served a lawful purpose: preventing the ongoing commission of genocidal international and U.S. domestic crimes.

25. The very existence of humanity is at risk!

26. 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 1<sup>st</sup> Day of November 2018 at Champaign Illinois,  
Anthony Boyle  
Professor of Law  
University of Illinois  
College of Law  
Massachusetts Bar Number 052540