

## **DECLARATION OF ANABEL L. DWYER**

**In re: In the case of Marion K pker charged with trespass and destruction of property**

**District Court, Cochem, Reference No. 2010 Js 60922/18**

Anabel L. Dwyer, upon information and belief, declares:

### **Introduction and Summary of Declaration**

I have been asked to give my opinion on the fundamental unlawfulness (illegality and criminality) of planning, preparation, possession, deployment, threat or use of 20 B61s (50-170 kiloton) U.S. nuclear bombs at B chel Air Force Base, Germany, and the right or duty of citizens to nonviolently or symbolically resist such violations of the rules and principles of humanitarian law or the Nuremberg Principles.

This Declaration shows and concludes:

I. The United States (U.S.), Germany and NATO know that each and every B61 nuclear bomb is designed and intended to unleash uncontrollable and indiscriminate heat, blast and radiation. Therefore, any planning, preparation, possession, deployment, threat or use of any variant of the B61 nuclear bombs, as a matter of known and intended fact, violates peremptory rules of law including the laws of war, the rules and principles of humanitarian law or the Nuremberg Principles.

II. The U.S. and Germany breach the Nuclear Non-Proliferation Treaty (NPT) Article VI disarmament obligation and NPT Articles I and II prohibitions against “nuclear sharing” by continuing planning, preparation, possession, deployment/threat or use of B61 nuclear bombs at B chel Air Force Base.

III. It is my opinion that Marion K pker correctly asserts that the charges in this case should be withdrawn, dismissed or that she should be found not guilty of the offenses charged because all citizens of U.S., Germany, or other NATO countries who know of the planning, preparation, possession, deployment/threat or use of the indiscriminate and uncontrollable B61 nuclear bombs at B chel Air Force Base, have a right or duty to nonviolently or symbolically resist complicity with violations of the intransgressible principles of international customary law inherent in those nuclear bombs.

## **Qualifications to make this Declaration:**

I hold a J.D., am a member of the State Bar of Michigan and its International Law Section and for 30 years have studied, taught law school seminars, and lectured widely on nuclear weapons and the rule of law. I am a Member of the Board of Directors of the Lawyers' Committee on Nuclear Policy. I was a member of the International Association of Lawyers Against Nuclear Arms' Legal Team for the World Court Project during the 1995 oral arguments before the International Court of Justice (ICJ) on the "Legality of the Threat or Use of Nuclear Weapons" and rely on the Advisory Opinion of the ICJ and the Individual Opinions and Declarations of the Judges as the most authoritative statements of the law and legal obligations regarding nuclear weapons.<sup>1</sup> I was on the drafting committee for the Model Nuclear Weapons Convention. I hold a Certificate in Public International Law from The Hague Academy of International Law, and have conducted extensive research at the Peace Palace Library in The Hague as co-counsel for the Michigan Nuremberg Campaign. I have served as a defense attorney in six Plowshares cases and other civil resistance to nuclear weapons cases in the U.S., and was lead author of an exhaustive Brief in Support of a Citizens' Petition to State and Federal Authorities entitled, "In re: Request for Investigation/Prosecution of Officers and Directors of Williams International Corporation and Commanders of Wurtsmith Air Force Base (Headquarters of the Strategic Air Command 40<sup>th</sup> Air Division, 379<sup>th</sup> Bombardment Wing) in Oscoda, Michigan."<sup>2</sup> A fuller resume follows below.

## **Questions**

**I. The U.S., Germany and NATO know that each and every B61-3 and B61-4 nuclear bomb is designed and intended to unleash uncontrollable and indiscriminate heat, blast and radiation. The B61-3 is a 170-kiloton nuclear weapon. The B61-4 is a 50 kiloton weapon.<sup>3</sup> Therefore, any planning, preparation, possession, deployment, threat or use of any variant of the B61 nuclear bomb, as a matter fact, violates peremptory rules of law including the laws of war, the rules and principles of humanitarian law or the Nuremberg Principles.**

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<sup>1</sup> International Court of Justice Advisory Opinion, "Legality of the Threat or Use of Nuclear Weapons" (ICJ Reports), 8 July 1996, General List No. 95.

<sup>2</sup> Michigan Faith and Resistance, Michigan Nuremberg Campaign Brief (103 pgs.) & Declarations

<https://www.dropbox.com/s/ra0sj24ki7dte5d/Brief%20for%20The%20Nuremberg%20Campaign.pdf?dl=0>; Ramsey Clark's Testimony Annotated,

<https://www.dropbox.com/s/4gwe0ur5dfiu6mq/ClarkTestimonyAnnotated.pdf?dl=0>

<sup>3</sup> Hans M. Kristensen & Robert S. Norris "The B61 family of nuclear bombs," *Bulletin of the Atomic Scientists*, Vol. 70, No.3, pp. 79-84 (1 May 2014), DOI: 10.1177/0096340214531546; Published online: 27 Nov 2015.

A. It is my opinion the International Court of Justice (ICJ Reports, 8 July 1996) made it eminently clear that nuclear weapons, including any variant of the B61, and the rule of law cannot coexist. The fundamental rules and principles of humanitarian law or the specific rules of law which limit the use of force are peremptory and binding international law as well as binding U.S. and German law. No U.S. or German statute or treaty or agreement can be interpreted to abrogate these laws of war or authorize their infraction nor can valid contracts be let for weapons or weapons systems which categorically violate these basic rules.

B. It goes without saying that all rules of law apply to facts. The U.S., Germany and NATO prepare, deploy, and threaten 20 B61 nuclear bombs at Büchel Air Force Base, each at least three times the heat, blast and radiation of the Hiroshima bomb, with clear understanding of their calamitous effects.

1. “The Effects of Nuclear War” the 1950 Department of Defense (DOD) study was based in part on the results of the findings of the U.S. Atomic Bomb Casualty Commission in “studies” of survivors of the U.S. atomic incineration of Hiroshima and Nagasaki in which 200,000 people died of acute effects by the end of 1945. Numerous studies of Hibakusha and effects of nuclear tests were summarized in the testimony of the Mayors of Hiroshima and Nagasaki and Lijon Eknilang of the Marshall Islands in the oral arguments before the International Court of Justice and are summarized in Judge C. G. Weeramantry’s opinion.<sup>4</sup>

2. A recent study concludes that the use of even 100 Hiroshima-sized nuclear weapons could create a nuclear winter and threaten “the continued survival of the bulk of humanity.”<sup>5</sup>

3. The International Court of Justice described the known and intended effects of any nuclear weapon:

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<sup>4</sup> c.f. ICJ Reports (8 July 1996, pp. 213 ff.) In short, any B61 nuclear bomb is designed and intended for preparation, threat or commission of mass murder, to inflict unnecessary suffering and casualties on combatants and civilians, is inherently indiscriminate, incapable of distinguishing between military and civilian targets, will induce cancers, keloid growths or leukemias in large numbers of the enemy population, inflict congenital deformities and mental retardation on unborn children, poison the food supplies of the enemy population or population of countries that have nothing to do with the conflict.

<sup>5</sup> “Self-Assured Destruction: The Climate Impacts of Nuclear War,” Alan Robock and Owen Brian Toon, *Bulletin of the Atomic Scientists*, Vol. 68, No. 5, September 1, 2012.

“The destructive power of nuclear weapons cannot be contained in either space or time. They have the potential to destroy all of civilization and the entire ecosystem of the planet.

“The radiation released by a nuclear explosion would affect health, agriculture, natural resources and demography over a very wide area. Further the use of nuclear weapons would be a serious danger to future generations. Ionizing radiation has the potential to damage the future environment, food and marine ecosystem, and to cause genetic defects and illness in future generations” (ICJ Reports, 8 July 1996, § 35).

C. At this point in time, there is no actual factual dispute. All nuclear weapons are *ipso facto* indiscriminate and uncontrollable and thus categorically violate the rules and principles of humanitarian law. These fundamental and intransgressible rules are both strict conventional and customary rules of international law as well as common and statutory laws of the U.S. and Germany.

1. As concluded by the ICJ, the fundamental rules and principles of humanitarian law which prohibit the weapons prepared or deployed at Büchel Air Force Base 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 Reports, 8 July 1996, § 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 any U.S. nuclear weapon is unlawful per se because even if targeted at military objects, the effects still are indiscriminate and uncontrollable.

b) “[I]t 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 Reports, 8 July 1996, § 78; 1907 Hague Convention IV, Art. 23(e)]. 18 USC 2441 directly incorporates key provision as follows: (2) prohibited by Article 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907.

c) The “Martens Clause” also constitutes a fundamental rule. “In cases not covered by this Protocol or other international agreements, civilians and

combatants remain under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of the public conscience.” (ICJ Reports, 8 July 1996, § 78)

d) “The Court finds that as in the case of the principles of humanitarian law applicable in armed conflict [which protects nonbelligerent states from incursion or trans-border damage], international law leaves no doubt that the principle of neutrality ... which is of a fundamental character similar to that of the humanitarian principles and rules, is applicable ... to all international armed conflict, whatever type of weapons might be used.” (ICJ Reports, 8 July 1996, § 89)

e) “Further these fundamental rules are to be observed by all States whether or not they have ratified the Conventions that contain them, because they constitute intransgressible principles of international customary law.” (ICJ Reports, 8 July 1996, § 79)

f) “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 Reports, 8 July 1996, § 78) Any use in self-defense or reprisal would likewise be unlawful for the same reasons.

2. Since any use of any variant of the B61 nuclear bomb would cause indiscriminate harm and unnecessary suffering, the threat of such use is likewise unlawful (illegal and criminal). The specific intent of all plans and preparations for any threat or use of any nuclear weapon, including all production, refurbishment, replacement and deployment, is to inflict vast and uncontrollable suffering, death and environmental devastation. The planning, preparation, or conspiracy to threaten or use these nuclear bombs also is unlawful, that is both illegal and criminal, as defined by the Nuremberg Charter and applied by the Nuremberg Tribunals.<sup>6</sup>

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<sup>6</sup> Nuremberg Charter and the Nuremberg Tribunals. *Yearbook of the International Law Commission, 1950*, vol. II, para. 97. *Principle VI*, The crimes hereinafter set out are punishable as crimes under international law: (a) Crimes against peace: (i) Planning, preparation, initiation or waging of a war of aggression or a war in violation of international treaties, agreements or assurances; (ii) Participation in a common plan or conspiracy for the accomplishment of any of the acts mentioned under (i). (b) War crimes: Violations of the laws or customs of war which include, but are not limited to, murder, ill treatment or deportation to slave-labor or for any other

3. These provisions apply equally in times of formal peace or in times of war. An honest assessment of the intended effects of every version, and every possible use, and any variant of the B61 nuclear bomb<sup>7</sup> demands the conclusion that every detonation of every B61 bomb would violate the rules and principles of law applicable for and in armed conflict as outlined above.

4. The obligation to adhere to the basic rules and principles of humanitarian law as outlined above is “fundamental” and “intransgressible” and thus peremptory. These obligations “owed *erga omnes* are ‘the concern of all states,’ and all states have a ‘legal interest in their protection.’”<sup>8</sup>

5. While there is not yet a treaty providing specific steps for abolishing nuclear weapons, the 2017 Treaty on the Prohibition of Nuclear Weapons (TPNW) will become international law when it is ratified by another 17 state parties. No treaty or its absence can authorize any use, threat, production, or preparation of weapons which as a defined intended category cannot be used within the laws of war. The London Charter and the Nuremberg Tribunals make it clear that those rules and principles preempt contrary domestic law.

**II. The U.S. and Germany breach the Nuclear Non-Proliferation Treaty (NPT) Article VI disarmament obligation. And the NPT’s Articles I and II prohibitions against “nuclear sharing,” by continuing the planning, preparation, possession, deployment and/or threat or use of B61 nuclear bombs at Büchel Air Force Base.**

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purpose of civilian population of or in occupied territory, murder or ill-treatment of prisoners of war, of persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns, or villages, or devastation not justified by military necessity. (c) Crimes against humanity: Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such persecutions are carried on in execution of or in connection with any crime against peace or any war crime. *Principle VII* Complicity in the commission of a crime against peace, a war crime, or a crime against humanity as set forth in Principle VI is a crime under international law.

<sup>7</sup> “U.S. Nuclear Forces 2010, *Bulletin of the Atomic Scientists* May/June 2010; “The B61 family of nuclear bombs,” Hans M. Kristensen and Robert S. Norris, *Bulletin of the Atomic Scientists*, Nuclear Notebook, 2014, Vol.70, No. 3, published online 27 Nov. 2015, pp. 79-84, [www.THEBULLETIN.org](http://www.THEBULLETIN.org)

<sup>8</sup> Barcelona Traction (ICJ Reports 1970) and The Wall case (2004 ICJ Reports), as cited in Singh and Chinkin, *The Maintenance and Possible Replacement of the Trident Nuclear Missile System*, Peacerights, Matrix Chambers Gray’s Inn, London, 2005, at § 23

A. Realization of the fundamental unlawfulness of nuclear weapons owing to their inherent indiscriminate and uncontrollable effects, as set forth in Section I above, has led to formal commitments to nuclear disarmament and general and complete disarmament.

B. Article VI of the Treaty on the Nuclear Non-Proliferation of Nuclear Weapons (NPT) to which the United States and Germany are contracting States Parties, states as follows: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control”

(<http://www.un.org/disarmament/WMD/Nuclear/NPTtext.shtml>).

1. The International Court of Justice found unanimously that: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.” (ICJ Op 8 July 1996, § 105 (2) F) And the ICJ found that the NPT’s Article VI disarmament obligation “remains without any doubt an objective of vital importance to the whole of the international community today.” (ICJ Reports, 8 July 1996, § 103); and that the obligation goes beyond mere conduct to an obligation to achieve a particular result; “to bring to a conclusion” negotiations in “good-faith” (ICJ Reports, 8 July 1996, § 105).

2. Fulfillment of NPT Article VI is “essential to the accomplishment of the object or purpose of the treaty”<sup>9</sup> which is stated in pertinent part in the Preamble to the NPT.<sup>10</sup> Likewise, the U.S. and all other NPT nuclear weapons states have

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<sup>9</sup> I rely upon and incorporate the analysis of Rabinder Singh, QC, and Prof. Christine Chinkin, “The Maintenance and Possible Replacement of the Trident Nuclear Missile System,” Peacerrights, Matrix Chambers Gray’s Inn, London, 2005, § 80 cited here.

<sup>10</sup> “Considering the devastation that would be visited upon all mankind by a nuclear war and the consequent need to make every effort to avert the danger of such a war and to take measures to safeguard the security of peoples.... Desiring to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a Treaty on general and complete disarmament under strict and effective international control,... Recalling that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world’s human and economic resources...”

expressed continuing concern in the NPT Review Conferences, with the necessity to adhere to humanitarian law and to take specific steps toward disarmament.

a. The Final Document of the 2010 NPT Review Conference adopted by all participating States reaffirms the NPT States Parties' "deep concern at the catastrophic consequences of any use of nuclear weapons, and reaffirms the need for all states at all times to comply with applicable international law including international humanitarian law."

b. The 2000 NPT Review Conference Final Document reiterated in some detail the NPT parties commitment to nuclear disarmament including "the unequivocal undertaking by the nuclear weapons states" of practical and progressive steps including" and "concrete agreed measures to further reduce the operational status of nuclear weapons systems." (Part I, Art. VI, §§15.6 & 15.9).

c. Likewise, the legal meaning of good faith in this context has been well documented.<sup>11</sup>

d. While official statements purport to show that the U.S. retains its commitment to "peace and security in a world free of nuclear weapons,"<sup>12</sup> certain practices run afoul of such a commitment. These include the U.S. through its the DOE/NNSA continuing to let major contracts for production of B61-12<sup>13</sup> slated as replacement for the B61 are clearly the opposite of an "unequivocal undertaking by the nuclear weapons states to accomplish the total elimination of their nuclear arsenals" (NPT, Article VI), and the object and purpose of the NPT, as spelled out in the preamble includes, 'to undertake effective measures in the direction of nuclear disarmament.'"<sup>14</sup>

In addition the U.S. and Germany through deployment, threat or use of

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<sup>11</sup> *Legal Memorandum: The Question of Good Faith Negotiations Leading to the Total Elimination of Nuclear Weapons; Request for an Advisory Opinion from the International Court of Justice*, International Association of Lawyers Against Nuclear Arms and International Human Rights Clinic, Human Rights Program, Harvard Law School, May 2009.

<sup>12</sup> Barack Obama, Presidential address, Prague, April 5, 2009.

<sup>13</sup> "Let's Stop Taking Doomsday to the Bank", John LaForge, *Duluth Reader Weekly*, January 2, 2019 (a list of corporations profiting from producing the B61-12 nuclear bomb)

<sup>14</sup> Op Cit, Singh & Chinkin, *Matrix Chamber*, Gray's Inn, 2005 § 80

B61 nuclear weapons at Büchel Air Force Base act in direct violation of NPT Article s I and II. “Article I which prohibits nuclear weapon states that are parties to the NPT from sharing their weapons with non-nuclear states” and Article II [which] contains a parallel commitment on the part of non-nuclear states parties not to receive them.”<sup>15</sup>

**III. Marion Küpker correctly asserts that all citizens of U.S., Germany, or other NATO countries who know of the planning, preparation, possession, deployment/threat or use of B61 nuclear bombs at Büchel Air Force Base, have a right and duty to nonviolently or symbolically resist complicity with violations of the intransgressible principles of international customary law inherent in those nuclear bombs.**

The Nuremberg Tribunals made it very clear and all courts in Germany surely recognize that the “legal duty to comply with international law binds every citizen just as does ordinary municipal law.”<sup>16</sup> In the Zyklon B case, the defendants supplied prussic acid for use in the concentration camps and were convicted as civilians as accessories to violations of the law.

“Any civilian who is an accessory to a violation of the laws and customs of war is himself also liable as a war criminal.”<sup>17</sup>

All the resisters involved in the instant case were saying is, “We cannot, as humans or citizens, be complicit in such egregious violations of humanitarian law and the Nuremberg Principles. We cannot be complicit every day in the planning, preparation, possession, deployment, threat or use of the 20 B61s U.S. nuclear bombs at Büchel Air Force Base. We assert our right and duty to point out and call for an end to these violations of fundamental law.”

## **Conclusion**

Self-destructive denial of the calamitous effects of nuclear weapons has led military institutions and governments to fail to adhere to fundamental humanitarian law and the Nuremberg Principles, even as these rules and principles are the bedrock of their legitimacy and firmly enshrined in their codes of conduct. Instead, the U.S. and NATO now serve corporations which demand continuing profits for unusable, untenable and unlawful nuclear weapons.

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<sup>15</sup> “Nuclear Sharing in NATO: Is it Legal?”, Otfried Nassauer (Berlin Information Center for Transatlantic Security), in *Science for Democratic Action*, April 2001.

<sup>16</sup> Friedman, *The Law of War*, a documentary, Vol. UII, 1972, p. 1284.

<sup>17</sup> *UK v. Tesch*, Law Reports of the Trials of Major War Criminals, Vol. I, p. 93

Nuclear weapons' ever-present capacity for and threat of regional and global catastrophes requires that we understand the rule of law as implemented by agreement not enforced by ever-greater violent force. We can do that by proceeding toward complete nuclear disarmament in good faith.

The role of the courts in general and this court in particular, in solving this most central problem of our time cannot be overstated. In my opinion, this court can and must uphold and adhere to basic rules and principles of law as outlined above.

In my opinion, this court can and should: thank this defendant; dismiss or withdraw the charges against her, or find her not guilty of the offenses charged; advise the U.S., Germany, and NATO that they too should adhere to the law by removing all nuclear weapons from Büchel Air Force Base; and recommend that Germany ratify the 2017 Treaty on the Prohibition of Nuclear Weapons.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

**Executed on June 5, 2020, at Mackinaw City, Michigan**

Signed:

Anabel L. Dwyer

**Resumé of Anabel L. Dwyer**

1. I hold a J.D. from Thomas M. Cooley Law School and am a member of the State Bar of Michigan and its International Law Section. I have been employed as an Adjunct Professor of Human Rights and Humanitarian Law at T. M. Cooley Law School, as a research attorney for the Michigan Court of Appeals and for general practice attorneys in Michigan.

2. I was a member of the International Association of Lawyers Against Nuclear Arms' Legal Team for the World Court Project during the 1995 oral arguments before the International Court of Justice (ICJ) on the "Legality of the Threat or Use of Nuclear Weapons" (ICJ Reports, 8 July 1996). I was on the drafting committee for the Model Nuclear Weapons Convention. I hold a Certificate of Attendance from the 1990 Summer Session on Public International Law from The Hague Academy of International Law and am a Member of the Board of Directors of the Lawyers' Committee on Nuclear Policy.

3. For more than 30 years I have been teaching, lecturing and publishing on nuclear weapons and the rule of law. The rule of law we develop to secure and protect our lives and

future cannot coexist with a “rule of law” which “justifies” nuclear weapons which threaten our existence.

4. My publications include: “How and Why International Law Prohibits The Use or Threat of Use of Nuclear Weapons and Applies to Michigan Courts, Ramsey Clark’s Testimony Annotated,” June 1991, in *People of Michigan v. Michelle Martin, et al* (Michigan 52<sup>nd</sup> District 1<sup>st</sup> 88-003767 thru 88-003779, Mar. 16, 1989); “The Model Nuclear Weapons Convention: A Way out of the Nuclear Quagmire,” *MSU-DCL Journal of International Law*, 9:2, Summer 2000; “U.S. Courts and Cases of U.S. Civil Resistance to Nuclear Weapons: Implementing a coherent rule of law,” Waseda International Conference Commemorating the Hague International Peace Conference, Nuclear Weapons Abolition and the Law: Agenda and Actors, Waseda, Tokyo, August 1-2, 2001; “Courts and Universities as Institutions in the National Security State,” A. Dwyer & D. Dwyer, *In Democracy’s Shadow: The secret world of national security*, Raskin, Marcus G., and A. Carl LeVan, eds. 2005 New York: Nation Books; “From the ICJ (International Court of Justice) to the IJC (International Joint Commission on Great Lakes Water Quality), “Abolishing Nuclear Weapons: Lawyers’ Responsibilities,” (Fall 2009 *Michigan International Lawyer*); and “Nuclear Vulnerability”, *The Mail, The New Yorker*, Apr.15, 2015. I am also co-editor of *This is My Homeland: Stories of the effects of nuclear industries by people of serpent river first nation and the north shore of Lake Huron*, A publication of Serpent River First Nation (Anishinabe Printing 2003). I have also signed and drafted numerous petitions including: “Immediate and Unconditional Release of the Y-12 13 Resisters” (Michigan Peace Network, 2011-2012).

5. I studied the details of the law and nuclear weapons for five months, in 1990, when I conducted extensive research at the Peace Palace Library in The Hague on international law and nuclear weapons. As a result I was co-counsel for The Michigan Nuremberg Campaign and lead author of an exhaustive Brief in Support of a Citizens’ Petition to State and Federal Authorities entitled, “In re: Request for Investigation/Prosecution of Officers and Directors of Williams International Corporation (designers, testers and manufacturers of the cruise missile engine in Walled Lake Michigan) and Commanders of Wurtsmith Air Force Base (Headquarters of the Strategic Air Command 40<sup>th</sup> Air Division, 379<sup>th</sup> Bombardment Wing in Oscoda, Michigan)” (Michigan Faith and Resistance, 106 pgs., 8 Declarations, and 2 Exhibits, Aug. 6, 1991. The petitioners sought redress of grievances through investigation and prosecution of those named for conspiracy to produce, deploy and plan to use or threaten to use nuclear weapons in violation of international and domestic law. The result, whether directly or indirectly, was closure of Wurtsmith Air Force Base and transfer of cruise missile engine manufacture outside of Michigan.

<https://www.dropbox.com/s/ra0sj24ki7dte5d/Brief%20for%20The%20Nuremberg%20Campaign.pdf?dl=0> ; Ramsey Clark’s Testimony Annotated,  
<https://www.dropbox.com/s/4gwe0ur5dfiu6mq/ClarkTestimonyAnnotated.pdf?dl=0>

6. I have acted as and been admitted as a pro bono Advisory Defense Attorney in numerous cases involving non-violent or symbolic civil resistance to production, preparation, threat or use of U.S. nuclear weapons.

7. I received a B.A. from Wellesley College and a Masters in Urban Planning (MUP) from Michigan State University. My 1979 Master's thesis, "Planning for Energy Sustainable Futures," was based on community work at Urban Options, an ongoing Conservation and Appropriate Technologies Demonstration project in East Lansing, Michigan. My full resume is available upon request.

### **CV of Anabel L. Dwyer**

1. I did my PhD at Thomas M. Cooley Law School and am a member of the State Bar of Michigan and its department of international law. I have worked as an adjunct professor of human rights and humanitarian law at TM Cooley Law School, as a research lawyer for the Michigan Court of Appeals and for general practitioners in Michigan.

2. I was a member of the International Association of Lawyers against Nuclear Arms legal team for the World Court project during oral hearings before the International Court of Justice (IGH) in 1995 on the "Legality of the Threat or Use of Nuclear Weapons" (IGH Reports, 8. July 1996). I was on the Editorial Committee for the Model Nuclear Weapons Convention. I have a certificate of attendance from the 1990 summer session on international law of the Academy for International Law in The Hague and I am a member of the board of the Lawyers' Committee for Nuclear Policy.

3. I have been teaching, lecturing and publishing on nuclear weapons and the rule of law for more than thirty years. The rule of law that we are developing to safeguard and protect our lives and future cannot coexist with a "rule of law" that "justifies" nuclear weapons that threaten our existence.

Agenda and Actors, Waseda, Tokyo, August 1 and 2, 2001; "Courts and Universities as Institutions in the National Security State", A. Dwyer & D. Dwyer, In *Democracy's Shadow: The secret world of national security*, Raskin, Marcus G., and A. Carl LeVan, ed. 2005 New York: Nation Books; "From the ICJ (International Court of Justice) to the IJC (International Joint Commission for the Water Quality of the Great Lakes), Nuclear Weapons Abolition: Lawyers' Responsibilities" (Fall 2009, *Michigan International Lawyer*); and "Nuclear Vulnerability", *The Mail, The New Yorker*, April 15, 2015. I am also co-editor of "This is My Home Country: Stories of the Impact of the Nuclear Industry of People from the Serpent River First Nation and the North Shore of Huron" (Anishinabe Press, Maniwaki, Quebec, 2003). I have also signed and penned numerous petitions, including "Immediate and Unconditional Release of

the Y-12 13 Resisters” (Michigan Peace Network, 2011-2012).

5. I spent five months studying the details of the law and nuclear weapons, in 1990 when I was doing extensive research on international law and nuclear weapons at the Peace Palace library in The Hague. As a result, I was a co-advisor to the Michigan-Nuremberg campaign and lead author of a detailed letter in support of a citizen petition to state and federal agencies entitled "In re: Request for Investigation / Prosecution of Officers and Directors of Williams International Corporation (Engineers, Testers and Manufacturers of the cruise missile engine in Walled Lake Michigan) and the commanders of Wurtsmith Air Force Base (headquarters of the Strategic Air Command 40th Air Division, (Michigan Faith and Resistance, 106 pages, 8 explanations and 2 exhibits, August 6, 1991). The petitioners requested remedial action by investigating and prosecuting those identified as conspiracies to manufacture, station and plan to deploy or threaten to use nuclear weapons in violation of international and domestic law. The result, whether directly or indirectly, was the closure of Wurtsmith Air Force Base and the relocation of cruise missile engine manufacturing outside of Michigan. Michigan Faith and Resistance, Michigan Nuremberg Campaign Brief (103 p.) & Explanations (Michigan Faith and Resistance, 106 pages, 8 explanations and 2 exhibits, August 6, 1991). The petitioners requested remedial action by investigating and prosecuting those identified as conspiracies to manufacture, station and plan to deploy or threaten to use nuclear weapons in violation of international and domestic law. The result, whether directly or indirectly, was the closure of Wurtsmith Air Force Base and the relocation of cruise missile engine manufacturing outside of Michigan. Michigan Faith and Resistance, Michigan Nuremberg Campaign Brief (103 p.) & Explanations The petitioners requested remedial action by investigating and prosecuting those identified as conspiracies to manufacture, station and plan to deploy or threaten to use nuclear weapons in violation of international and domestic law. The result, whether directly or indirectly, was the closure of Wurtsmith Air Force Base and the relocation of cruise missile engine manufacturing outside of Michigan. Michigan Faith and Resistance, Michigan Nuremberg Campaign Brief (103 p.) & Explanations The petitioners requested remedial action by investigating and prosecuting those identified as conspiracies to manufacture, station and plan to deploy or threaten to use nuclear weapons in violation of international and domestic law. The result, whether directly or indirectly, was the closure of Wurtsmith Air Force Base and the relocation of cruise missile engine manufacturing outside of Michigan. Michigan Faith and Resistance, Michigan Nuremberg Campaign Brief (103 p.) & Explanations Deployment and planning of the use or threat of using nuclear weapons in violation of international and domestic law have been mentioned. The result, whether directly or indirectly, was the closure of Wurtsmith Air Force Base and the relocation of cruise missile engine manufacturing outside of Michigan. Michigan Faith and Resistance, Michigan Nuremberg Campaign Brief (103 p.) & Explanations Deployment and planning of the use or threat of using nuclear weapons in violation of international and domestic law have been mentioned. The result, whether directly or indirectly, was the closure of Wurtsmith Air Force

Base and the relocation of cruise missile engine manufacturing outside of Michigan. Michigan Faith and Resistance, Michigan Nuremburg Campaign Brief (103 p.) & Explanations  
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6. In numerous cases involving non-violent or symbolic civil resistance to the manufacture, preparation, threat or use of US nuclear weapons, I have served as a consultative defense lawyer pro bono and have been admitted as such.