

INTERNATIONAL COURT DANGEROUS

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The Bush administration just took a welcome step to disentangle the United States from the global legacy of the late, unlamented Clinton administration. The State Department's ambassador-at-large for war-crimes issues, Pierre Prosper, announced that "the U.S. is not and will not be part of the ICC," and he indicated that the administration is considering "unsigned" the treaty.

A prime example of mischief so characteristic of New Year's Eve frivolities was Bill Clinton's midnight signing of the International Criminal Court treaty. While neither Clinton nor George W. Bush ever will submit the ICC to the Senate for ratification (because it would be rejected), the pompous bureaucrats in the Hague are claiming jurisdiction over U.S. citizens based on the signing. William Pace, the head of the International Coalition lobbying for the ICC, expressed his disdain for America. He said, "The world is about to show themselves and the U.S. they can start a major organization without U.S. political and financial leadership."

More than 60 nations have ratified the ICC treaty, and it thereby will go into effect.

The ICC would be an enticing venue for anti-American sentiment. Some probably already are licking their chops at the prospect of indicting Bill Clinton for his 78 days of bombing civilian territories in Yugoslavia, Henry Kissinger for his intervention in Chile, and U.S. service personnel for the "collateral damage" they inflict when they are fighting to save other nations from terrorists.

The model for the ICC is not the International Court of Justice that has been functioning since World War II; it can try only countries, not individuals. The ICC plans to be a successor to the tribunals set up by the United Nations to prosecute war crimes in Rwanda in 1994 and the former Yugoslavia in 1990.

Those two courts cost \$100 million a year to operate, and there is no end in sight. In addition to the cost and the perpetuation of jobs for the bureaucracy, their procedures are political show trials conducted with rules that Americans accustomed to Bill of Rights protections never should condone.

Those who think that the ICC would limit itself to the really bad thugs of the world have their heads in the sand. The expansive jurisdiction claimed by the ICC would put every U.S. serviceman and woman, and even U.S. travelers especially if they are or have been public officials, at risk of being grabbed for trial by judges from Sierra Leone, Sudan, Iran and other nations hostile to the rule of law.

The ICC is part and parcel of persistent plans to erase the borders of national sovereignty by globalizing governments, economies, judicial systems, peacekeeping and so-called humanitarian escapades. NATO Secretary-General Javier Solana boasted that the Yugoslav war moved us into "a system of international relations in which human rights ... are much more important than sovereignty." Czech leader Vaclav Havel called the Yugoslav war "an important precedent for the future" in which "state sovereignty must inevitably dissolve." Our erstwhile allies want to lock America into a European political, judicial and military structure in which the United States would have only one vote. They already have conned us into joining the World Trade Organization where we have only one vote while the European Union has 15 votes.

The ICC plans to prosecute charges of war crimes, genocide and other crimes that have not yet been defined, in procedures that violate every U.S. constitutional safeguard. The ICC is accountable to no one, not even to the United Nations, whose charter recognizes the sovereignty of nation-states and where we have our Security Council veto.

Sen. Jesse Helms and Majority Whip Tom DeLay have tried valiantly to get Congress to pass an American Service Members' Protection Act to protect our troops from the ICC. This bill would cut off U.S. military aid to any country that ratifies the ICC, prohibit U.S. forces from participating in U.N. peacekeeping operations unless expressly immunized from ICC jurisdiction by a U.N. Security Council resolution, and authorize the president to take any means "necessary and appropriate" to free U.S. service members from ICC captivity.

This bill never has become law.