

Dear Friend:

Thank you for contacting me regarding the United States Servicemembers' Protection Act, S. 857. I appreciate hearing from you.

I believe that the United States should support international tribunals for prosecuting war criminals that commit genocide and other atrocities.

During the last century, ad hoc tribunals have been set up to prosecute perpetrators of atrocities committed during World War II, and more recently in the former Yugoslavia and Rwanda. These bodies have generally been successful in bringing to justice the perpetrators of crimes against humanity.

But in my view, the United States should not relinquish broad jurisdiction over the conduct of our soldiers, sailors, airmen, and marines. The United States was one of seven countries to vote against the creation of the International Criminal Court (ICC), because certain provisions of the treaty might allow the ICC to prosecute American soldiers, even if the treaty were not ratified by the United States.

The Servicemembers' Protection Act prohibits the United States from cooperating in any way with the ICC, including transfer of classified national security information and provision of military assistance. Due to my concerns about the scope of the ICC's authority, I supported an amendment to add this legislation to the National Defense Authorization Act. This amendment passed the Senate by a vote of 78-21 and was ultimately signed into law.

Although we disagree on this issue, I respect your view and appreciate that you took the time to inform me of your position. My ability to serve as an effective representative of the citizens of Missouri is strongly enhanced by your active involvement. I also encourage you to visit my website <http://carnahan.senate.gov> for more information.

Senator Carnahan