

May 23, 2002

President George W. Bush
The White House
Washington, DC 20544

Dear President Bush:

We, the undersigned Members of Congress, wish to inform you of our opposition to your renunciation of the United States Government's signature on the Rome Statute, which established the International Criminal Court (ICC). "Unsigning" the treaty in this manner will provide no substantive benefit but has created a harmful precedent that will undermine efforts by the United States to compel other countries to adhere to their obligations under international law.

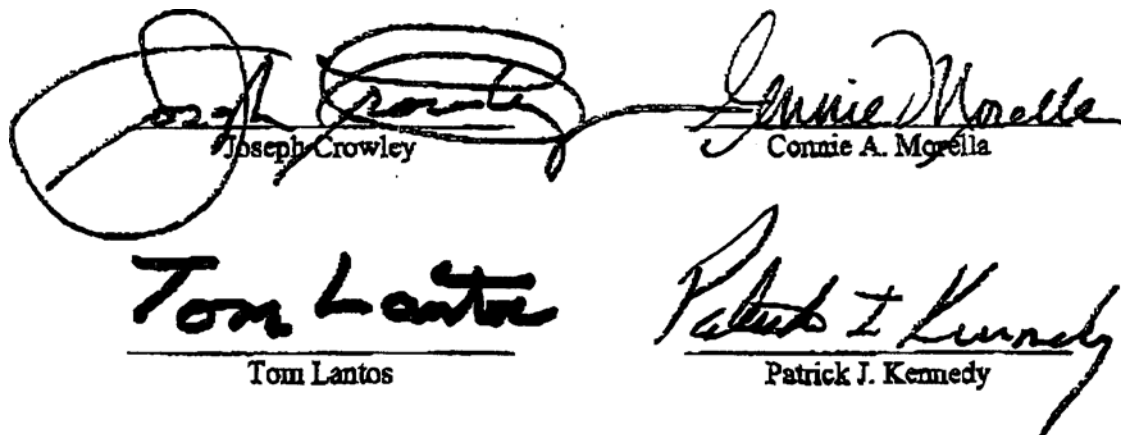
According to Article 18 of the Vienna Convention on the Law of Treaties, the United States, as a signatory but not a State Party to the Rome Treaty, would merely have been "obliged to refrain from acts which would defeat the object and purpose of the treaty. As the jurisdiction of the Court is limited to the most serious crimes of concern to the international community -- genocide, crimes against humanity, war crimes, and aggression - it is inconceivable that the United States would undertake any action that would so drastically undermine the treaty as to violate its obligations as a signatory. "Unsigning" the treaty has damaged the moral credibility of the United States and serves as a US repudiation of the notion that war criminals and perpetrators of genocide should be brought to justice.

Renouncing the U.S. signature on the Rome Statute will not shield U.S. servicemen or government officials from prosecution by the ICC. Even if the United States had remained as a signatory, the Court would be unable to assert jurisdiction as long as the United States launched a good faith investigation of its own, a measure which, in the case of military personnel, the government has committed to do as a matter of policy. The case of U.S. Army Sergeant Frank Ronghi, who was accused of raping and killing an 11-year-old girl in Kosovo in January 2000, demonstrates that U. S. servicemen and women have nothing to fear from international tribunal. Despite the fact that the ICTY Statute gives the Tribunal primacy over national courts' own jurisdiction, the United States faced no obstacles from the Tribunal to launching its own investigation, conducting its own court-martial, and sentencing Sergeant Ronghi according to the Uniform Code of Military Justice. Furthermore, were an American citizen to be brought before the Court, he or she would enjoy greater legal protection in The Hague than in the courts of many countries to which the United States extradites its citizens.

Finally, withdrawing the United States' signature from the Rome Statute weakens the United States' ability to argue for justice for victims of war crimes in such places as Sudan, Cambodia, Sierra Leone, Liberia, East Timor, and Iraq. The Administration has rightly called for Saddam Hussein and his cronies to be indicted for crimes against humanity, and the State and Defense Departments are already working to compile evidence for an eventual trial. The Administration has also worked to establish mechanisms that will bring war criminals to justice in Cambodia, Sierra Leone, and other countries. Once the ICC is established, however, we believe it is much less likely that the UN Security Council will establish new ad hoc tribunals along the lines of the Tribunals for Rwanda and the Former Yugoslavia, making the ICC the most likely venue for the future trial of any war criminals. Though the Administration has left open the possibility that it will use its seat on the Security Council to refer cases to the ICC on a case-by-case basis, our rejection of the ICC makes it less likely that any such trials will ever occur.

Mr. President, we welcome your assertion that the United States has not declared war on the Court. However, our rejection of the ICC now places the United States in the company of notorious human rights abusers like Iraq, North Korea, China, Cuba, Libya, and Burma. Given the Administration's repudiation of this multinational body, we strongly urge you to take other substantial steps that demonstrate the United States' continued commitment to democracy, human rights, and the rule of law. In his May 6 announcement of the Administration's decision regarding the ICC, Under Secretary of State Marc Grossman said the United States will work with Congress to seek funding for efforts to bring war criminals to justice and to provide political, financial, technical, and logistical support to any post-conflict state that seeks to implement humanitarian law domestically. Such efforts are critical if, as Under Secretary Grossman correctly stated, "the best way to prevent genocide, crimes against humanity, and war crimes is through the spread of democracy, transparency, and the rule of law." We look forward to working with you on your proposals for a greatly enhanced U.S. assistance program to promote democracy and respect for human rights around the world that would help render the work of the International Criminal Court unnecessary, and we hope that you will submit to the Congress a budget amendment that identifies additional U.S. assistance resources for fiscal year 2003 as soon as possible.

Sincerely,



Joseph Crowley

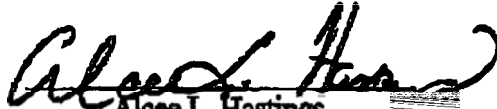
Connie A. Morella

Tom Lantos

Patrick J. Kennedy

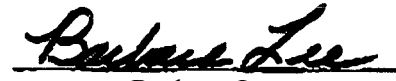

Howard L. Berman


Earl Blumenauer


Alcee L. Hastings


Earl F. Hilliard


Joseph M. Hoefel


Barbara Lee


Ellen O. Tauscher


Lynn Woolsey


William J. Delahunt

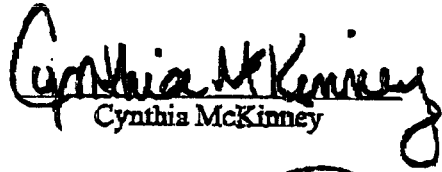

Wm. Lacy Clay

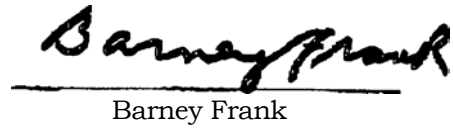

Michael M. Honda


Lloyd Doggett

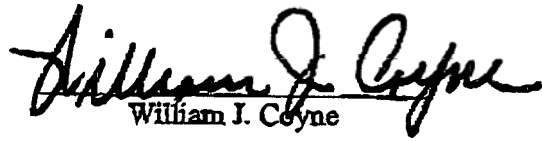

Maurice Hinchey

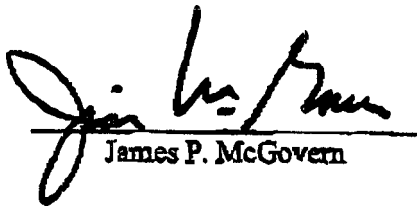
Robert T. Matsui

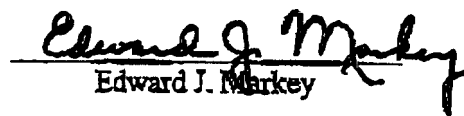

Cynthia McKinney

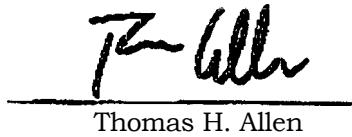

Barney Frank


Anna Eshoo


William J. Coyne

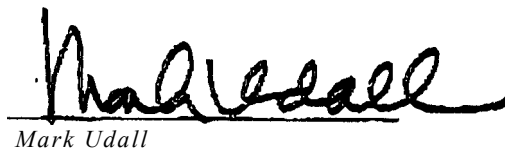

James P. McGovern


Edward J. Markey

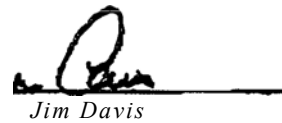

Thomas H. Allen

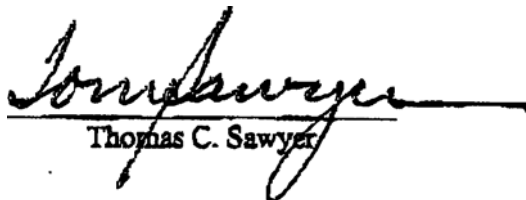
Carolyn Maloney

Melvin L. Watt


Mark Udall

James P. Moran

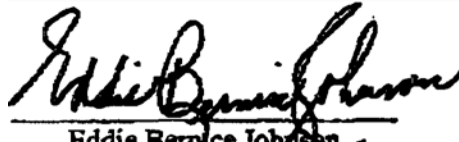

Jim Davis

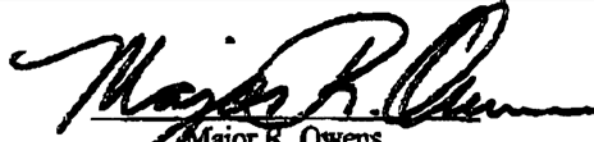

Thomas C. Sawyer


Sam Farr


Michael Capuan

Jim McDermott


Eddie Bernice Johnson


Major R. Owens


Danny K. Davis

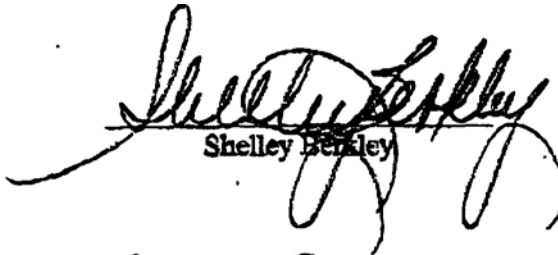
Jan Schakowsky


Stephanie Tubbs Jones

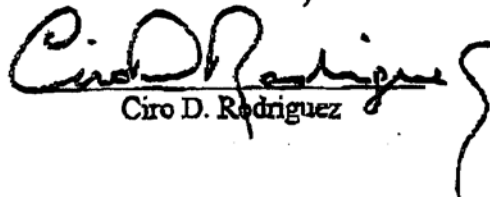

Brian Baird


Betty McCollum


Sherrod Brown


Shelley Berkley


Pete Stark


Ciro D. Rodriguez