

**First 2004 Presidential Debate
University of Miami, Coral Gables, Florida
September 30, 2004**

Remark on the International Criminal Court by President Bush

MODERATOR: New question, two minutes, Senator Kerry. What is your position on the whole concept of preemptive war?

SENATOR KERRY: The President always has the right and always has had the right for preemptive strike. That was a great doctrine throughout the Cold War, and it was always one of the things we argued about with respect to arms control. No President, through all of American history, has ever ceded, and nor would I, the right to preempt in any way necessary to protect the United States of America. But if and when you do it, Jim, you've got to do in a way that passes the test, that passes the global test, where your countrymen, your people understand fully why you're doing what you're doing and you can prove to the world that you did it for legitimate reasons.

Here we have our own Secretary of State who's had to apologize to the world for the presentation he made to the United Nations. I mean, we can remember when President Kennedy, in the Cuban missile crisis, sent his Secretary of State to Paris to meet with de Gaulle, and in the middle of the discussion to tell them about the missiles in Cuba, he said, here, let me show you the photos. And de Gaulle waved them off, and said, "No, no, no, no. The word of the President of the United States is good enough for me." How many leaders in the world today would respond to us as a result of what we've done in that way?

So what is at test here is the credibility of the United States of America and how we lead the world. Well, Iran and Iraq are now more -- Iran and North Korea are now more dangerous. Now, whether preemption is ultimately what has to happen, I don't know yet. But I'll tell you this, as President, I'll never take my eye off that ball. I've been fighting for proliferation the entire time -- anti-proliferation the entire time I've been in the Congress. And we've watched this President actually turn away from some of the treaties that were on the table. You don't help yourself with other nations when you turn away from the Global Warming Treaty, for instance, or when you refuse to deal at length with the United Nations. You have to earn that respect. And I think we have a lot of earning back to do.

PRESIDENT BUSH: Let me -- I'm not exactly sure what you mean, passes the global test. You take preemptive action if you pass a global test? My attitude is you take preemptive action in order to protect the American people, that you act in order to make this country secure.

My opponent talks about me not signing certain treaties. But let me tell you one thing I didn't sign -- and I think it shows a difference of our opinion, the difference opinions -- and that is **I wouldn't join the International Criminal Court.** This is a body based in The Hague where unaccountable judges and prosecutors could pull our troops, our diplomats up for trial. And I wouldn't join it. And I understand that in certain capitals around the world that that wasn't a popular move. But it's the right move, not to join a foreign court that could -- where our people could be prosecuted. My opponent is for joining the International Criminal Court. I just think trying to be popular kind of in the global sense, if it's not in our best interest makes no sense. I'm interested in working with other nations, and do a lot of it. But I'm not going to make decisions that I think are wrong for America.