

American Servicemember and Citizen Protection Act of 2002 (Introduced in House)
107th CONGRESS
2d Session
H. R. 4169

To provide that the International Criminal Court is not valid with respect to the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2002

Mr. PAUL (for himself, Mr. BARR of Georgia, Mr. HOSTETTLER, Mr. PETRI, Mr. GOODE, Mr. WAMP, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. KERNS, Mr. FLAKE, Mr. CRANE, Mr. KINGSTON, Mr. MANZULLO, Mr. DUNCAN, Mr. SCHAFFER, Mr. WELDON of Florida, Mr. SESSIONS, Mr. ROHRABACHER, and Mr. TANCREDO) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To provide that the International Criminal Court is not valid with respect to the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'American Servicemember and Citizen Protection Act of 2002'.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) In December 1997, the General Assembly of the United Nations called for the convening of a diplomatic conference in Rome, Italy, from June 15 through July 17, 1998, to adopt a Convention on the Establishment of an International Criminal Court.

(2) Pursuant to this call, the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court convened in Rome, Italy, and on July 17, 1998, proposed the Statute of the International Criminal Court for 'ratification, acceptance, or approval' by the member states of the United Nations.

(3) According to article 127 of the Statute of the International Criminal Court, the Statute of the International Criminal Court shall take effect upon the 'ratification, acceptance, or approval' of 60 member states.

(4) As of April 1, 2002, 57 member states have ratified, accepted, or approved the Statute of the International Criminal Court.

(5) According to articles 12 and 25 of the Statute of the International Criminal Court, the jurisdiction of the International Criminal Court shall extend to individual United States citizens even if the United States does not 'ratify, accept, or approve' the Statute of the International Criminal Court.

(6) As of April 1, 2002, the United States Senate has not ratified the Statute of the International Criminal Court, and although a designee of former President William J. Clinton has signed that statute on behalf of the United States, President George W. Bush has indicated that he will not submit the Statute of the International Criminal Court to the United States Senate, as provided for in article II, section 2 of the Constitution of the United States.

(7) According to article VI of the Constitution of the United States, the Statute of the International Criminal Court, bearing only the signature of a person authorized by the President of the United States, cannot be the supreme law of the land because the statute, since it has not been ratified by the United States Senate pursuant to article II, section 2 of the Constitution, has not been 'made under the authority of the United States'.

(8) According to the 1969 Vienna Convention on the Law of Treaties, no nation may be bound by a treaty to which that nation has not consented; therefore the United States, which has not consented to the Statute of the International Criminal Court in the manner prescribed by the Constitution of the United States, cannot be bound by the Statute of the International Criminal Court even if 60 countries ratify, accept, or approve it.

(9) The Statute of the International Criminal Court is an ultra vires act, wholly unauthorized by the Charter of the United Nations, since it was enacted by a Conference of Diplomats convened by the United Nations General Assembly in contravention of the powers of the United Nations Security Council which, under the Charter of the United Nations, alone has primary responsibility for the maintenance of international peace and security.

(10) The Statute of the International Criminal Court also contravenes the principle of government only by the consent of the governed that is enshrined in the American national charter, the Declaration of Independence, because the International Criminal Court claims jurisdiction over citizens of the United States without their consent or without the consent of the United States Government.

(11) The Statute of the International Criminal Court also contravenes the principles of separation of powers, federalism, and trial by jury that are guaranteed by the Constitution of the United States, because the International Criminal Court has been endowed with legislative, executive,

and judicial powers and with criminal jurisdiction without regard to the jurisdiction of the United States and the several States.

(12) The International Criminal Court, by design and effect, is an illegitimate court, established contrary to the provisions of the Charter of the United Nations, the American Declaration of Independence, and the Constitution of the United States, and as such, puts United States citizens in jeopardy of unlawful and unconstitutional criminal prosecution, with members of the United States Armed Forces placed especially at risk of politically motivated arrests, prosecutions, fines, and imprisonments for acts engaged in for the protection of the sovereignty and independence of the United States.

(13) United States citizens generally, and members of the United States Armed Forces in particular, deserve the full protection of the Constitution of the United States--the very body of law the members of the Armed Forces risk life and limb to protect.

SEC. 3. RESCISSION OF SIGNATURE.

The President of the United States should formally rescind the signature approving the Statute of the International Criminal Court made on behalf of the United States and should take such steps as are necessary to prevent the establishment of the International Criminal Court.

SEC. 4. PROHIBITION OF FUNDS.

No funds appropriated or otherwise made available by the United States Government for any purpose may be used in any manner for the establishment or operation of the International Criminal Court.

SEC. 5. PROTECTION OF MEMBERS OF THE UNITED STATES ARMED FORCES AND UNITED STATES CITIZENS AND NATIONALS.

(a) ACTIONS AGAINST MEMBERS OF THE ARMED FORCES- Any action taken by or on behalf of the International Criminal Court against any member of the United States Armed Forces shall be considered to be an act of aggression against the United States.

(b) ACTIONS AGAINST UNITED STATES CITIZENS OR NATIONALS- Any action taken by or on behalf of the International Criminal Court against any individual who is a citizen or national of the United States shall be considered to be an offense against the law of nations.

SEC. 6. PENALTIES.

Any person who knowingly violates section 4 shall be fined not more than \$50,000, or imprisoned not more than 5 years, or both.

COSPONSORS(39), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: [by date](#))

Rep Akin, W. Todd - 5/16/2002 [MO-2] Rep Barcia, James A. - 6/11/2002 [MI-5]
Rep Barr, Bob - 4/11/2002 [GA-7] Rep Bartlett, Roscoe G. - 4/11/2002 [MD-6]
Rep Burton, Dan - 5/21/2002 [IN-6] Rep Calvert, Ken - 4/18/2002 [CA-43]
Rep Cannon, Chris - 4/16/2002 [UT-3] Rep Collins, Mac - 5/7/2002 [GA-3]
Rep Crane, Philip M. - 4/11/2002 [IL-8] Rep Cubin, Barbara - 4/25/2002 [WY]
Rep Deal, Nathan - 5/16/2002 [GA-9] Rep DeMint, Jim - 4/22/2002 [SC-4]
Rep Duncan, John J., Jr. - 4/11/2002 [TN-2] Rep Emerson, Jo Ann - 5/16/2002 [MO-8]
Rep Flake, Jeff - 4/11/2002 [AZ-1] Rep Goode, Virgil H., Jr. - 4/11/2002 [VA-5]
Rep Goodlatte, Bob - 5/21/2002 [VA-6] Rep Green, Mark - 5/21/2002 [WI-8]
Rep Hilleary, Van - 5/6/2002 [TN-4] Rep Hostettler, John N. - 4/11/2002 [IN-8]
Rep Johnson, Sam - 4/23/2002 [TX-3] Rep Kerns, Brian D. - 4/11/2002 [IN-7]
Rep Kingston, Jack - 4/11/2002 [GA-1] Rep LaHood, Ray - 5/20/2002 [IL-18]
Rep Manzullo, Donald A. - 4/11/2002 [IL-16] Rep Norwood, Charlie - 4/11/2002 [GA-10]
Rep Petri, Thomas E. - 4/11/2002 [WI-6] Rep Pitts, Joseph R. - 5/8/2002 [PA-16]
Rep Rohrabacher, Dana - 4/11/2002 [CA-45] Rep Schaffer, Bob - 4/11/2002 [CO-4]
Rep Sessions, Pete - 4/11/2002 [TX-5] Rep Simpson, Michael K. - 6/25/2002 [ID-2]
Rep Tancredo, Thomas G. - 4/11/2002 [CO-6] Rep Tiahrt, Todd - 5/14/2002 [KS-4]
Rep Toomey, Patrick J. - 4/18/2002 [PA-15] Rep Traficant, James A., Jr. - 5/23/2002 [OH-17]
Rep Vitter, David - 6/13/2002 [LA-1] Rep Wamp, Zach - 4/11/2002 [TN-3]
Rep Weldon, Dave - 4/11/2002 [FL-15]