

December 22, 2000

The Honorable William J. Clinton
The White House
Washington, DC 20500

Dear Mr. President:

The December 31 deadline for the United States to sign the Rome Treaty, establishing a permanent, international criminal court (ICC) is rapidly approaching. As senior retired military officers who understand the need to safeguard innocent human life in wartime – at the same time that we insist on the need to protect the rights of our military personnel – we urge you to sign the Treaty before that date. The ICC represents an historic and important step forward in the international effort to punish and deter genocide and other heinous crimes.

Throughout the years of negotiations on the ICC, the United States has secured significant safeguards to ensure that American military personnel are not subjected to politically-motivated actions by the Court, including: the principle of complementarity; strict limitations of the types of crimes under the ICC's jurisdiction; rigorous criteria for the selection of judges and prosecutors; and the ability of the UN Security Council to suspend investigations. In the unlikely event that serious problems arise with the Court, the U.S. could take a number of actions, ranging from refusing to ratify the Treaty to withdrawing from it.

When the Treaty was approved overwhelmingly two years ago, the U.S. joined a handful of human rights violators like Libya and Iraq in voting against it. Since then, 117 nations have signed the Treaty – including each of our NATO allies except Turkey, all the EU members, and Russia. Without your leadership, it is quite possible that we will end up as the only democratic country that is not at party to the Court. We firmly believe that as the U.S. becomes increasingly isolated, our soldiers are put at greater, not less, risk. Such increasing risk is wholly unnecessary – as our Armed Forces are known globally for their strict adherence to international humanitarian law and conventions governing the proper conduct of a military in wartime. Signing the Rome Treaty would be the clearest indication possible that we are proud of this record, and are working every day to uphold it.

The ICC will have universal jurisdiction whether or not the U.S. signs the Treaty. If we do not sign, and, even worse, if we seek to undermine the ICC's authority, there is a strong possibility that the Court's prosecutors and judges will see themselves in opposition to the U.S. and our official personnel. We believe the U.S. will be in a far better position to protect the rights of its citizens if the Court must answer to the United States, as its most important member, for its actions.

We urge you to sign the Treaty.

Respectfully,

Rear Admiral Eugene J. Carroll, Jr. (USN, Ret.)

Lieutenant General Robert G. Gard, Jr. (USA, Ret.)

Lieutenant Robert O. Muller (USMC, Ret.)

Chaplain (Major General) Kermit D. Johnson (USA, Ret.)

Colonel Daniel Smith (USA, Ret.)

Major General John B. Kidd (USAF, Ret.)

Vice Admiral John J. Shanahan (USN, Ret.)