

**SENATE FOREIGN RELATIONS COMMITTEE
CONFIRMATION HEARING FOR SECRETARY OF STATE-DESIGNATE COLIN
POWELL**

January 17, 2001

Excerpts:

SEN. HELMS: Now let's talk about the International Criminal Court. I don't know that you've had much chance to think about that since you became the nominee.

The International Criminal Court treaty has raised the ire of a lot of people, including me, because the court claims the authority to indict and try and imprison American citizens, including our service people -- Army, Navy and all the rest -- and national security officials, like the secretary of state, I might add, even though the United States has not ratified the treaty.

Now, as a former Joint Chiefs chairman and future secretary of state -- that future is upon us -- can I have your commitment to work with Congress to decisively address the threat to American citizens and American sovereignty posed by this international kangaroo court?

GEN. POWELL: Yes. I had reservations about that treaty when it was in the development process when I was chairman of the Joint Chiefs of Staff, when it was coming along. I have reservations about it now. And I don't think you can be standing on our tippee toes waiting for the Bush administration to ask for any, any movement toward ratification of the treaty.

As President Clinton said when he signed it, he recognized that there were difficulties with the treaty, special difficulties within the Pentagon, who as I understand it, are not supportive of that treaty, obviously.

And he said in his signing statement that he signed it because he wanted to be able to influence future discussions on the treaty. But when you do sign a treaty, in legal terms, you, sort of, bind yourself to the purpose and objectives of the treaty. But we have no plans to ask for ratification of the treaty.

HELMS: Or send somebody down there to strike the signature of that ambassador?

(topic shifts to Cuba with no response recorded)

...

ALLEN: Thank you, Mr. Chairman.

General, I see Alma's gotten worn out by all of this.

Let me take -- get your views on the issue of this International Criminal Court and the statute, and ask you a few questions and get your overall view of it. Do you share the concerns of your predecessors, Secretaries of State Kissinger, Baker, Eagleburger, as well as your soon-to-be

colleague Rumsfeld, when he was secretary of defense, and Secretary of Defense Caspar Weinberger, when they stated, quote, "That Americans prosecuted by the International Criminal Court will be denied basic constitutional rights guaranteed them under the Bill of Rights"?

And if ...this ICC...

At any rate, if this International Criminal Court statute does come into force by the ratification of 60 signatory states, what do you believe can be done to protect the United States servicemen and - women from prosecution before this court, if you do share the concerns of your predecessors?

POWELL: I do share those concerns. I understand the desire on the part of many to have such a court in being, and we have seen some of the good work that individual war crimes tribunals have had.

But this kind of tribunal gave me great pause, as chairman of the Joint Chiefs of Staff, because when we bring our young men and women into the armed forces of the United States and we send them off sometimes to defend the nation, but sometimes to defend some else's nation, sometimes to do a mission that the UN has deemed appropriate and we want to be a part of that, it seems to me to be a very difficult thing to say to an American family, "Oh, by the way, that youngster may not have the constitutional rights that were given to him at birth or her at birth."

So I've always been troubled by that aspect of the court. I couldn't quite square it with my understanding of the obligations we had to those youngsters and to their families.

Now, if the treaty is ratified and it goes into effect, that's very troublesome. I think it makes it -- it adds a new element to the kinds of deployments we might involve ourselves in and the kinds of risk we might put our youngsters in. And, as the Congress has indicated -- some members of the Congress have indicated, it might be appropriate to pass legislation that protects them in some way.

I'm not prepared to take a position on any such proposals or any such legislation, but I'd be more than happy to discuss it with the members of this body or any other body of the Congress.

ALLEN: Well, it was going to be my follow-up question. Go ahead and take a slug of coffee on my time.

(LAUGHTER)

POWELL: Thank you.

ALLEN: Now, the -- I would ask you, on behalf of chairman-to-be, soon to be Chairman Helms, who introduced legislation in the past Congress along with the senior senator from Virginia, John Warner, and Leader Lott, where they did at least put forward a bill which would provide American servicemen with -- and servicewomen with protection -- there's 27 countries that have ratified it -- you would be willing to work with us to make sure that the men and women in

uniform, who are serving our interests and, indeed, serving the interests of other countries would be protected in the event that you do have 60 signatories?

POWELL: As a general principle, but until I have had a chance to review any proposed legislation and share it with my colleagues and get the president's views on it, I certainly am not in a position to commit to a particular piece of legislation.

ALLEN: Has the president-elect had any position on this International Criminal Court...

POWELL: The new administration will be opposed to the International Criminal Court. We read carefully what President Clinton said in his signing statement, recognized that he realized it could not be ratified. Take note of the fact, though, that once America signs a treaty such as this, we are in some ways expected not to defeat its purpose -- its intended purpose, and the expectation is that we would ultimately ratify it. But in this case I don't think it likely you'll see this administration send it up for ratification.

ALLEN: Thank you, General.

Most of the questions, Mr. Chairman, that I was going to ask on NATO and others have all been addressed. That's what happens when you're the most junior member: Most of the questions have been asked. And I'm not going to trespass on the committee's or the general's time any further.

Thank you, General.