



# The Phyllis Schlafly Report



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## The International Criminal Court

The International Criminal Court (ICC), which ties countries into a global judicial system, is part and parcel of persistent UN treaty plans to erase the borders of national sovereignty. Bill Clinton, who told the United Nations on September 22, 1997 that he wanted to put the United States into a “web of institutions and arrangements” for “the emerging international system,” supported this treaty enthusiastically during its five years of formation, and then signed it as one of his last official acts near midnight on New Year’s Eve, 2000.

Fortunately, the U.S. Senate never ratified it, and on May 6, 2002, President George W. Bush took the unprecedented step of causing our State Department to send a letter to UN Secretary General Kofi Annan stating that “the United States does not intend to become a party to the treaty” and “has no legal obligations arising from its [Clinton’s] signature on December 31, 2000.” This is colloquially referred to as “unsigned” the treaty.

However, the treaty was ratified by 66 other nations, and so it went into effect on July 1, 2002. The Court has started functioning in the Hague, and the pompous bureaucrats there claim the authority to detain and try U.S. citizens anyway — military personnel as well as current and future public officials — even though we didn’t ratify the treaty!

The ICC plans to prosecute individuals for war crimes, genocide and “crimes against humanity” whose definition is still evolving, using procedures that violate U.S. constitutional safeguards. The ICC is accountable to no one, not even to the United Nations where we have our Security Council veto.

The model for the ICC is *not* the International Court of Justice that has been functioning since World War II, which can try only countries, not individuals. The ICC plans to be a successor to the tribunals set up by the United Nations to prosecute war crimes in Rwanda in 1994 and the former Yugoslavia in 1990. Those two courts cost \$100 million a year to operate, and there is no end in sight. In addition to the cost and the perpetuation of jobs for the bureaucracy, their procedures are political show trials conducted under rules that Americans accustomed to Bill of Rights protections should never condone.

Those who think that the ICC would limit itself to the really bad thugs of the world — the Pol Pots, the Foday Sankohs and the Idi Amins — have their heads in the sand. The expansive jurisdiction claimed by the ICC would put every U.S. serviceman and woman, and even U.S. travelers, especially if they are or have been public officials, at risk of being grabbed for trial by judges from Sierra Leone, Sudan, Iran, and other nations hostile to the rule of law.

The ICC would be an enticing venue for anti-American sentiment. Some are probably already licking their chops at the prospect of indicting Bill Clinton for his bombing of civilians in Yugoslavia, Henry Kissinger for his intervention in Chile, and U.S. service personnel for the “collateral damage” they inflict when they are fighting to save other nations from terrorists.

The globalists are trying to tell us that the ICC really “supports American values” and “mirrors the Constitution.” That is false. U.S. constitutional protections against unfair prosecutions that are violated by the ICC include: (1) the right to trial by jury of one’s peers (the most important protection), (2) the trial must be in the jurisdiction of the offense, (3) proof must be beyond reasonable doubt, (4) verdict for capital offenses must be unanimous, (5) warrants are necessary to seize and use evidence, (6) the state must provide exculpatory evidence, (7) *compulsory* process to obtain defense witnesses, and (8) the protection against double jeopardy (the ICC language is full of loopholes).