We Don't Need Busybody Foreign Judges

by Phyllis Schlafly Apr. 14, 2004

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With all the real atrocities going on in uncivilized countries around the world, one would think that any world court looking into violations of human rights would have enough to do without trying to tell the United States how to conduct our criminal trials. But the busybody bureaucrats in the Hague masquerading as judges have just presumed to give orders to America.

The International Court of Justice, known as the World Court, just ruled that the United States violated the rights of 51 Mexicans on death row to receive diplomatic help, and it ordered our country to review their cases. What the Bush Administration ought to review is how these aliens got into our country in the first place.

Approximately one-third of inmates of federal prisons are foreign born, many of them illegal aliens. In many U.S. cities, so-called "sanctuary" laws tie the hands of our police by forbidding them to ask criminal suspects if they are legally in the United States.

Three of the Mexicans on death row are scheduled to be executed next month. One was convicted of shooting a taxi driver to death, one of killing his wife and two children with a hammer, and a third of killing two people during a burglary.

This is the third time the United States has been brought before the World Court over death penalties imposed on foreign nationals. The previous examples involved two German brothers in 1999 and a citizen of Paraguay in 1998. In both cases our government did not allow the court to interfere with the executions.

Mexico says that if the United States doesn't abide by the ruling of this 15-judge tribunal, Mexico will refer us to the United Nations Security Council for "appropriate action." Maybe the Security Council will assign this case to the UN Human Rights Committee, whose members include Cuba, China, Zimbabwe and Libya.

A spokesman for Mexico called the World Court's ruling "a triumph of international law." As Judge Robert Bork pointed out in his new book "Coercing Virtue," "International law is not law but politics, . . . there is no such law, and the pretense that it exists is a harmful fantasy."

If the World Court is so worried about imposition of the death penalty, the judges should look into the fact that every year China has nearly 10,000 death penalty cases that result in immediate execution. That is five times more than all death penalty cases from other nations combined.

China's executions have always been a closely guarded state secret, but these totals were revealed by Chen Zhonglin, a National People's Congress delegate. Does anyone think that those 10,000 received the kind of due process and dragged-out appeals afforded by the American system of justice?

Encouraged by the World Court's ruling against the United States, the Mexican government is now rounding up thousands of Mexicans, both in Mexico and in the United States, who as illegal aliens worked as janitors for California's largest supermarket chains. Mexico wants them to join in a class-action lawsuit that will be tried in Los Angeles in June demanding millions of dollars in back wages.

The globalists are constantly trying to get the United States locked into some kind of international legal system. Another court in the Hague, the International Criminal Court, is trying to assert jurisdiction over U.S. citizens even though President Bush UNsigned the ICC treaty.

Belgium passed a universal-jurisdiction law purporting to give its courts jurisdiction over alleged war crimes committed by nationals of any other country.

All these attempts by other countries to pretend they can exercise jurisdiction over U.S. citizens would be just plain silly if it weren't that Justice Sandra Day O'Connor told the Southern Center for International Studies in Atlanta in October that "I suspect that over time we will rely increasingly, or take notice at least increasingly, on international and foreign courts in examining domestic issues." Her suspicion was expressed in approving terms and, indeed, she is one of six current Supreme Court justices who have written with deference about court opinions in other countries.

Those six justices cited foreign sources in recent Supreme Court cases that overturned Texas's anti-sodomy law, that upheld the University of Michigan Law School's affirmative action admissions process, and that outlawed capital punishment for criminals with low I.Q. scores. As Justice Antonin Scalia noted in his dissent in Lawrence v. Texas, "This Court . . . should not impose foreign moods, fads, or fashions on Americans."

To assure that our Supreme Court doesn't do that in the future, the Constitution Subcommittee of the House Judiciary Committee just held a hearing on the "Reaffirmation of American Independence Resolution." It states that the U.S. laws should not be interpreted using foreign judgments or laws.

We should hold U.S. judges to their oath of fidelity to the United States Constitution