Clinton's Two-Step Into the International Court

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Several liberal commentators pronounced Bill Clinton's command of the issues "dazzling" at his last news conference of the century. What's really dazzling is his skill in dancing around responsibility for his mistakes.

A case in point is Clinton's slippery handling of the creation of the United Nations International Criminal Court (ICC), which is scheduled to open shop in The Hague. After the Pentagon explained the facts of life that this court would put all members of the U.S. armed services stationed overseas at risk of being arrested and tried in a foreign court on frivolous or politically motivated charges, Clinton declined to sign the treaty at its final negotiating session in Rome.

But the Clinton Administration had been encouraging the treaty for years. Now we discover that, even though the United States didn't sign it, Americans can be tried by this court anyway.

According to the treaty's text, all nations, whether signatories or not, will be subject to the international court's jurisdiction. The court will be able to insist that we comply with its demands for information, evidence, witnesses and suspects.

The Clinton Administration says it is trying to insert new language into the treaty to make it "unlikely" that U.S. troops would ever be called before the court. The Europeans reply that it is "out of the question" to renegotiate any portion of the treaty and that any language exempting U.S. troops would also shield Saddam Hussein and other bad guys from prosecution.

All members of the European Union (EU) are enthusiastic supporters of the treaty and scheduled to ratify promptly. The treaty will go into effect as soon as 60 nations ratify the treaty, which is expected to happen within the next two years.

The ICC is modeled after the war crimes tribunals for Rwanda and Yugoslavia. It would be empowered to try individuals, in contrast to the long-existing World Court which tries only governments.

The ICC plans to prosecute charges of war crimes, genocide and other crimes against humanity without direct authorization of the UN Security Council. That means our U.S. Security Council veto will be irrelevant.

The European Union has promised financial and legal assistance to get the court started, and it is expected that the court's costs thereafter will be paid by the UN's regular budget. That means the United States, which didn't sign or ratify the treaty, will be paying a fourth of its costs for the privilege of subjecting American citizens to trial without their constitutional rights.

The proposed International Criminal Court is so contrary to American constitutional law that one wonders how the Clinton Administration dared to participate in its drafting. The U.S. Constitution does not permit our government to delegate its judicial authority to an institution that is not a U.S. court.

The ICC treaty purports to legalize hauling up U.S. citizens before the court and trying them without our Bill of Rights guarantees such as a grand-jury indictment, protection against double jeopardy, a public trial by jury in the place where the crime was committed, and all the other protections included in American due process. These trials would take place before judges who are not appointed by the United States and not even Americans, who would be enforcing laws that are not yet written.

Americans should wake up and realize that the ICC is part of a powerful push by our erstwhile allies to lock America into a European political, judicial and military structure in which the United States would have only one vote. One of the few who have identified this global goal is Margaret Thatcher who this month lashed out at the European Union's plan to create its own army.

She labeled it "the utopian venture of creating a single European superstate." She used the diplomatic word "utopian," but a Euro army and the ICC are all part and parcel of a coordinated attack on American sovereignty that came into the open with Clinton's war on Yugoslavia.

NATO Secretary-General Javier Solana boasted that the Yugoslav war has moved us into "a system of international relations in which human rights . . . are much more important than sovereignty." Czech

leader Vaclav Havel called the Yugoslav war "an important precedent for the future" in which "state sovereignty must inevitably dissolve."

The International Criminal Court would sacrifice American citizens on the altar of Bill Clinton's global "web of institutions and arrangements" which he promised the United Nations on September 22, 1997 and hopes will be his legacy. Americans don't want to be caught in Clinton's global web or locked into his "emerging international system," because the price would be our freedom and our constitutional rights.