Stand Your Ground, Mr. President

July 17, 2002

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The American servicemen who flew an AC-130 and mistakenly bombed dozens of civilians in remote Afghan villages last week can thank their lucky stars that their Commander-in-Chief is George W. Bush, not Al Gore. It doesn't take much flight of imagination to believe that the angry Afghans would like to take their demands for punishment and retribution to the new International Criminal Court (ICC). Fortunately, President Bush UNsigned the ICC treaty that Bill Clinton signed on New Year's Eve before he left office. Bush caused 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."

But, say the ICC propagandists, this international court would act only after the criminals' own country had refused to act. That wouldn't save our AC-130 crew because the United States is certainly not going to prosecute our pilots for a wartime mistake that inadvertently caused civilian casualties.

The pompous bureaucrats in the Hague whose goal is to ratchet up the ICC's power into some sort of world government, or at least a European government, are asserting jurisdiction over us even though Bush unsigned the treaty and our Senate never ratified it. They are claiming jurisdiction over all UN and NATO peacekeeping forces.

That means jurisdiction over a United Nations contingent of 1,536 police officers, of whom 46 are Americans, now training a new Bosnian police force. Also involved is a larger NATO peacekeeping operation now functioning in Bosnia under a UN mandate, which includes 2,500 American soldiers, plus 14 other UN peacekeeping operations scattered around the world.

President Bush has made it clear that U.S. troops must be exempted from ICC prosecution or we aren't going to participate in peacekeeping functions. Our so-called European friends are having undiplomatic tantrums, and this issue comes to a head on July 15 when the temporary extension of the Bosnian mandate expires.

The Bosnian operation is scheduled to be completely turned over to the European Union in six months anyway. So why are the Europeans making such a scene about keeping a handful of Americans there?

This face-off between friendly countries is not a military issue. It's a worldview issue, a confrontation between the globalists and the patriots who believe in national sovereignty.

According to the New York Times, the Europeans see the Americans "as trying to undermine a prime example of the new world order, the International Criminal Court, which was created to take action if local authorities failed to prosecute especially heinous war crimes, human rights violations or genocide." The European political bosses have staked their future on the European Union and they want to throw a harness around the United States and our deep pockets.

The Europeans are accusing America of a double standard: one set of rules for the United States, another for the rest of the world. A senior European diplomat at the UN said, "If the United States believes it doesn't need to respect multilateralism and international rules, how do you get China to respect them?"

President Bush should tell the rest of the world to get used to the fact that Americans rank our sovereignty, our Constitution, and our Bill of Rights guarantees ahead of multicultural international rules, and we have no intention of submitting ourselves to inferior rules or courts that might be acceptable to the Chinese or Europeans.

Kofi Annan says that politically motivated prosecution against the U.S. is "highly improbable," but that's not good enough. Israel is too smart to fall for such vague assurances, and we should be, too.

Congress passed legislation this summer to authorize military action to free any American taken into custody. That's obviously not right-wing paranoia since even Hillary Clinton voted for it.

The globalists have been trying to tell us that the ICC really "supports American values" and "mirrors the Constitution." That's a lot of poppycock.

Here are some U.S. constitutional protections against unfair prosecutions that are violated by the ICC: (1) the right to trial by an impartial jury of one's peers (the most important protection), (2) the right to trial in the same jurisdiction where the offense was committed, (3) the right to a speedy trial within months, not years, (4) the right to a unanimous verdict for serious crimes, (5) the right to confront witnesses (the ICC has key loopholes), (6) the obligation to turn over exculpatory evidence to the defense (the ICC lets the prosecutor decide), and (7) no double jeopardy (the ICC is full of loopholes).

The court is charged with prosecuting (yes, prosecuting as well as adjudicating) genocide, crimes against humanity, war crimes, and aggression. Alas, terrorism is not one of the crimes.

Yale Law Professor Harold Koh calls the creation of the ICC "an international Marbury versus Madison moment." What a brilliant analogy! The ICC can be expected to grow in power just like the U.S. federal judiciary, but the ICC won't have the U.S. Constitution to impose any limits.

The Bush Administration should not only stand firm in demanding exemption from the ICC for Americans. We should oppose in toto a political show-trial court that violates basic rules of justice.