



## Big Push for UN's International Criminal Court

Together with a coterie of think tanks, media allies, and non-governmental organizations, the administration is attempting to establish precedents for U.S. participation in, and support for, the ICC action agenda, notwithstanding the fact that the U.S. Senate has not ratified the 1998 Rome Statute establishing the ICC.



Following the examples of other recent White House occupants, President Obama announced in March his decision to commit U.S. military forces in support of the NATO/UN war against Libyan dictator Moamar Gadhafi because the writ of the international community must be enforced. The writ to which he referred was United Nations Security Council Resolution 1973, passed on March 17 with prodding from Secretary Clinton and her minions at State.

However, the only writ Obama is empowered to enforce is the United States Constitution, which he took an oath to uphold and defend. And it, of course, requires that, except when we are under attack or imminent threat of attack, that our President may not commit our armed forces to war except with a declaration of war from the U.S. Congress.

Nevertheless, on March 19, President Obama without even consulting Congress, and while on a trade mission and family jaunt in Rio de Janeiro, Brazil announced: Today I authorized the armed forces of the United States to begin a limited military action in Libya in support of an international effort to protect Libyan civilians.

Hillary Clinton took up the task of explaining why the absentee President, who was then casually kicking soccer balls with Brazilian school kids and squiring his wife and daughters around Rio on sightseeing excursions, had found it so urgent to initiate another major war, as to require violating his constitutional oath.

[According to Clinton](#), this war was necessary because Gaddafi has lost his legitimacy to govern, and our military action was taken in response to the obvious humanitarian crisis.

That crisis centered on less-than-credible allegations that Gadhafi's armed forces were engaged in massive slaughter of Libyan civilians, a charge that the administration and pro-war advocates had been flogging for weeks, but had failed to produce any solid proof to back their sensational claims.

When the administrations top two Defense officials, Defense Secretary Robert Gates and Chairman of the Joint Chiefs of Staff Admiral Mike Mullen were both asked, at a Pentagon press briefing, if they had evidence confirming charges that Gadhafis jets had fired on the civilian protesters, they admitted that they had none whatsoever.



Written by [William F. Jasper](#) on January 5, 2012

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Here is the relevant section from the March 1 Defense Department press briefing [transcript](#):

Q: Do you see any evidence that he actually has fired on his own people from the air? There were reports of it, but do you have independent confirmation? If so, to what extent?

SEC. GATES: Weve seen the press reports, but we have no confirmation of that.

ADM. MULLEN: Thats correct. Weve seen no confirmation whatsoever.

### **Obama/Clinton Set Precedent for U.S. Participation in ICC**

Nevertheless, the previous week, in absence of any corroborating evidence of the alleged atrocities and despite the fact that the U.S. government has not ratified the ICC Statute and is not a party to the ICC, the Obama administration voted on February 26 in support of [UN Security Council Resolution 1970](#) to refer Gadhafi to the ICC for prosecution.

This is an important precedent, as it is the first time the United States has voted to refer a case to the ICC. President Obama and Secretary Clinton give every indication of pressing forward with a pro-ICC agenda. Clinton was quite explicit in this regard even before assuming her office at Foggy Bottom. In her confirmation hearing as Secretary of State before the Senate Foreign Relations Committee in January 2009, Hillary Clinton said, "Whether we work toward joining or not, we will end hostility toward the ICC and look for opportunities to encourage effective ICC action in ways that promote U.S. interests by bringing war criminals to justice."

Later, speaking in Nairobi, Kenya, in August 2009, Clinton [expressed](#) her great regret that the United States is not a party to the ICC, but said that the United States has supported the court and would continue to do so. A January 2010 review by the Department of Justice concluded that diplomatic or informational support for particular investigations or prosecutions by the ICC would not violate existing laws.

Those existing laws include, most especially, the American Service members Protection Act of 2002. As a Congressional Research Service report of July 2011 [observes](#):

The U.S. government is prohibited by law from providing material assistance to the ICC in its investigations, arrests, detentions, extraditions, or prosecutions of war crimes, under the American Servicemembers Protection Act of 2002, or ASPA (P.L. 107-206, Title II). The prohibition covers, among other things, the obligation of appropriated funds, assistance in investigations on U.S. territory, participation in U.N. peacekeeping operations unless certain protections from ICC actions are provided to specific categories of personnel, and the sharing of classified and law enforcement information.

Whether or not the administration has already violated the legal prohibitions enacted in ASPA remains to be proven, but there is little question that it is attempting to lend full support to the ICC and move the United States closer to ratification of the ICC treaty.

President Obamas [National Security Strategy](#) report, issued in May 2010, states:

Although the United States is not at present a party to the Rome Statute of the International Criminal Court (ICC) we are engaging with State Parties to the Rome Statute on issues of concern and are supporting the ICCs prosecution of those cases that advance U.S. interests and values, consistent with the requirements of U.S. law.

### **Pratt House Promoters**

Now as in years past, the key promotion and support for empowering the ICC both inside and outside of



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the administration emanates from Pratt House, the New York City headquarters of the [Council on Foreign Relations \(CFR\)](#).

It was council members and the councils journal, *Foreign Affairs*, that laid the groundwork in the 1990s for the UNs 1998 ICC summit in Rome. It was the big tax-exempt foundations (Ford, Rockefeller, Carnegie, MacArthur, Soros) run by CFR globalists that provided the funding for the [human rights NGO rent-a-mobs](#) that materialized to provide global grass-roots support for the ICC.

In 2011, the CFR focused anew on the ICC. In its May/June 2011 issue, *Foreign Affairs* published [Who's Afraid of the International Criminal Court? Finding the Prosecutor Who Can Set It Straight](#), by David Kaye, executive director of the International Human Rights Program at the UCLA School of Law.

In the past few months, the CFR also issued a Council Special Report entitled, [Justice Beyond The Hague: Supporting the Prosecution of International Crimes in National Courts](#), also by Professor Kaye.

In a June 29, 2011 article he penned for *Foreign Policy* magazine entitled [Justice League The case for calling off the Tomahawks and bringing Muammar al-Qaddafi to The Hague](#), longtime CFR member David Scheffer complimented the Obama administration for its favorable stance toward the ICC. Said Scheffer:

The United States and its NATO allies are supposed to stand for the rule of law and, accordingly, for the criminal prosecution of those who violate it and Barack Obama's administration has shown an interest in renewing this commitment. The administration has been supportive of the ICC's investigations and indictments throughout Africa, and was instrumental in obtaining unanimous approval for U.N. Security Council Resolution 1970 on Feb. 26, which referred the Libya situation to the court in the first place. Libya presents an opportunity to close the book on the cowboy behavior of the post-9/11 era and re-embrace the rule of law in a unified fashion with America's European and other allies throughout the world.

Now a professor at Northwestern University School of Law (along with Associate Professor Bernadine Dohrn, the Weather Underground terrorist bomber and wife of Weatherman terrorist leader Bill Ayers), Scheffer was, from 1997 to 2001, President Bill Clintons Ambassador at Large for War Crimes Issues. In that capacity, Scheffer was Clintons (and the CFRs) point man on the ICC. It was Scheffer who was the keynote speaker for a special confab of the Working Group on the International Criminal Court, held on February 26, 1998, at Los Angeles' plush Biltmore Hotel. The event, sponsored by the United Nations Association, was a key component of the Clinton/CFR stealth campaign to build what they intended to be unstoppable support for the ICC, which was going to be sprung upon an almost totally unsuspecting world just a few months hence in Rome.

*The New American* was there at the Biltmore, however, providing the only critical coverage of that important meeting. Our article, [International Injustice](#), in the April 13, 1998 issue of the magazine, sounded the first major warning about the UNs ICC agenda and the impending Rome summit. Scheffer and other CFR sherpas leading delegations to the summit were sublimely confident that they would emerge from Rome with the treaty they desired and with overwhelming pressure supplied by the CFR-aligned media and global civil society, as represented by the CFRs kept NGOs would soon have Senate ratification. It was a slam-dunk, done deal or so they thought.

However, what globalists hadnt anticipated was the size and passion of the genuine grass-roots opposition that this blatant attack on American justice, national sovereignty, and our Constitution and Bill of Rights would engender. Led primarily by The John Birch Society, which made exposing and



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stopping the ICC a top priority, ICC opponents began swamping their Senators with appeals to oppose the ICC treaty.

In a series of articles (see [here](#), [here](#), and [here](#), *The New American* revealed the campaign for the ICC as a colossal bait and switch scam. While proponents were selling the ICC as the institution that would haul the Hitlers and Stalins of the world before the bar of justice, what they were actually building is a global judicial monster that violates all the major principles of separation of powers, checks and balances, and accountability.

In spite of their incessant prattling about dedication to transparency, the globalists have been obdurately opaque about key features of the ICC, such as:

- No right to a trial by a jury of ones peers;
- No right to habeas corpus;
- No right to bail;
- No right to a speedy trial;
- No protection against indefinite pre-trial detention;
- No protection against being transported to foreign lands

Americas top constitutional champions have rightly denounced the ICC. As we [reported](#) in 1998:

Dr. Charles Rice, professor of law at Notre Dame University, has termed the ICC “a monster,” both in concept and reality, noting that it effectively “repudiates the Constitution, the Bill of Rights, and the Declaration of Independence and cancels the 4th of July.” “In our system,” Professor Rice explains, “law is supposed to be a rule of reason which, in a sense, controls the state and compels the state to operate under the law.” But the superjurisdictional ICC, he points out, has no legitimate basis for its claimed authority, no protections against abuses, no accountability, and virtually no limits to its jurisdiction. “What are the limits on the ICC?” he asks, and then answers, “There are none. It’s insane!”

As news of this ICC criminal insanity became more widely known, the U.S. Congress was deluged with letters, e-mails, faxes, phone calls, and petitions opposing it. It was obvious that the Senate would not ratify the Rome Statute. The Clinton administration, which, only months previously had been so confident of ratification, did not even send the treaty to the Senate.

## **New Propaganda Campaign**

The ICC that President Bill Clinton failed to get ratified has now become a major project of his wife, Secretary of State Hillary Rodham Clinton. Bill, of course, is a member of the CFR. Hillary is not a formal member, but is completely imbued with the CFRs one-world ethos, and has written for the CFRs *Foreign Affairs* journal and been a featured speaker on CFR programs. As with past administrations, her State Department is loaded with CFR experts, including her Ambassador to the United Nations, Susan E. Rice, who has been a major promoter of U.S. support for, and cooperation with, the ICC.

Hillarys State Department also has been a major source of direct funding (as well as an indirect source of funding through USAID and USIA) to, among others, the National Endowment for Democracy (headed by Carl Gershman, CFR) which has in turn funded many of the astro-turf civil society groups and faux human rights organizations that have been calling for the ICC to arrest and try various despots across the Middle East.

On December 9, 2011, Human Rights Watch (HRW) issued an urgent appeal entitled, ICC: A Need for Strengthened Support. Its subtitle, Nations to Set Budget, Formally Elect Next Prosecutor, hinted at an



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important theme of the HRW campaign: to increase ICC funding from the states parties, in order to expand ICC arrests and prosecutions. The HRW appeal not only was picked up and favorably mentioned in much of the CFR establishment media, but was replicated in toto on the same day on [AlertNet](#), which bills itself as The worlds humanitarian news site and is financed by the Reuters Foundation, the tax-exempt arm of the global Reuters corporate news group.

On December 23, 2011, Coskun Coruz, a member of the House of Representatives of the Netherlands, presented an op-ed entitled [Time has come for America to reconsider its position on the ICC](#), in the influential Washington, D.C.-based newspaper/Internet site *The Hill*. Over the past year, the International Criminal Court has gained credibility," Rep. Coruz averred, citing the UNs resolutions with regard to Libya and Ivory Coast. Given this development, the Dutch politician continued, it is all the more embarrassing that a country such as the United States of America undermines the credibility of resolutions adopted by the UN Security Council, by not recognising the International Criminal Court in The Hague. Rep. Coruzs article was aimed, of course, at the U.S. Congress, and, more specifically, the U.S. Senate.

National Public Radios December 27 piece, [Dealing With Dictators](#), was indirectly aimed at the same target; its primary aim was to build public support for the ICC to overcome Senate opposition.

We will be seeing a great deal more of this in the coming months. The ICC has formulated what it calls a Strategic Plan for Outreach that includes extensive public information campaigns coordinated with media organizations, NGOs, think tanks, schools, universities, religious leaders, foundations and politicians. This Strategic Plan is kicking into high gear for 2012, which marks the tenth anniversary of the entry into force of the ICCs Rome Statute.

*Tomorrow we will be publishing a follow-up article entitled, "The ICCs 'Philanthropists': the usual suspects," which focuses on the massive NGO "human rights" lobby financed by our tax dollars and the major tax-exempt foundations.*

*Other related articles:*

[The ICCs Philanthropists: the Usual Suspects](#)

[Courting Global Tyranny](#)

[Court of injustice](#)

[The ICC: International Court of Criminals](#)

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