

NATIONAL TEACHER DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2006

Mr. ORTIZ. Mr. Speaker, I rise to honor all teachers today on National Teacher Day. I want to thank teachers everywhere for their devotion to children and a better tomorrow.

Teachers are our greatest public servants; they spend their lives educating our young people and shaping our Nation for tomorrow. Education is the key to success in life, and teachers make a lasting impact in the lives of their students.

Even as we thank our teachers for the invaluable work they do, there are proposals to cut funding from numerous educational programs, including GEAR-UP and the Elementary and Secondary School Counseling Program. Education should be one of our top funding priorities; talking about it does not help the teachers and students who desperately need promises fulfilled.

An education provides today's children with valuable and necessary skills to lead a productive life in tomorrow's society. Education makes children less dependent upon others and opens doors to better jobs and career possibilities. Education is the silver bullet to improve this Nation's standing worldwide . . . and our teachers know that.

I have supported teachers and their efforts to provide quality education to our children, and will always continue to do that. I fought for Texas teachers' Social Security benefits by advocating the amendment to the Teacher Social Security Protection Act that protected them. I have fought to protect those benefits that ensure better salaries for teachers across the Nation such as grants to pay off student loans and funding for Teach for America. Still, we must all do more to show our continued appreciation for our Nation's leading role models.

Today, let us remember the essence of why teachers are our most important public servants. There is a story about a dinner conversation with a puffed up CEO who demeaned a teacher at the table by asking: "What's a kid going to learn from someone who decided his best option in life was to become a teacher? What do you make?"

The teacher smiled a contented smile, and enlightened her dinner companions: "I make kids work harder than they ever thought they could. I make kids enjoy learning. I make them dream, wonder, question, criticize, apologize (and mean it) . . . I make them write, work, and discover. I make them responsible. I make them achieve. You want to know what I make? I make a difference. What was it again you make?"

Amen . . . teachers make a difference in every single life they touch, and today I thank each teacher for the work they do and the lives they change every day.

THE PASSING OF EARL WOODS

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2006

Ms. WATSON. Mr. Speaker, it is with great sadness that I learned of the passing of Earl

Woods, the father of golfing legend Tiger Woods, of cancer.

Earl Woods was a father, coach, and mentor to Tiger Woods. There is no doubt that the world would not now have the opportunity to witness the genius of Tiger Woods on a golf course without the input from Earl Woods. Theirs was a father-son match made in heaven.

Earl Woods was the driving force in the development of Tiger Woods as not only a golf player but human being. Almost before Tiger could walk, his father had acclimated him to the game of golf. According to one account, Earl would hit golf balls in the garage on a makeshift range with Tiger watching him from his high chair. Earl later recounted that Tiger, at the tender age of 9 months, first demonstrated to him his incredible potential as a golf player.

Mr. Speaker, Earl Woods is a model of fatherhood. He supported, nurtured, and literally raised Tiger Woods to the heights of the golfing world. I am particularly struck by the close relationship Earl Woods had with his son.

When you hear so many professional athletes thanking or saying hello to their mothers after a television interview, it was refreshing to hear Tiger mention both his father and mother.

IN RECOGNITION OF MRS. LEA ANN PITCHER

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2006

Mr. CLEAVER. Mr. Speaker, I rise today to congratulate Mrs. Lea Ann Pitcher as being named one of the most 'Outstanding Mathematics Teachers in the United States' by The Presidential Award for Excellence. This award was established in 1983 by an Act of Congress and is administered for the White House by the National Science Foundation. Offered every other year to high school teachers, only two teachers per state are bestowed this great honor. Recognizing only the most exceptional teachers from across the United States, this awards' program is designed to honor teachers for their ingenious contributions to the classroom and to their profession. Mrs. Pitcher personifies excellence both in the classroom and as a professional. "Awardees serve as an example for their colleagues, inspiration to their communities, and leaders in the quality of mathematics and science." As a high school math teacher, Mr. Pitcher does just that.

Mrs. Pitcher's work at Lee's Summit Senior High School is exemplary. She educates our children in one of the areas we need strengthening the most—mathematics. After a decade as a pharmacist, she left to pursue teaching. Her students respect and rely on her knowledge; her peers emulate her dedication and teaching practices of using debate and discussion in math; and I know that Principal Faulkenberry considers her to be one of the school's greatest assets. She has truly touched our community and changed the lives of students in Lee's Summit throughout her 11 years as an educator. As a longtime resident, she has shown her dedication to our community, her students, and education throughout her long career as a teacher in the Greater Kansas City Area, having worked at both Hick-

man Mills High School and Lee's Summit High School.

Mr. Speaker, please join me today, May 9, 2006, on National Teacher Day, in thanking Mrs. Lea Ann Pitcher for her unyielding commitment to education, but more importantly, thank her for her significant contributions to the students of Lee's Summit Senior High School in Missouri's Fifth Congressional District. This year's theme of National Teacher Day is "Great Teachers Make Great Public Schools" and is a fitting description of Mrs. Pitcher's contribution to our society. Rarely do people touch the lives of students and communities in a way that will follow them forever. I want to thank her again for her outstanding work and her extraordinary commitment to the Lee's Summit students. As one former recipient of the Presidential Award exclaimed, "I think of this as the Nobel Prize of my profession." Mrs. Pitcher has truly attained the highest honor in her field. This accolade is something to celebrate because it recognizes someone to emulate. I urge my colleagues of the 109th Congress to please join me in congratulating Mrs. Lea Ann Pitcher on her well-deserved recognition.

TOWARDS A RULE BASED INTERNATIONAL SOCIETY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2006

Mr. CONYERS. Mr. Speaker, I rise to call my colleagues' attention to an alarming, but accurate portrayal of where the Bush Administration has been taking America. This survey shows how they have dragged down the United States from its traditional leadership in international law and peace-keeping institutions and turned America into a worldwide pariah for flouting the rule of law. In the latest issue of the "New York Review of Books," scholar Brian Urquhart reviews the work of three authors. Their common theme is the damage done by the Bush/Cheney doctrines to the world's peacekeeping structure. As Urquhart notes, they have "brushed aside fifty years of international law in the name of the 'global war on terrorism.'" A pioneer of international peace-keeping and a former U.N. Undersecretary General, Urquhart is well-placed to summarize the Bush Administration's disdain for the rule of law, or as he puts it: "the ideological opposition of the Bush Administration, both to vital treaties and to international institutions."

One of the authors reviewed, Phillippe Sands, a professor and veteran international lawyer, has provided a history of how modern governments like the United States have alternated between weaving a stronger fabric of international law, and at other times taking actions that unraveled it. Sands has made especially invaluable contributions to our understanding of how President Bush and Prime Minister Blair secretly plotted to drag both nations into war with Iraq. For this I salute him.

Last spring, the British press published classified minutes of a series of 2002 secret meetings between Prime Minister Tony Blair and his senior national security advisors about planning for war in Iraq. They were originally described in Sands' book, *The Lawless World*,

(before the press published the full texts.) These "Downing Street Memos" revealed the cynical deceit on which those plans were based. After meeting with their U.S. counterparts in the spring and summer of 2002, the British officials advised Blair that the case for war was "thin;" that the White House was hatching plans to create an artificial justification for attacking Iraq; and that Bush reluctantly agreed to go back to the U.N. but only to precipitate a basis for war, not to avoid it. The memos also revealed that Bush had secretly decided to go to war by the summer of 2002, although he publicly insisted for months thereafter that he was undecided and war was his "last resort." The clearest "smoking gun" of all was the memo by Britain's highest intelligence official who had met with his U.S. counterparts and warned that "the intelligence and facts were being fixed around the policy" by the Bush Administration. My request for answers from the Administration about these charges met with silence.

I also convened an informal hearing at which several experts discussed the importance of these and other revelations in the Downing Street Memos. Most of the mainstream press pooh-poohed them and echoed the White House mantra that they presented little new about the lack of grounds for war. Faced with their failure to be more skeptical of the White House claims before the war, the media seemed reluctant to read the real significance of the memos, or they simply missed the point. Obviously by last spring, the truth about WMD and alleged links between Saddam and Al Qaeda were well known. The momentous disclosure in these Memos, however, was their hard evidence of all the false statements and manipulation of intelligence that the President and other officials intentionally and cynically had made before the war to the Congress and the American people. Fortunately a number of columnists, magazines and blogs, not blinkered by their performance before the war, did acknowledge the importance of the revelations Professor Sands had first provided.

Most disturbing were press reports earlier this year, again based on Professor Sand's revelations. They quoted a memo marked "extremely sensitive" by, David Manning, Blair's top foreign affairs advisor about Blair's January 2003 meeting with Bush. Bush reportedly said he would attack Iraq whether or not WMD were found or the U.N. Security Council passed a second resolution. The memo recorded that Bush also suggested provoking war by flying American U2 reconnaissance planes with aircraft plane cover, and painted with U.N. insignia, over Iraq, so that when Iraq fired on it that would be a breach of U.N. resolutions. My call for a Special Counsel to investigate this astounding revelation also went unheeded.

I commend the entire article by Brian Urquhart to my colleague's attention.

[From The New York Review, May 11, 2006]

THE OUTLAW WORLD
(By Brian Urquhart)

"A rule-based international society" may seem a lackluster phrase, but it describes, for those who wish organized life on this planet to survive in a decent form, the most important of all the long-term international objectives mankind can have. That international law has already been formulated to deal with a wide range of human activities is one of the great, if often unappreciated,

achievements of the years since World War II. Yet the obstacles to its being effective are enormous. We all know that international law is often challenged by the caprices and diverging interests of national politics and that it still lacks the authority of national law. With a few important exceptions, international law remains unenforceable; when it collides with the sovereign interests or the ambitions of states, it is often ignored or rejected. It is still far from being the respected foundation of a reliable international system.

In the first years of the new millennium, and especially after the terrorist attacks of September 11, the development of international law has encountered an unexpected and formidable obstacle—the ideological opposition of the Bush administration, both to vital treaties and to international institutions. This attitude culminated in the 2003 invasion of Iraq without the specific authorization of the UN Security Council, and without allowing UN inspectors to complete their work. Prisoners captured by the US were denied the protection of the Geneva Conventions and were often treated brutally. It is therefore no surprise that the three very different books under review all end by deploping the United States' war for regime change in Iraq and the illegal abuses that have accompanied it.

It is ironic that such widespread criticism should be incurred by the US. From the Permanent Court of International Justice in The Hague, the Covenant of the League of Nations, and the Charter of the United Nations to the Universal Declaration of Human Rights and many UN conventions, the US has done more than any other country to develop and strengthen both the concept and the substance of international law. It is nothing less than disastrous that a United States administration should have chosen to show disrespect for the international legal system and weaken it at a time when the challenges facing the planet demand more urgently than ever the discipline of a strong and respected worldwide system of law. Those challenges include globalization at almost every level of human society, the deeply troubling evidence of climate change, and the linked threats of international terrorism and proliferating weapons of mass destruction. It is true that the United States remains broadly committed to the international rules on trade of the World Trade Organization and NAFTA, rules that are important to the United States not least because they protect the rights of US investors and intellectual property rights.

Philippe Sands is a practicing international lawyer and professor in London. Having been involved in many cases before the International Court of Justice in The Hague, he took part in the effort to deny Augusto Pinochet immunity in the UK and has represented the British detainees at Guantánamo.

Along with the other books under review, Sands's *Lawless World* provides a disturbing picture of the state of international law and the part, at times visionary, at other times destructive, that the US had in its development. Sands indicts the United States, with Tony Blair's complicity, for abandoning its commitment to the post-World War II legal and institutional arrangements that both countries, more than anyone else, had put in place. "I am not starry-eyed about international law," Sands writes. "I recognize that it has frequently failed millions around the world and will continue to do so. But do recent events justify a wholesale change of approach?"

Before World War II, governments could act more or less as they wished in international affairs, provided they had the power

to do so. This situation began to change radically when Roosevelt and Churchill proclaimed the Atlantic Charter on a battleship off the coast of Newfoundland on August 14, 1941, at a time when Nazi Germany appeared to be decisively winning the European war. This first sketch of the UN Charter and the international system that was to regulate the postwar world was based on three simple but revolutionary principles. First, states would recognize the obligation to refrain from the use of force in their international relations, and would resort to force only in self-defense or when authorized to do so by the international community—later to be represented by the UN Security Council. Second, they would maintain and respect the "inherent dignity" and "equal and inalienable rights" of all members of the human family. Third, they would promote economic liberalization and progress through free trade and other means.

The Atlantic Charter marked the beginning of the long process that led to the establishment of the UN, the various UN specialized agencies, the World Bank and the International Monetary Fund, the General Agreement on Tariffs and Trade (which after forty-five years became the World Trade Organization), and the 1948 Universal Declaration of Human Rights (in Sands's words "arguably the single most important international instrument ever negotiated"), as well as the Geneva Conventions of 1949 and 1977.

Further steps toward establishing an international institutional and legal order continued with the 1957 International Atomic Energy Agency in Vienna, which has now become an important monitoring and inspection agency; the Nuclear Non-Proliferation Treaty and other arms control conventions; environmental law and institutions; and now the International Criminal Court, and the beginning of a system of legal obligations for states related to the prevention and suppression of international terrorism.

Throughout *Lawless World* Sands's main preoccupation is the damage that current United States policies and actions may do to the respect for international law and its authority, both of which may be decisive in dealing effectively with the global challenges that lie ahead. His concern is well justified. As he notes, the 1997 manifesto of the neoconservative organization Project for the New American Century, signed by such people as Dick Cheney, Paul Wolfowitz, Donald Rumsfeld, and Scooter Libby, proclaimed that the detention of Augusto Pinochet, the new International Criminal Court, and the Kyoto Protocol on global warming were all threats to American security. John Bolton, now United States ambassador at the UN, said at the time that treaties were simply political acts and "not legally binding." Richard Perle declared publicly in April 2003 that the war in Iraq provided an opportunity to refashion international law and undermine the United Nations.

Sands is particularly concerned about the frenzied opposition of the Bush administration to the new International Criminal Court, which has been accepted by one hundred other nations and is now investigating the current genocide in Darfur. The Bush administration, he writes, is using the ICC as "a useful stalking horse for a broader attack on international law and the constraints which it may place on hegemonic power."

As for the rejection of the Kyoto Protocol, Sands recalls with nostalgia that in 1970, another Republican president, Richard Nixon, signed into law the National Environmental Policy Act, the world's first comprehensive attempt to protect the environment. The UN Charter makes no mention of rules governing the environment. Nixon vigorously

supported an environmental program within the UN, and just before the UN's first global conference on the environment in Stockholm in 1972, he proposed a World Heritage Trust to protect regions of such unique worldwide value that they should be treated as part of the heritage of all mankind. The United States was also a leader in adopting the first measures, taken under the Reagan administration in the 1980s, to counteract the depletion of the ozone layer; it did so against the opposition of European governments that were worried about possible unfavorable economic consequences.

Since 1990, when the report of the UN's International Panel on Climate Change revealed a deadly potential threat to islands and other low-lying regions that clearly called for a timely global response, Sands himself has been deeply involved in such issues. He makes it clear that short-term economic considerations have so far taken precedence over the enormous long-term risks involved in doing too little about climate change.

As he points out, the United States and OPEC initially opposed an international convention on climate change or any timetables to reduce and stabilize the emission of greenhouse gases. A preliminary convention, in a very modest form, came into force in 1994. In 1997 the Kyoto Protocol marked a real commitment to action and provided a basis for more far-reaching measures. In signing it, President Clinton praised the protocol as a major step forward. Sands writes that Clinton was then informed somewhat mystifyingly by former Secretary of Defense Dick Cheney and a number of other Regan and Bush officials that the protocol would "hamstring" American military operations and undermine American sovereignty. The Bush administration soon "unsigned" the Kyoto Protocol, claiming among other reasons that the scientific verdict on global warming was not yet in. Alone of all industrialized states, the United States and Australia have not ratified the protocol. Whatever its defects in not adequately controlling emissions from the large Asian economies, it remains an essential preliminary step toward limiting climate change.

The invasion of Iraq that started in March 2003 arouses Sands's deepest objections to what he sees as an unwarranted assault on international law. The invasion itself, without benefit of Security Council authorization, was a blow to the essential basic principle contained in Article 2.4 of the UN Charter, which reads:

"All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

Sands is equally concerned with the violation of international laws in connection with the conduct of the war. In the Guantánamo prison hundreds of alleged "killers," "terrorists," or "unlawful combatants," as they have been variously designated by the United States, have been deliberately put, he writes, into a "legal black hole," from which most of them are unlikely to emerge anytime soon. The basic principle of habeas corpus has seldom if ever taken such a beating at the hands of a leading democracy. The atrocities at Abu Ghraib and elsewhere are plainly in violation of the Geneva Conventions and the UN Convention against Torture. They also set a terrible precedent for the future treatment of captured Americans.

The 1899 Hague Convention, which puts limits on methods of interrogation of prisoners of war; the four 1949 Geneva Conventions, which deal, among many other matters, with treatment of prisoners; and Arti-

cle 75 of the Geneva Protocol I of 1977 mean, in Sands's judgment, that "no person can ever fall outside the scope of minimum legal protections" against violence, torture, threats of torture, outrages against personal dignity including humiliating and degrading treatment, and any form of indecent assault. This list certainly describes what happened in Abu Ghraib and other prisons.

Of course these rules have often been violated by other states, but the United States, since 2001, is unique in claiming, in the words of Deputy Assistant Attorney General John Yoo in 2002, "What the Administration is trying to do is create a new legal regime." This was also presumably the basic notion behind Bush's proclaiming the right to resort unilaterally to preventive war as part of his new national security strategy. To minimize legal constraints on the United States and to extract information from prisoners, Alberto Gonzales, then White House general counsel and now attorney general of the United States, urged the President to declare that the Geneva Convention III of 1949 did not apply to al-Qaeda or the Taliban. "This new paradigm," Gonzales wrote in January 2002, "renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions. . . ."

Although Guantánamo, because it was not in US territory, was chosen partly to avoid such interference, from time to time the US judiciary has tried to stem the administration's flood of expedient revisionism. A federal judge halted the first hearing, after nearly three years, before a special military commission established to try non-American Guantánamo prisoners. He did so on the grounds that the proceedings lacked the basic elements of a fair trial and violated the Geneva Conventions.

Sands is particularly good at picking, from an amazing wealth of material, quotations that capture the eerie atmosphere of the Bush administration in the midst of a war of choice and an unprecedented assault on international law. On the Guantánamo inmates, for example, he quotes Cheney as saying, "They're living in the tropics. They're well fed. They've got everything they could possibly want."

Sands's discussion of the period preceding the second Iraq war are particularly interesting in charting Bush's relatively unobstructed path to war as compared with Tony Blair's far more difficult one. Sands shows that both leaders engaged in much dissembling and tinkering with the truth. He describes the content of the so-called "Downing Street memo," which caused a considerable stir on both sides of the Atlantic when it was later published in full in the London Sunday Times and in these pages.

On March 27, 2006, The New York Times reported on another "extremely sensitive" British memo describing Bush and Blair's private two-hour meeting in the Oval Office in January 2003, of which several highlights were first published in the later edition of Sands's book. The sometimes bizarre quality of these talks make one long for the publication of the full five-page text. Bush apparently suggested provoking a confrontation with Saddam Hussein by painting a US surveillance plane in UN colors in the hope of drawing Iraqi fire. The basic theme of the meeting was Bush's determination to go to war in early March regardless of Security Council resolutions, the findings of UN inspectors, or anything else.

About the performance of the UN Security Council concerning Iraq, Sands concludes:

"The simple fact is that the great majority of states who sat on the Security Council in March 2003 did not consider that the circumstances, as they were then known to be,

could justify the use of force. History has shown that they were right and that the US and Britain were wrong. No WMD have been found. It could be said that the UN system worked. No amount of bullying by two permanent members could buy the votes they wanted."

He could have added that had the inspections been allowed to continue, war probably could have been avoided, with all credit being given to the US for putting the necessary pressure on Saddam Hussein. Instead, the ostensible reason for the US invasion was changed from the alleged threat of WMDs to regime change. Moreover, as Hans Blix reminded the Security Council after inspectors had reached preliminary conclusions about the absence of WMDs, "international inspections and monitoring systems were to stay in place."

Michael Byers states that the objective of his book is to "provide the interested non-lawyer with a readily comprehensible overview of the law governing the use of force in international affairs." Clear and informative, his account is particularly valuable at a time when there is a worldwide debate, arising largely from the Iraq situation—but also relevant to the genocide in Darfur—about the circumstances in which it is legally appropriate for one country to use force against another or for international intervention on humanitarian grounds.

Byers's discussion of self-defense, the justifying condition for the unilateral use of force in the UN Charter, takes up more than half his book. He goes back to the case of the steamship *Caroline*, which was hired in 1837 by a private militia to ferry men and supplies across the Niagara River to support a Canadian rebellion against the British. The British set the ship on fire and floated it over Niagara Falls, later claiming that they did so in self-defense and that their action was justified on political grounds. When the dispute was finally, and amicably, settled in 1842, the American secretary of state, Daniel Webster, conceded that the use of force in self-defense could sometimes be justified as a matter of necessity, but that nothing "unreasonable or excessive" could be done in self-defense.

These criteria—"necessity and proportionality"—were widely accepted as the requirements of a new international legal right to self-defense. Byers emphasizes the importance of this precedent as showing that a country could defend itself without declaring war, and that peace could be maintained even when the right to self-defense was exercised; he traces the development of this concept up to the present time.

The United Nations was the first international organization to combine in its charter the three main rules for maintaining peace: prohibition on the use of force in international affairs (Article 2.4); a provision for the use of force by the Security Council against threats to the peace and acts of aggression (Chapter VII); and an exception for the use of force by governments in self-defense (in Article 51). But the plea of self-defense, as Byers shows, can be complex when it involves forceful action beyond a nation's own territory.

For example, in 1976 an Air France plane with many Israeli passengers aboard was hijacked by Palestinians and taken to Entebbe in Uganda, where non-Jewish passengers were released. Facing a deadline for meeting the hijackers' demand for the release of fifty-three Palestinian terrorists, an Israeli commando team, led by Jonathan Netanyahu, killed the hijackers, rescued the Israeli hostages, and flew them back to Israel. Netanyahu himself was killed. This action is now credited as a precedent for extending the right of self-defense to protecting nationals abroad.

In April 1993 an attempt to assassinate former President George H. W. Bush in Kuwait was thwarted by the discovery of a sophisticated car bomb. When Iraq's involvement in this attempt was established, President Clinton ordered the destruction of Saddam Hussein's Military Intelligence Headquarters in Baghdad by twenty-three Tomahawk missiles. The Security Council did not censure this action, although the use of force without Council authorization was condemned by the Arab League.

The Council did not even consider President Clinton's response to the destruction by terrorists of the U.S. embassies in Tanzania and Kenya when he fired seventy-nine Tomahawk missiles at al-Qaeda training camps in Afghanistan and also at a pharmaceutical plant in Sudan suspected of making chemical weapons for terrorists. Moreover, by authorizing the U.S.-led operation against the Taliban in Afghanistan after September 11, the Security Council also set a precedent for using force against a state harboring terrorists, provided that the terrorists had previously attacked the state concerned.

On the even more controversial question of preemptive self-defense, Byers cites the case of Israel's 1981 attack on Iraq's French-built Osirak nuclear reactor, which the Council unanimously condemned as a grave breach of international law. Byers writes that George W. Bush's policy claiming the right of the United States to use unilateral, preemptive force—widely considered a dangerous example that other states may try to emulate—clearly violates the common-sense criteria of the Caroline case for self-defense. He believes that such a policy as Bush's, if maintained, could even serve as an incentive to some states to try to acquire a nuclear deterrent in self-defense. He quotes the response of the UN Secretary-General's High-Level Panel on Threats, Challenges and Change to Bush's claim of the right of preemptive self-defense: “. . . In a world full of perceived potential threats, the risk to the global order and the norm of nonintervention on which it continues to be based is simply too great for the legality of unilateral preventive action, as distinct from collectively endorsed action, to be accepted. Allowing one to so act is to allow all.”

Byers then examines the current legal status of the relatively recent issue of humanitarian intervention and the obligation to protect populations in distress, even from the actions of their own governments. One of the most important decisions of the UN Summit Meeting of September 2005 was to give a general, although highly qualified, approval to such interventions. But as Byers points out, while Kofi Annan reiterates that the “security situation in Darfur continues to deteriorate and the moral case for action is overwhelming,” the Security Council has so far agreed only to deploying a UN peace-keeping force later this year to take over from the existing African Union force, a move strongly opposed by the Sudanese government. The Council has also, as mentioned above, referred the Darfur case to the International Criminal Court.

Byers's closing chapters on the protection of civilians and prisoners of war, and on the various UN international tribunals, are characterized by mounting frustration at the US administration's contemptuous attitude toward international law and legal institutions. Of the Bush administration's obsessive hostility toward the recently established International Criminal Court he writes:

“Only the United States has actively endeavored to undermine the court. With troops in more than 140 countries, a propensity to intervene under dubious legal circumstances, and interpretations of the laws of war that sometimes differ from those of

other states, the single superpower feels vulnerable to international mechanisms for enforcing international criminal law. Whereas the Clinton Administration sought to negotiate protections against the abuse of international procedures into the statutes of the tribunals it helped to create, the Bush Administration has adopted an entirely hostile stance. . . .

“Since coming to office, President Bush has ‘un-signed’ the ICC statute, pressured the UN Security Council into temporarily exempting US forces from the Court's jurisdiction, and obtained more than ninety bilateral treaties committing individual countries not to surrender US citizens to The Hague. Bush has even signed legislation that authorizes him to use military force to secure the release of any US service member detained by the ICC. The law is popularly known as ‘The Hague Invasion Act.’”

Since under the present ICC statute it is virtually impossible that the Court would detain a US soldier, this exceptional—even paranoid—brand of US exceptionalism can only add to the frustration of the nations seeking a fair and workable international legal system.

When the UN Preparatory Commission was setting up the world organization in London in the fall of 1945, the European colonial powers could sometimes scarcely contain their resentment of what they saw as the self-righteous attitude of the US delegation toward European colonialism and its abolition. Their resentment occasionally took the form of rather feeble allusions to the fate of American Indians; but I cannot recall a single reference to America's many efforts at regime change in the fairly recent past. These actions are the subject of the first part of *Overthrow*, Stephen Kinzer's wonderful chronicle of America's interventions in foreign countries.

Kinzer describes three periods of American intervention: first the “Imperial Era” between 1893 and 1910 (in Hawaii, the Philippines, Cuba, Puerto Rico, Nicaragua, and Honduras); second, the “Covert Action period” between 1953 and 1973 (in Iran, Guatemala, South Vietnam, and Chile); and third, the “Invasions” since 1983 (in Grenada, Panama, Afghanistan, and Iraq). The original announced aim was to help anti-colonial patriots to achieve success, as in Cuba and the Philippines; and then, to the patriots' surprise, the U.S. would establish an authoritarian protectorate. The reasons for doing so were usually presented as extending the advantages of American democratic principles and protecting U.S. security. In practice, as Kinzer shows, the principal aims were to establish the right of U.S. business to act as it wished, to satisfy a new national ambition for expansion, and to add to the strength of the U.S. economy.

Kinzer quotes a letter from John L. Stevens, the American minister in Honolulu, on January 16, 1893, to Captain Gilbert Wiltse, the commander of the cruiser *Boston*. He comments, “Its single sentence is a dry classic of diplomatic mendacity, full of motifs that Americans would hear often in the century to come.” The letter reads:

“In view of the existing critical circumstances in Honolulu, indicating an inadequate legal force, I request you to land marines and sailors from the ship under your command for the protection of the United States legation and the United States consulate, and to secure the safety of American life and property.”

That, effectively, was the end of the courageous Queen Liliuokalani's resistance to the American annexation of Hawaii.

Although there were impassioned opponents of such actions in the United States, William James among them, Kinzer shows

that the expansionist mood of the 1890s was already producing justifications that sound all too familiar today. American presidents and military officers, then as now, said they were intervening in struggles of “good and evil” for humanity's sake and had God's guidance in doing so. “The parallels between McKinley's invasion of the Philippines and Bush's invasion of Iraq were startling.” Kinzer writes:

“Both presidents sought economic as well as political advantage for the United States. Both were also motivated by a deep belief that the United States has a sacred mission to spread its form of government to faraway countries. Neither doubted that the people who lived in those countries would welcome Americans as liberators. Neither anticipated that he would have to fight a long counterinsurgency war to subdue nationalist rebels. Early in the twenty-first century, ten decades after the United States invaded the Philippines and a few years after it invaded Iraq, those two countries were among the most volatile and unstable in all of Asia.”

Kinzer's book is particularly enlightening about the consequences of such unilateral interventions. He writes:

“If it were possible to control the course of world events by deposing foreign governments, the United States would be unchallenged. It has deposed far more of them than any other modern nation. The stories of what has happened in the aftermath of these operations, however, make clear that Americans do not know what to do with countries after removing their leaders. They easily succumb to the temptation to stage coups or invasions but turn quickly away when the countries where they intervene fall into misery and repression.”

Brushing aside fifty years of international law in the name of the “global war on terrorism” is a bad idea for everyone, including the United States. Violating global rules undermines both America's authority and standing and its long-term strategic interests. An already globalized and interdependent world cannot permit a return to a situation where each nation is entirely free to act as it wishes.

To use Sands's words, the United States, like other countries, badly needs international agreements and international cooperation to promote and protect its own interests, and cooperation requires rules. The conclusion seems plain: the United States should renege in respecting and developing the rule-based system that it largely initiated after World War II and which has for many years served it well.

Such an approach could certainly not have worse consequences than the recent attempt to abandon the idea of international restraint and go it alone. Some US administrations have vigorously supported international regulation in the past. On April 1, 2005, Secretary of State Condoleezza Rice told the annual meeting of the American Society of International Law that the US “has been and will continue to be the world's strongest voice for the development and defense of international legal norms.” She added that America “has historically been the key player in negotiating treaties and setting up international mechanisms for the peaceful resolution of disputes.” As Sands comments, “These are important words, but they remain just that.”

A more down-to-earth perception of the situation was expressed in May 2004 by US Senate Foreign Relations Committee Chairman Richard Lugar, who was speaking of the U.S. Senate's delay of some ten years in acceding to the Law of the Sea Treaty, a delay largely caused by those Americans who have argued that the treaty restricts the exploration and exploitation of the seabed. Lugar

posed the question that the US has still to face:

"If we cannot get beyond political paralysis in a case where the coalition of American supporters is so comprehensive, there is little reason to think that any multi lateral solution to any international problem is likely to be accepted within the US policy-making structure."

HONORING THE ACHIEVEMENT OF
MR. LESTER (LES) WILLIAMS

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2006

Mr. CLEAVER. Mr. Speaker, I proudly rise today to pay tribute to Mr. Lester (Les) Williams for his recognition as "Labor's Representative of the Year for 2006" by Labor's Educational and Political Club Independent (LEPCI). He is President, Business Manager, and Member of the Executive Board of Construction and General Laborers' Local Union Number 264. As the eighth recipient of this prestigious award, Les joins an elite list of other dedicated and deserving individuals. His unwavering resolve to the betterment of the Kansas City community and its workers is the reason for this recognition and celebration.

Les is a political activist and humanitarian whose legacy continues to enrich the lives of all Kansas Citians. His dedication and commitment to the Labor Movement has spanned 38 years. In July 1985, Les was elected Vice President, Executive Board Member, and Field Representative of Construction & General Laborers Local Union No. 264. In May 1988, he was elected to his current positions of President, Executive Board Member, and Field Representative of Construction & General Laborers Local Union No. 264.

Les's reputation as a leader extends beyond the borders of the Fifth Congressional District of Missouri. He serves as President of Western Missouri & Kansas Laborers' District Council, Vice President of the Greater Kansas City AFL-CIO, Chairman of the Greater Kansas City Laborers' Pension Fund, Secretary of the Greater Kansas City Laborers' Health & Welfare Fund, Chairman of the Board of Trustees of the Greater Kansas City Laborers' Training Fund, and as Secretary of the MO-KAN CISAP Fund. Mr. Williams is a member of the Executive Committee Board of the African American Caucus for the Midwest Region of the Laborers' International Union of America and also serves on the Executive Committee of the United Way and is Vice Chairman of Working Families Friend. He is also very active in Democratic politics, serving on the Executive Committee Board for the Missouri Democratic Party.

Born in Kansas City, Missouri, in 1948, Les completed his elementary and secondary education in the Kansas City, Missouri, school district, a graduate of Manual High & Technical Vocational High School. Les is a proud father and husband, having been married to his wife, Judy, for 39 years.

Mr. Speaker, please join me in expressing our heartfelt gratitude to Mr. Les Williams for his relentless efforts in protecting and assisting the rights of others, while extending the labor movement, not only within the boundaries of the Fifth Congressional District, but

within the United States and the entire global community. He represents the best in all of us. I urge my colleagues of the 109th Congress to please join me in congratulating Les on being honored as "Labor's Representative of the Year for 2006."

HONORING MAYOR RONDELL
STEWART OF INDEPENDENCE,
MISSOURI

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 9, 2006

Mr. CLEAVER. Mr. Speaker, I proudly rise today to pay tribute to Mayor Ron Stewart, the arbitrator, peace maker and enthusiastic Mayor for the City of Independence, Missouri. After providing 12 years of planned economic advancement and growth for the city of Independence, Mayor Stewart has decided to retire.

For 45 years Ron Stewart has made Independence a safer and more productive city. He began his career at the City on the Independence Police Force where he served for 31 years. He cultivated an appreciation and understanding of the City and its problems. Upon retirement he was encouraged to run for the Independence City Council and won. Two years later he ran for Mayor. The citizens of Independence elected Ron Stewart every time he ran for office. The All American City appreciates and enjoys every positive objective initiated by Ron Stewart aimed at building a brilliant future while preserving a rich heritage.

During his three terms as Mayor he stimulated vibrant economic growth by working with public and private entities, and community organizations. He made it a priority to work closely with the Independence Chamber of Commerce, built partnerships with neighboring cities, championed relationships between state and federal elected officials, and strengthened international relationships with Sister City Higashimurayama, Japan.

The Mayor persuaded the City of Independence to pass a sales tax to repair a debilitating infrastructure. As a result of his leadership, streets continue to be repaired and built, a critical Storm Water Control problem has been rectified through increased maintenance and repair, the City's water supply system has been upgraded, electrical supply increased, and a nonfunctioning Parks Department now serves the city with new facilities, programs and refreshed parks.

His honors and awards are numerous and include the United States Department of Transportation, Appreciation for Distinguished Leadership Award, 2000; The Jackson County Inter-Agency Council, Community Service Award, 1999; The Jackson County Historical Society Award for Service, 1998; Chamber of Commerce, Distinguished Citizen Award, 1996; Kentucky State Police, Division of Department of Public Safety Award, 1966. He is a member of the F.O.P. Lodge 1; National FBI Academy, Masonic Blue Lodge 76, Ararat Shrine, South Independence Optimist Club; American Legion Post 21; Fraternal Order of Eagles; Moose Lodge Rotary and the Lions Club.

The citizens of Independence know Ron Stewart as a no-nonsense type of guy whose

integrity has brought trust. He appreciates his life's treasures that include his family and his wife Marilyn who has been by his side for more than 46 years. He is a musician that enjoys singing and playing his steel guitar in his band, "Country by Choice". He rode into public service as a young Independence motor cycle patrol officer and continues to enjoy riding on his Harley-Davidson. His departing documentary was a video that followed the Mayor on his Harley-Davidson as he recounted his proudest accomplishments throughout the city.

Mr. Speaker, I ask that you and our colleagues in the House join me in saluting the Mayor of Independence, Ron Stewart, for his leadership and many accomplishments for the City of Independence, Missouri. We wish him the very best as Mayor Stewart leaves public office with a song in his heart and time to explore on his Harley. Thank you, Ron Stewart for choosing to serve. You elevated Independence, Missouri to an All-American City.

RECOGNIZING SHANE DANIEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2006

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Shane Daniel of Liberty, Missouri. He has spent many hours of study and preparation as a member of the Liberty High School Science Bowl Team. After numerous competitions and a victory in the regional competition, the Liberty High School Science Bowl Team earned a spot to compete in the 2006 National Science Bowl Competition in Washington, DC.

As one of America's best and brightest, Shane has been an accomplished student. As a student who loves competition, Shane is a member of the Varsity Scholar Bowl team, Future Business Leaders of America, and the cross-country team. He enjoys studying physics, chemistry, and mathematics, hoping to attend the University of Chicago to study in the sciences.

Mr. Speaker, I proudly ask you to join me in recognizing Shane Daniel, an outstanding student from Liberty, Missouri. As a top student who is committed to science and mathematics, Shane will certainly have a bright and fulfilling future. I commend him for his achievements and I am honored to represent him in the United States Congress.

IN SPECIAL RECOGNITION OF
TRAVIS S.C. ROOT ON HIS AP-
POINTMENT TO ATTEND THE
UNITED STATES AIR FORCE
ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 10, 2006

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to an outstanding young man from Ohio's Fifth Congressional District, I am happy to announce that Travis S.C. Root of Norwalk, OH, has been offered an appointment to attend the United States Air Force Academy at Colorado Springs, CO.