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WITHDRAWING FROM THE UNITED NATIONS

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by
Dr. James P. Lucier, Sr.
Board Member, The Conservative Caucus, Inc.
and Former Minority Staff Director,
U.S. Senate Foreign Relations Committee
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Prologue: The New Isolationism

United States foreign policy today is plagued with a new isolationism. But it is not the old-fashioned isolationism that is raised like a bogeyman on a stick whenever Americans express doubts about the policies pursued by the foreign policy elite. No one seriously maintains that the United States can remain isolated from the movements swirling around our country in a world so interrelated in trade, finance, communications, and ideas.

The question is how to deal with other nations while keeping our sovereignty, our freedom, and our independence intact. We must ask ourselves: Can the United States keep its head straight, and keep its own laws and Constitution? Can the United States continue to set its own policies, or will we surrender to the decisions of an international collective of nations?

There are those who would very much like to see the attributes of U.S. nationhood fade away. It is not just the power of the United States that they fear; what they fear is the set of ideas that still makes the United States the most powerful nation on earth. For the ideas of America are a sign of contradiction to the way the rest of the world operates. The overwhelming success of the United States in political organization, its ability to continually renew itself with unimagined inventions and brilliant enterprises, and its astonishing cultural impact—for good and for bad—on billions of people around the world does not depend upon our material resources. It depends upon a set of ideas—religious, political and legal—that may not be easy to replicate elsewhere. These are the ideas that have set us free. They have set us free to worship, to think, to act, and to be Americans.

Out of that spiritual freedom has come our material prosperity. Material prosperity is a renewable resource, if the freedom remains intact. It is the fruit of freedom, but it is not the essence of what America means. If our economy were to collapse, a lot of people would undergo a lot of suffering. But the United States would rebuild, just as at the present time it has generated the longest period of intense economic development the world has ever seen. For this reason the United States has become the beacon of hope for millions of people who want to get here by hook or by crook and leave their stagnant and failed countries behind. The power of these ideas to inspire people all over the globe creates an ongoing challenge to those who think the world should be organized on very different principles

Some people confuse material prosperity with freedom. They think that governments can assign a share of material prosperity to everyone, providing that the freedom to worship, think, and act is curtailed for the common good. They do not understand that prosperity and invention arise out of spiritual and intellectual freedom. They want to impose limits and barriers. They want to isolate human beings as individuals not connected to traditional social units, such as families, neighborhoods, and churches. In place of families, they think of collectives, planning and rules set by experts. They start with the notion of redistribution, not expansion.

THE GLOBAL COLLECTIVE VS. AMERICA

It is not surprising that the redistributionists identify the spirit of America as the most dangerous threat in the world to their outlook. The United States is a threat to peace because it is so powerful, and because its spirit is untamed. If the ideas of the United States should prevail, if the United States should remain independent and in a position to make decisions by itself, these decisions could affect the world. The issue is not whether the United States will be engaged in its national interest on the world scene, but whether it will be engaged collectively or as the leader. If the United States remains an independent leader, then the global collective of nations would be in mortal danger. That global collective is the United Nations.

THE UNITED NATIONS IS WORLD HEADQUARTERS FOR THE CHURCH OF HUMANISM

The fundamental doctrine that the world should be a global collective, redistributing equal shares to every inhabitant on earth, is not a political idea. It is a religious cult. It replaces faith in the Divine Creator with faith in Humanity. It is the centerpiece of the modern idolatry of Man. The established church of this religion is the United Nations Organization. Its believers have a complicated theology that goes beyond the Organization itself, a way of looking at life, a way of organizing society on all levels, a way of educating and training the next generation. Their concepts of peace enforcement, human rights, population, habitat, and environment are supported by, but do not depend upon the

Organization. These people are believers, but they do not believe in God. Their belief is UNbelief, and it is fair to characterize them as the UNbelievers.

AMERICA'S RELIGIOUS LIBERTY IS UNDER ATTACK FROM THE **UN**BELIEVERS

For the UNbelievers, the very name of the United Nations is a sacred name. It inspires religious awe and devotion. Outsiders may call it the United Nations, or the UN for convenience, but for the devotees it is *the Organization*. In the UN Charter, it is always refered to as the Organization, with a capital "O," as though any other example of organization were superfluous, even sacrilegious. And even though the media never refer to it except as the United Nations, its press releases, even today, always use the sacred term.

RATIONING, REDISTRIBUTION, AND REVOLUTION

Within the overt doctrine of redistribution is concealed a hidden teaching, the doctrine of rationing. The UNbelievers are driven by a desperate conviction that some people have too much. It is not so much that they want to give more to the have-nots out of compassion. No, they have the gnawing feeling that everyone is using up too much of the earth's resources, except for the most primitive (and backward) tribes living on a subsistence level. They say that the advanced nations, in their arrogance, are injuring the earth, but the backward tribes are *one with the earth*. The UNbelievers are essentially opposed to the central tenet of Western Civilization that man is a rational animal composed of body and soul. They believe that there is no essential difference between man and the animals, or man and trees, birds, snakes, or protozoa. Human beings and their unruly desires have to be subordinated to the needs of the Earth.

THE POLITICS OF PAGAN RATIONALISM

For the Earth is the Great Mother. The exterior of UNbelief is the façade of the rational Organization: Impressive documents full of political programs, budgets for peacekeeping; scientific and statistical studies, debates in the General Assembly, votes in the Security Council. But there is an esoteric doctrine behind the rationalist exterior. UNbelief is a mystery religion that reveals its true doctrines to trusted initiates step by step, with the innermost secret known only to a handful of powerful men and women.

IDOL WORSHIP ENSHRINED AT U.N. HEADQUARTERS

The crime of injuring the earth means that Man is injuring the Great Mother. The religion of pagan Greece and Rome were religions of the State. Citizens were not expected to have any personal relationship with the gods, or any feeling of moral guilt; what counted was that all the external rituals were performed correctly. Failure to perform the rituals was an act of treason, particularly in ancient Rome where the Emperor was the god personifying the State. But parallel with the state religions were the mystery religions which secretly worshiped the Great Mother. In the temples of Mithra, in the caves of Eleusis and Delphi, in the cult centers of Cybele, and in the rooms of Pompei where the rites are still depicted on the walls, devotees wept for the Great Mother and offered atonement. They believed that the Earth was born of the Great Mother, Gaia, and that all men and women were her children.

These religions represented the last stages of the inner collapse of Hellenism and the Roman Empire. In the succeeding millenia, the rise of Christianity completely changed the outlook of civilization. Instead of a set of empty rituals, Christianity insisted on a God who is the Creator of earth, and external to it. God also created all men, and put them in charge of the earth. But when man fell, a breach was created between Man and God, a breach that must be repaired. Out of the Creator's plan to overcome this breach came the whole system of personal responsibility and moral values.

CHURCH OF THE **UN**BELIEVERS

When the UN Headquarters Building was built in 1946, the architects included a Meditation Room in which the only object available to worshipers is the rectangular Black Rock, a symbol of the tellurian underworld thrust up from the darkness below. This Black Rock is the hidden Goddess. It is the rock upon which the Church of the UNbelievers is built, and the center of the Organization.

Therefore, the UNbelievers reason that any threat to the Organization, is a threat to world order. [Only the naïve call it "the New World Order," because the Holy Doctrine holds that this is the Order than has been pre-ordained from all time, the intrinsic Order of the Universe sought by thousands of esoteric savants through the centuries.] Now that the attainment of the Order is within grasp, the UNbelievers cannot allow a rogue nation, such as the United States to remain outside the consensus imposed by the Organization. The tendency of the United States to act independently must be isolated, tamed, broken. The United States must become a docile member of the collective, willingly accepting direction from the consensus of the other nations, until it is perfectly trained to defer to the planning committees now deciding how to redistribute the world's wealth on an equitable basis. This is the new isolationism.

WILL AMERICA BE BOUND AS GULLIVER?

In Jonathan Swift's *Gulliver's Travels*, the miniature Lilliputians took secret counsel about what to do with this cumbersome giant in their midst. So while Gulliver was sleeping, they wove slender strands over his recumbent body, and firmly attached them to stakes in the ground. If Gulliver had awakened at the beginning, he could have snapped any of the silken bonds in a twinkling. But as he slept, more and more strands were interwoven, until he was tightly bound in a cocoon. When he awoke, he had been completely isolated, and could not move.

COLLECTIVE ACTION IS THE "INTERNATIONALIST" STRATEGY TO ISOLATE AMERICA

The new isolationists have adopted the same program. The United States must be isolated, step by step, never too much at one time lest the giant awake. The United States must never be allowed to take unilateral action in its own national interest. The UNbelievers believe firmly that the way to do so is to impose gradually the full program of the United Nations as the grand collective of all nations.

U.N. "REFORM" EXACTS U.S. INDEPENDENCE AS ITS PRICE

The program laid out in the UN Charter but not yet fully implemented must come into full flower with the addition of certain reforms. There has been much talk in the United States about UN reforms. But inside the UN the word "reform" has a different meaning. These reformers want

GLOBAL TAXATION WILL RENDER U.S. CONGRESS AND CONSTITUTION IRRELEVANT

a United Nations that is made more "democratic" by the removal of the checks and balances that protect the interests of the five permanent members of the Security Council, and

a United Nations that becomes self-sufficient through the institution of a global system of taxation so that the operations of the United Nations are no longer dependent upon funding by a backward and ignorant provincial body like the U.S. Congress.

U.S. MAKES INCREMENTAL CONCESSIONS IN THE CONTEXT OF A U.N. PREMISE ALIEN TO LIBERTY

The UNbelievers constitute a large and powerful body of opinion within the international policy elite throughout the world. They dominate virtually the entire body of opinion in the foreign policy elite of the United States. Together they are so committed to this idea of the global collective, so extreme, that they no longer realize the depths of their fanaticism.

From the very foundation of the United Nations in 1946 until the present time, many Americans have felt that the world organization was an alien presence, a subliminal threat to the security and independence of the United States. This view was soundly ridiculed from two opposite directions.

THE GLOBAL COLLECTIVE BENEFITS GLOBALIST CORPORATIONS

Of course, Americans who voiced any of these doubts were attacked by the UNbelievers and their allies. And it should be recognized that not all the UNbelievers are academic crackpots or members of the foreign policy elite. The group counts as allies many influential businessmen, bankers, and financiers to whom national boundaries are annoying and anachronistic obstacles to the accumulation of power and wealth. They may not be cultists, but the cult of UNbelief suits their purposes just fine.

That is why intense pressure is put upon Senators and Members of Congress to accept incremental elements of the globalist agenda. That pressure includes massive campaign contributions and access to favorable local and national media, and membership in exclusive brotherhoods and elusive societies. Both major political parties are dominated by hidden personal networks and unexplained cash flows from those whose aim is to isolate the United States from the independent exercise of its own power. The reckless scramble of the Clinton Administration to receive illegal campaign contributions from Communist China is matched by the avidity of former Republican administration officials to secure billions of dollars worth of oil concessions in the Soviet Union and Azerbaijan.

HEADSTRONG "PRAGMATISTS" CONCLUDE IT REALLY DOESN'T MATTER

The result is that there is another group of people who are not UNbelievers at all, but are very convenient to the cult. We shall call this other group the cynics—a group broadly represented in the U.S. Congress. They dismiss the UN as silly and irrelevant, a kind of costume party on the East River that is sometimes good for the United States as a public relations forum. They love to attack waste, fraud and abuse at the United Nations because such attacks are popular with their constituents. By attacking waste, fraud, and abuse, they can convince the voters that they are hard-nosed about the United Nations, while preserving their roles as "statesmen." But waste, fraud, and abuse are side issues compared to the fundamental rot at the core of the UN concept. It is hard to find a single Senator or Congressman prepared to criticize the doctrine of collective action that permeates the UN Charter.

"WASTE, FRAUD, AND ABUSE" ARE NOT THE PROBLEM

As long as no one except the UNbelievers took the UN seriously, it was no practical threat to the sovereignty and independence of the United States. Generally speaking, U.S. political leaders have used the UN as a toy, picking it up at whim and shaking it whenever it seemed to be a convenient way to attract attention to U.S. policy. Senators and Congressmen have looked on funding for the UN as a ritual waste of money, placating the tiny but powerful forces in this country who are embarrassed by the exercise of U.S. sovereignty in a global world.

THE U.N. IS CONCEPTUALLY IN CONFLICT WITH OUR DECLARATION OF INDEPENDENCE AND CONSTITUTION

The very concept of the United Nations logically contradicts the fundamental rights of U.S. sovereignty, the common law, and the rule of law contained in the U.S. Constitution. In the early years of the UN's existence, the United States solved the logical contradiction by ignoring the contradiction. Our leaders gave lip service and funding to the principles of the United Nations, but in practice they conveniently avoided accepting the logical conclusions of UN doctrine.

SOVIET RECALCITRANCE DELAYED THE **UN**BELIEVER'S AGENDA

In not taking the United Nations seriously, they were aided and abetted by the hardheaded recalcitrance of the Soviet Union. The refusal of the Soviet Union to cooperate in the gradualist program of the UNbelievers was a threat to the long-range goal. The Soviets couldn't wait to win, and collapsed from the effort. It's possible to say that the Cold War saved us from surrender to the United Nations.

But now the contradictions between the sovereignty and independence of the United States and the hegemony of the United Nations are slowly, but surely being resolved in favor of UN domination. Those who, from the very beginning, understood that the United Nations is an alien presence in our midst, a blatant denial of the spiritual freedom that is the essence of the American system, are being proved correct.

NO U.S. SENATOR OPPOSED SUBMISSION TO U.N.'S FALSE CLAIM OF DEBT

With the collapse of the Soviet Union in 1989, U.S. political leaders are now rushing to embrace the principles and doctrine of the United Nations, and agreeing to subject U.S. citizens to the UN regime. In June 1997, the U.S. Senate voted 95 to 5 to allow the United Nations to impose a $900,000,000 tax on the United States in the guise of "back

dues." The five Senators who voted against the tax protested that the United States had no right to impose conditions on its payment—as though illusory conditions in themselves were not an affirmation of an underlying obligation to bow in obeisance the Strange Goddess of Globalism. In the past, Americans considered themselves to be citizens of the United States. More and more, they are being transformed into subjects of the United Nations. The extremists, the UNbelievers, dominate the political debate, and consign the moderates, whose only goal is to preserve their country, into the outer darkness.

1. The Organization of the United Nations

UNbelievers like to refer to the United Nations as the Organization, with a capital O. In fact, the official name is the United Nations Organization, and in its early years the common abbreviation was UNO. But it is more than just any organization. It is the Organization set up to organize the world.

The United Nations is a group of institutions, rather than a single entity. It has 185 Member states. **The main Organization consists of the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, the Secretariat, and The International Court of Justice.** It has its principal functions in New York, Geneva, Paris, Rome, and Nairobi.

A. Its Purposes

The purposes of the United Nations, according to the Preamble to the United Nations Charter, are "*to save succeeding generations from the scourge of war," "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small," "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained,"* and *"to promote social progress and better standards of life in larger freedom."*

Although these are high-sounding phrases, each one contains code words that have a special meaning in the context of UN doctrine. The words may sound familiar, but they stand for concepts and processes that are the opposite of what Americans consider to be human freedom and dignity. Moreover, the implementation of each objective requires increasing levels of centralized control and surrender of the sovereign autonomy of nations.

B. The General Assembly

The General Assembly consists of all Members of the United Nations. Each Member can send five delegates, but has one vote. The General Assembly can receive recommendations and discuss any topics, and pass any resolutions it chooses, except for certain topics reserved to the Security Council. But the resolutions of the General Assembly are not binding upon any Member. It is this vague mandate that has given the United Nations the reputation of being a "debating society," [for negative critics], and "a good place to let of steam and defuse tensions" [for those attempting to put a positive spin on something that is worthless].

Certain topics in the General Assembly, relating to the United Nations itself, are defined as "important questions," and require a two-thirds vote. These include recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of members of the Trusteeship Council, the admission of new Members, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the Trusteeship system, and budgetary questions. These are largely housekeeping measures.

No member has ever been expelled, technically speaking, since the General Assembly's vote to expel Taiwan in fact was considered as a matter of recognizing an alternative delegation, the Beijing delegation, as the representative of all China instead of the historic delegation representing one of the founding Members, the Republic of China.

C. The Security Council

THE SURRENDER OF ULTIMATE RESPONSIBILITY FOR NATIONAL DEFENSE

The General Assembly cannot decide upon any actions with regard to maintaining peace, but can only make recommendations to **the Security Council**. Indeed, the Charter states that the Members *"confer on the Security Council the primary responsibility for the maintenance of international peace and security."* That is an extraordinary delegation of sovereign power. If taken literally, it means the individual members are turning over their national defense, a prime attribute of national sovereignty to a collective international body. This delegation of power becomes even more emphatic in the next phrase: *"[The Members] agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.*" This authority is equivalent to giving a lawyer the power of attorney to handle one's financial affairs.

SURRENDER OF POLICY CONTROL

Not only do Members agree to delegate power, but they agree to "accept and carry out the decisions of the Security Council in accordance with the present Charter." So even if a Member opposes a decision of the Security Council (whether a member of the Security Council or not), that Member must actively accept the decision and put it into effect against its own national interests.

NO PRESIDENT OR CONGRESS HAS THE RIGHT TO WITHDRAW ACCOUNTABILITY OF POLICY FROM AMERICAN CITIZENS

At the time of the San Francisco Conference, this delegation of authority did not appear to be dangerous to the interests of the great powers, because the five original "Allies" of World War II retained the authority to veto actions in the Security Council. But this view overlooked the proclivity of diplomats to succumb to peer pressure to "go along to get along." For decades the United States never exercised its veto, and criticized the Soviet Union, which used it regularly, as being not really sporting. Since the Reagan era, the United States has used the veto on occasion. Now there is pressure to dilute the veto, or remove it entirely.

The Charter provides for fifteen members of the Security Council. Five are so-called "permanent" members—The Republic of China, France, the Union of Soviet Socialist Republics (now Russia), the United Kingdom, and the United States. Ten "non-permanent" members are elected every two years by the General Assembly. Each member has one vote on the Council. On procedural matters, a tally of nine affirmative votes carries the question. On all other matters, there must be nine affirmative votes, including the concurring votes of the five permanent members—the so-called veto. Proposals for diluting the veto include raising the number of permanent members [such as including Germany and Japan], but not increasing the number of concurring permanent member votes required beyond five. Others attack the whole idea of permanent members as undemocratic.

The Security Council is charged with actions to bring about the pacific settlement of disputes or to overcome threats to the peace, breaches of the peace, and acts of aggression. It is in obedience to these provisions that President Clinton ordered U.S. military personnel, such as Specialist Michael New, to take off their uniforms, remove the American flag, and don the Blue Helmets of the UN peacekeeping missions. These issues will be discussed in more detail below.

D. The Economic and Social Council

The Economic and Social Council is at the heart of the effort to bring centralized economic distribution and central control of social structures to every country. According to Article 55 of the Charter, the United Nations has a broad mandate in this field:

With a view to the creation of conditions of stability and well being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

> *a. higher standards of living, full employment, and conditions of economic and social progress and development;*
> *b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and*
> *c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.*

In Article 56, the Charter goes further*: "All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55."* This provision is based on the Marxist ideology that poverty creates revolution and unrest, when, as a matter of fact, most revolutions are organized and directed by spiritually disaffected individuals from the middle-class or the well to do.

The phrase "equal rights" is a code word in UNspeak for the redistribution of the world's assets. The phrase "self-determination" does not mean a republican form of government based on constitutions, laws, and settled customs (as prescribed in our own Constitution), but rather a government imposed by intellectuals and ratified by narrowly drawn propositions put to a vote of the illiterate and uniformed. To be blunt, peaceful and friendly relations among nations is based on competition, openness to investment, rules for the protection of property rights and earnings, and the development of market economies for all.

In the 50 years since this language was written, history has amply demonstrated that the best was to "promote" higher standards of living, full employment, and economic development is for the government to get out of the way, cut taxes, deregulate, create sound money, and provide a stable system of law to protect property rights and the fruits thereof. Yet the track record and programs of the United Nations clearly reveal that its "solutions" are based upon redistribution, rationing of resources, and curtailment of development.

E. The Trusteeship Council

It is puzzling to understand the purpose of the **Trusteeship Council** since the last territories in Trusteeship were freed from UN oversight years ago. Yet in all the calls for reform, no one has ever proposed abolishing the Trusteeship Council or the large payroll that supports the onerous duties of the staff. Perhaps the UNbelievers are preparing for the day when sovereign nations that balk at the decisions of the collective will necessitate the revitalization of the Council.

F. The International Court of Justice

The **International Court of Justice** is located at The Hague, in the Netherlands. The World Court considers only disputes between nations; it does not try individuals. It operates under the **Statute of the International Court of Justice,** which will be discussed in detail in a following section. The Criminal Court for the Former Yugoslavia and the Criminal Court for Rwanda also operate at the Hague, but are not connected to the International Court of Justice. The Criminal Courts do not have any founding statute, are not authorized by the Charter, or supported by any multilateral treaties. Issues involving the International Court of Justice will be discussed in a following section.

G. The Secretariat

The **Secretariat** is headed by the **Secretary-General** and is the administrative function of the Organization. The Secretary-General acts in that capacity at all meetings of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council. The Secretariat may have "such staff as the Organization may require." The Secretariat is better known as an international center of waste, fraud and abuse, and has been the target of several fruitless reform efforts by members of Congress. Most observers would be astonished to learn from the Charter that *"The paramount consideration in the employment of the staff shall be the necessity of securing the highest standards of efficiency, competence, and integrity."*

H. The Specialized Agencies

The UN Charter also provides for the creation of **specialized agencies**, which are brought into relationship with the United Nations through the Economic and Social Council. Some of these are under the direction of the Organization, and receive their contributions through "voluntary contributions" from Members. The best known of these are the World Health Organization, UNESCO, and the United Nations Development Program. In addition, the United Nations claims affiliation with autonomous organizations which have their own governing structure, such as the World Bank, the IMF, WTO (formerly GATT) and others. The United Nations also has Regional Commissions for regional planning, such as the Economic Commission for Europe, the Economic and Social Commission for Asia and the Pacific, the Economic Commission for Latin America and the Caribbean, the Economic Commission for Africa, and the Economic and Social Commission for Western Asia.

Many of the specialized agencies were in existence before the UN was founded, while others were established later. The list includes the following, with the date of establishment following each name:

- International Telecommunication Union (ITU) [1865],
- World Meteorological Organization (WMO) [1873],
- Universal Postal Union (UPU) [1874],
- World Intellectual Property Organization (WIPO) [1883],
- International Labor Organization (ILO) [1919],
- International Bank for Reconstruction and Development (IBRD or World Bank) [1945],

- International Monetary Fund (IMF) [1945],
- Food and Agriculture Organization of the UN (FAO) [1945],
- UN Educational, Scientific and Cultural Organization (UNESCO) [1946],
- International Civil Aviation Organization (ICAO) [1947],
- General Agreement on Tariffs and Trade (GATT, now World Trade Organization, WTO) [1948],
- World Health Organization (WHO) [1948],
- International Finance Corporation (IFC) [1956],
- International Maritime Organization (IMO) [1958],
- International Development Association (IDA) [1960],
- International Fund for Agricultural Development (IFAD) [1974],
- UN Industrial Development Organization (UNIDO) [1986],
- Multilateral Investment Guarantee Agency (MIGA) [1988].

Several of these agencies, however, are not under the direct control of the United Nations Organization, and have their own independent budgets. These include, the World Bank (IRDB), the IMF, and WTO. These organizations require lengthy study, and are outside the scope of this paper.

Generally speaking, services of value are performed only by the organizations which have been in existence for a century or more, such as the International Telecommunications Union, the World Meteorological Organization (which coordinates weather services), the Universal Postal Union (which establishes agreements for the exchange of mail), and the World Intellectual Property Organization (which coordinates world copyright procedures). But in a world transformed by private enterprise, the Internet, and satellite technology, these groups are approaching marginal value, and could easily be privatized by commercial entities or replaced by up-to-date private voluntary organizations financed by subscription. Only ideological fondness for supra-governmental agencies justifies their continued existence as international entities.

Out of the rest of the list, only the International Civil Aviation Organization and the International Maritime Organization perform useful services, since they regularize the rules for air safety and traffic control, essential to the smooth networking of thousands of carriers every day. But there is no reason why they couldn't be transformed into users' organizations. The rest of the specialized agencies are more pernicious than helpful, based as they are on concepts of planning and the command economy, and their abolition would be a great leap forward for the entire planet.

I. Payments to the United Nations

The payments which the United States makes to the United Nations Organization and its affiliated agencies are of three types: So-called "assessed contributions," "voluntary contributions," and "replenishments." In the polite diplo-speak of the international diplomats, the payments loosely referred to as "dues" are called "assessed contributions," even though "contribution" in ordinary discourse suggests a voluntary action. The implication is that the assessments constitute an obligation to pay, although for many years Congress no longer recognized such an obligation in practice. In fact, there is no obligation to pay, which makes the recent action of the U.S. Senate to pay "back dues" all the more mind-boggling.

The assessed contributions pay for the operations of the Security Council, the General Assembly, the Secretariat, although the assessments for peacekeeping missions are made separately. The assessments for peacekeeping have grown so rapidly in the past few years that they now amount to triple the general assessments. In 1988, when Secretary General Perez de Cuellar took office, there were 9,570 military personnel deployed in UN peacekeeping missions, at an annual budget of $230.4 million. By the time that Boutros Boutros-Ghali took over, there were 11.495 military personnel deployed, at a cost of $1.7 billion. By the time that the Bosnia conflict was at its highest, with 74,000 deployed, the UN's peacekeeping bill was at its highest, $3.6 billion, more than twice as high as when he took office. The assessment demanded from the United States was $1.1 billion, for operations which had never been authorized by the U.S. Congress.

The "voluntary contributions" pay the expenses of the specialized agencies, some development programs, population control, and other eleemosynary schemes. Not one of these development programs seeks to assist nations in developing market economies; all are based on the mistaken notion that international and governmental planning for the use of resources is more effective than allowing such decisions to be in the hands of entrepreneurs who actually understand how to make progress. The most important of these programs, the United Nations Development Program (UNDP) spends hundreds of millions every year producing studies on "sustainable development."

Part of the concept of sustainable development is is based on predictions that the earth will run out of coal, wood, oil, food, etc, or even air, by the year ____ [fill in any date]. If these prophets had been living around the year 1800 they would have predicted, no doubt, that transportation was on the verge of collapse because the world was running out of canvas for sailing vessels, and the horse population was in decline. But the other part of "sustainable development" is the belief that industrial nations, such as the United States, which are successfully organized for investment, invention, and production, are taking resources away from the nations which have failed to organize their societies in an agreeable manner. Therefore "sustainable development" requires that the "surplus" assets of the successful countries "flow," to use UNDP's term, to the failed societies.

"Replenishments" are periodic new grants of capital or guarantees for financial agencies such as the World Bank. Replenishments differ from assessed contributions in that there is no permanent authorization for appropriations. Every few years when the banks want more money for lending, or more guarantees for loans, they have to come back to Congress with a new request. For years obtaining "replenishments" was pretty much a matter of routine, but in recent years, Congress has been appropriating much less than was requested. In fact, one institution, the African Development Bank, was zeroed out because of gross mismanagement and fraud. A wiser Congress in 1945 would have insisted on the "replenishment" method for financing for the United Nations (assuming that a wise Congress would have approved membership in the United Nations at all).

Whatever obligation the United States has to make payments to the United Nations is contained in a single line of the Charter: "The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly." [Article 16, par.2]

There is no other reference to the difficult business of who pays what or how much. Our assessments are called "dues" by the UNbelievers because they assert that this clause of the Charter creates an obligation to pay whatever amount the UN demands. But no clause of a treaty can override the right and obligation of the U.S. Congress to make an independent judgment of how much money, if any, is to be drawn from the U.S. Treasury. From the standpoint of U.S. legal practice, the statement in Article 16 is too vague and overbroad to constitute a binding obligation. It lacks the specificity to be enforceable.

The budget is drafted every two years by the Advisory Committee on Administrative and Budgetary Matters, the so-called Fifth Committee, and then reported to the General Assembly, which votes upon it by simple majority. There is, of course, no veto in the General Assembly, and the Security Council does not consider budgetary matters. Are the assessments binding upon members? The official UN *Factbook* states, "the decisions of the [General] Assembly have no legally binding force for Governments." However, "they carry the weight of world opinion on major international issues, as well as the moral authority of the world community."

The Fifth Committee also does the apportioning, that is to say, setting the percentage which the United States has to pay. For years in the beginning, the U.S. portion was set at $33^1/_3$%, while the size of the overall budget was determined by however much the UNbelievers thought they could get away with. The State Department claimed that it used its "influence" to keep the amount as low as possible. In 1972, the Congress, disgusted, passed legislation limiting appropriations to 25% of the total assessed contributions for all countries. The General Assembly, with grumblings that it was illegal to put limitations on their demands, went along. Nevertheless, the United States continued to be largest contributor, even though the Europe's economy had fully recovered and boomed after the war. Over the 50-year period 1946-1995, the United States contributed $30.8 billion to the United Nations in assessed and voluntary contributions, by far the largest contribution in the history of the United Nations. That is why the charge that the United States, the UN's biggest benefactor, is "delinquent" or "in arrears" is an arrogant charge that the U.S. Senate should have dismissed out of hand.

2. The Juridical Basis of U.S. Membership

The term "juridical" refers to the structure of law that forms the basis of legal status. In this case, the basisfor U.S. membership in the United Nations lies in both international treaty and in domestic law. If the United States were to withdraw from membership in the United Nations, action would have to be taken in both areas.

A. The UN Charter

The fundamental document that is the basis of U.S. Membership in the United Nations is the **United Nations Charter**. The Charter is in the form of a multilateral treaty, signed at San Francisco on June 26, 1945. It was ratified by President Truman on August 8, 1945, after perfunctory debate and approval by the U.S. Senate.

The Charter describes two classes of membership, but makes no further distinction. The first class consists of "*the original Members*" who signed the Declaration of the United Nations of January 1, 1942, or who participated in the United Nations Conference on International Organization at San Francisco, The second class of membership is open to *"all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations."* But this is a distinction without a difference, since the United Nations has never yet found a nation, no matter how aggressive, that it did not consider to be "peace-loving." The UNbelievers contend that membership in the Organization should be "universal," although nothing in the Charter supports this contention. In fact, a fair inference from the Charter is that nations which are not "peaceloving" should be expelled or excluded.

Article 110 states that *"The present Charter shall be ratified by the signatory states in accordance with their respective constitutional procedures."* The Charter was submitted to the U.S. Senate and ratified with very little critical debate, and the United States thus became a member.

B. The Statute of the International Court of Justice

The second fundamental document establishing U.S. membership is the **Statute of the International Court of Justice**. The Statute is an addendum to the Charter, but was separately debated in the Senate. The IJC, or the World Court, as it is usually called, is a court for settling disputes between nations. It was established at The Hague by the League of Nations. It has no authority and has never sought authority to try individuals. It has no system of law to apply to disputes brought before its chambers, but relies solely upon the probity of its judges to make up law as appropriate.

The Statute says in Article 2*: "The Court shall be composed of a body of independent judges, elected regardless of their nationality from among persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are juris-consults [sic] of recognized competence in international law."* Also, in Article 9, the Statute says: *"At every election, the electors shall bear in mind not only that the persons to be elected should individually possess the qualifications required, but also that in the body as a whole the representation of the main forms of civilization and of the principal legal systems of the world should be assured."*

It is clear from this that the Court has no law at all, but is supposed to fashion a verdict from judges versed in their own systems, whether it be the principles of international law generally (what ever that might be), Anglo-Saxon Common Law, the Romano-Dutch law of the Continent [including the form of Continental law that flourished in the USSR and other Communist countries], the Law of Sharia based on the Koran, the Talmudic law of the Rabbis, the principles of Mencius and Confucius that flourished in China, the sutras of both Mahayana and Hinayana Buddhism, the Bhagavad Gita of the Hindus, the incantations of the Shamans of Africa and South America, and the revelations of Santeria and Vaudon, or voodoo. Each of these legal orders has a claim to be among the main systems of law representing the principal civilizations of the world. They each rule the lives of hundreds of millions of persons, and ought to be represented on the World Court according to Article 9 of the Statute.

The notion that any plausible system of justice could be fashioned from such a potential potpourri of law makes especially important the question whether any nation is obligated to accept the jurisdiction of the Court in a dispute with another nation. Article 36 (1) of the Statute provides that the Court would have compulsory jurisdiction over *"all cases which the parties refer to it and all matters specially provided for in the Charter of the United Nations or in treaties and conventions in force."*

During the debate on the Statute in the U.S. Senate in August 1946, Senator Tom Connally of Texas raised the issue that such language might require the United States to accept the Court's compulsory jurisdiction over an issue that was essentially domestic in nature. In 61 Stat. 1218, the Senate accepted Connally's language limiting compulsory jurisdiction to matters "as determined by the United States." This phrase, commonly known as the Connally Reservation, was a reaffirmation of U.S. sovereignty.

UNbelievers believe that the Connally Reservation is a blot upon our national honor and should be repealed. In fact, however, the United States in 1983 notified the Secretary General of the United Nations that it was suspending for two years acceptance of compulsory jurisdiction in cases relating to Latin America. In 1985, the United States announced that it was permanently terminating in whole its acceptance of the compulsory jurisdiction of the International Court, effective April 1, 1986. This is an important precedent which demonstrates that it is practical to withdraw completely from any or all aspects of the United Nations that we deem not to be in the national interest.

The International Court of Justice should not be confused with the War Crimes Tribunals established to punish individuals charged with violations of human rights during the conflicts in the former Yugoslavia and in Rwanda. The ICJ adjudicates disputes between or among nations; the War Crimes Tribunals purport to judge individuals for crimes committed within the jurisdiction of their own countries. There is no authority in the UN Charter or the Statute of the International Court of Justice that permits the establishment of such ad hoc tribunals. There is no multilateral treaty that gives such authority. There is no established system of international criminal law. There are no recognized rules of evidence or procedure. There is no provision for a jury of one's peers, or for a trial in the geographic area where the crime was committed. If the War Crimes tribunals are under the same obligation as the IJC to represent the principal systems of law of the main forms of civilization, the accused could find himself in the presence of a witch doctor imbibing hallucinogenic potions to discern guilt or innocence.

Although it is hard to arouse public sympathy for individuals who have admitted to heinous deeds, the fact is that a deed is not a crime unless the individual is convicted under pre-existing laws of domestic application. The War Crimes Tribunals erect a new system of law that is completely contrary to basic concepts of justice in the United States, and will one day be established to convict U.S. citizens of crimes against the new order. No matter how unpopular the accused criminal, the illegal establishment of a court that lacks the fundamental guarantees of justice will one day come back to haunt the civilized nations of the world.

C. The United Nations Participation Act

The multilateral treaties which established the UN Organization and the World Court do not in themselves establish U.S. membership in the United Nations. Most treaties are not self-executing, and require domestic law to fulfill the obligations. The United Nations Participation Act was approved on December 20, 1945 [59 Stat. 619], and has been amended many times. The Act authorizes the President to appear before the United Nations, or to appoint representatives in his place.

It gives the President authority to implement decisions of the UN Security Council by imposing sanctions against specified countries, and to impose penalties on U.S. citizens who break those sanctions. It gives the President authority to negotiate an agreement with the UN Security Council to supply armed forces and equipment to implement actions to be taken against threats to the peace, provided that the negotiated agreement is approved by Congress in an appropriate act or joint resolution. It confers permanent authority authorizing payment of "such sums as may be necessary" for the payment by the United States of its share of the expenses of the United Nations in accordance with Article 17 of the charter, as well as funds for salaries of the U.S. delegation.

As students of the U.S. Congress are aware, the legislation for every Federal government function goes through two stages in each House of Congress. First the activity is authorized under law, after study by the committees of jurisdiction. The authorizing committees usually set a maximum level of funding for the activity. Once the authorization has been completed and signed into law, another set of committees, with different membership, goes into action. The appropriation committees look at the maximum level of funds authorized, compare it with the list of over-all priorities and the funds available for all spending projects, and establish the exact level that can be drawn from the U.S. Treasury. This amount can be set at the authorized maximum, but more often it is set at less. By giving a permanent authorization in the legislation of 1946 for such sums as may be necessary, the Congress removed the necessity for review of UN membership by the authorizing committees, namely, the Senate Committee on Foreign Relations, and what in 1946 was called the House Committee on Foreign Affairs. [It is now the House Committee on International Relations.] The result is that the safeguards of our legislative system have been truncated. Only the appropriating committees have been involved in setting the levels of funding to be drawn from the Treasury.

Certainly the authorizing committees had jurisdiction to review the membership and payment clauses of the UN Participation Act, but they never did so because permanent authority had already been given, and it was never questioned. Only in the mid-1980s was some conditionality imposed on payment, in the so-called Kassebaum and Pressler amendments. These amendments withheld a certain percentage of funds in the hope of getting modest reforms in the UN bureaucracy. Although they created a critical atmosphere, and introduced the charge that the United States was in "arrears" in its payments, no significant reforms were accomplished.

The first step towards withdrawing from the United Nations would require the repeal of the UN Participation Act outright. Repeal would require the closing of the U.S. mission to the UN, and the withdrawal of all U.S. government delegations. The second step would be to give notice of withdrawal from accession to the UN Charter and from the Statute of the International Court of Justice.

D. The United Nations Headquarters Agreement Act

The third statute pertaining to the United Nations is **the United Nations Headquarters Agreement Act,** 61 Stat. 756. It was signed by President Truman on August 4, 1947.

On December 10, 1945, the House of Representatives unanimously agreed to issue an invitation to the United Nations to locate the seat of the United Nations in the United States. On December 11, the Senate followed suit. On December 14, the General Assembly resolved that "the permanent headquarters of the United States Nations shall be established in New York City in the area bounded by First Avenue, East Forty-eighth Street, the East River, and East Forty-second Street."

On June 26, 1947, the U.S. Secretary of State by an exchange of notes with the Secretary-General concluded a headquarters agreement to establish the protocols for acquiring the New York City site.

The United Nations Headquarters Agreement Act authorized the President to bring that agreement into effect by acquiring the New York City site by condemnation or other judicial proceedings, and make it available to the United Nations. It authorized any state or any political subdivision affected by the establishment of the headquarters to enter into direct agreements with the United Nations to facilitate compliance.

The repeal of the United Nations Headquarters Agreement Act would remove the basis for the UN headquarters to exist in the United States with special privileges. Indeed, once the Act were repealed, the presence of the UN in the United States could be declared a risk to national security. Congress provided that "Nothing in the agreement shall be construed as in any way diminishing, abridging, or weakening the right of the United States to safeguard its own security " Clearly, the UN headquarters in New York would be a threat to the security of the United States if the Congress concludes that the United Nations is a threat to our independence and national sovereignty.

The United Nations Organization could be given six month's notice to pack and get out, and the international staff could be given first class, one-way tickets home and be forever barred from returning to this country. The stupendous sum which the United Nations would receive for prime real estate on the East River would enable the Organization to build a completely new headquarters in Ouagadougou or Tashkent.

E. The International Organization Immunities Act

On December 19, 1945, President Truman signed **the International Organizations Immunities Act,** 59 Stat. 5. The repeal of this legislation would be a very powerful inducement for the UN delegations to leave immediately. This legislation was to give effect to Articles 104 and 105 of the UN Charter.

Article 104 of the Charter states that "The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes." But if the United States withdraws from Membership in the United Nations, it would be inappropriate for the UN to enjoy that legal capacity and for the headquarters to remain in the United States. That legal capacity includes not only property ownership but also diplomatic immunity. Article 105 provides that "the Organization shall enjoy in the territory of its Members such privileges and immunities as are necessary for the fulfillment of its purposes." Similarly, Representatives of Member states "shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions."

SPECIAL PRIVILEGES FOR "WORLD CITIZENS"

The International Organizations Immunities Act provides a very broad interpretation of the privileges demanded by the Charter. Indeed, it goes beyond the UN Organization itself, and provides for the President to include other international organizations under its provisions by executive order. Over the years, 75 such organizations have been included by executive order, ranging from the International Fertilizer Development Center to the North Pacific Anadromous Fish Commission. By repealing the act to get rid of the United Nations, the United States would receive the additional benefit of eliminating such abuses as well.

Under the International Organizations Immunities Act, international organizations are treated to the same status as sovereign nations. This means that they enjoy the privileges of sovereignty even though they do not have the attributes of sovereignty. And as time goes on, the privileges will gradually grow into the attributes, so the United Nations will claim sovereignty as well as sovereign immunity.

The doctrine of immunity was a very important step forward in the history of international relations. It was one of the first doctrines of the "law of nations"—that is to say, commonly held assumptions as to the way sovereign nations or principalities would treat each other. As the law of nations began to emerge in the Middle Ages, sovereigns realized that it was to the mutual advantage of each other to respect the immunity of Ambassadors, their persons, and their retinue. In the early days of diplomacy, an "embassy" was not a pretentious building full of diplomats and clerks. The "embassy" was the person of the ambassador himself, a messenger sent to communicate important messages from one sovereign to another. The sovereigns realized that it was to the disadvantage of both sides if these messengers could be killed or held hostage.

By common consent, the ambassador was immune from attack, even if his message was considered to be distasteful or insulting. The ambassador had to be sent back unharmed before an attempt was made to level the city or slaughter the other army. Gradually ambassadors from friendly countries and from allies, or even from potential enemies, would stay in the foreign court to await the King's pleasure in discussing matters of mutual concern between the two countries. If an ambassador abused his immunity, or his host decided to wage war, the envoy was declared "non grata," or not welcome, and sent home.

By granting immunity to the representatives to international organizations, and employees of those organizations, the International Organization Immunities Act treats these individuals as though they were representatives of sovereign nations. The Act explicitly gives the designated international organizations the same tax-free status as foreign governments. They are free from suit in a court of law. Similar privileges, exemptions, and immunities are granted to the officers and employees of international organizations, "and members of their families, suites, and servants." They don't even have to obey parking regulations.

It may be a practical convenience to treat ambassadors to international organizations with the same exemptions as given to regular ambassadors, but there is no legal reason to treat the organizations themselves as sovereign entities, and certainly no reason to include their employees among the privileged. By removing these privileges and immunities, the United States could hasten the departure of these extra-territorial enclaves from our soil.

3. Elements to Consider in Withdrawing from the United Nations

The Organization is only one of the vehicles chosen by those who want to isolate the United States. The same groups are strong advocates of enmeshing the United States in a variety of entangling alliances of a global legal system. Some of these legal regimes are the result of multilateral treaties and interpretations of so-called international law. Others are regimes erected under our domestic law to implement the treaties or to promote our policies. It is not enough just to concentrate on the Organization itself; the context of treaties and agreements needs attention as well.

What has been done must be undone. Under common understandings of the law of nations, any country may give notice in an orderly way that it is withdrawing from a treaty, unless there is a specific agreement to the contrary. No treaty exists in perpetuity,

unless the treaty explicitly so provides. Even if a treaty has a specified period of duration, the treaty can be abrogated by mutual consent, or even unilaterally if the supreme national interest is at stake.

WE CAN WITHDRAW IMMEDIATELY

But none of the treaties under which the constituent parts of the United Nations were established contain perpetuity clauses or duration clauses, so the United States could withdraw at any time. From the standpoint of continuing positive international relationships with other countries, a President might choose to execute an orderly shut-down of the U.S. participation in the United Nations, but there is no enforceable obligation to do so. The United States has every right to quit tomorrow, if it so chooses.

However, in addition to the actual organizations that constitute the United Nations, there are a number of international treaties intended to enforce the regressive ideology of the UNbelievers. United States has never ratified many of these, and cannot ratify them, since they are incompatible with the U.S. Constitution. Others have been ratified, and must be abrogated by the United States if it is to maintain its independence and liberty. These treaties fall into three groups.

A. Arms Control Treaties

The first group of these treaties deals with arms control. Historically, the purpose of arms control treaties was to disarm the United States and inhibit U.S. arms technology development, while permitting the Soviet Union to deploy new technologies and ever more powerful weapons. These treaties were based on the doctrine of Mutual Assured Destruction, or MAD. They were supposed to defend us from the scary nuclear holocaust by not defending us. Under the MAD doctrine, U.S. cities must be left undefended by anti-ballistic missiles systems, while American ballistic missiles would target Soviet cities, which would be similarly undefended. These treaties are a subset of the irrational mentality of appeasement. One must placate the anger of the mighty goddess by offering up human sacrifice. Under this bizarre reasoning, the Soviets would never launch a first strike because the losses from the retaliatory blow would be too horrible to contemplate.

The MADmen firmly believed that the Soviets were also practitioners of this cult. But the MADmen were not looking at the Soviets; they were looking in a mirror. In actuality, there is no evidence that the Soviets had ever set aside rational planning for a first strike. Soviet military doctrine calmly accepted the possibility of devastation, but their strategy targeted strategic U.S. military installations, not U.S. cities, and they hoped to build a force stronger than the U.S. by a factor of four or five so that when they did act the U.S. would be unable to retaliate. They built deep bunkers for their command and control systems and for their leadership elite, and were prepared to sacrifice whole populations for victory if need be, as they had done in previous military conflicts and in the implementation of social policy.

U.S. STRATEGIC DEFENSE IS STILL HOSTAGE TO **MAD**MEN

The Soviets amused themselves by using the MAD doctrine to paralyze the thinking of the Americans, while they continued to develop first-strike strategies with bigger and bigger missiles. Each arms control treaty sought to freeze the status quo, but the Soviets always insisted on precise terms and exceptions that allowed them to build bigger and better missiles. The Soviets never worried about being caught at cheating. Instead, they just used the violations as the basis of a new status quo for the next negotiations.

The Soviet doctrine failed not in design, but in execution. The Soviets economy collapsed under the weight of the struggle to obtain overwhelming strategic nuclear superiority. Gorbachev, finally admitted, after the collapse of the Soviet Union, that Soviet military spending reached 26% of their GNP (as opposed to about 3% for the United States). Now that the Soviet Union, as such, has disappeared, the ex-MAD men still call for us to observe treaties signed with a nation that no longer exists and has no legal successor regime. And they broaden the interpretation of the centerpiece of the MAD doctrine, the Anti-Ballistic Missile treaty, which still prohibits the United States from building defenses against the remaining missiles in Russia and its former colonies. These missiles are now in the hands of unstable and disintegrating regimes.

U.S. IS TRAPPED IN ABM TREATY'S STRAIT JACKET

Most Americans are astonished to find out that the United States has no defenses for its cities, not even against a single missile launched by a rogue regime. The ABM treaty has a clause which allows any party to opt out with six months' notice, but the United States remains hypnotized by the monotone chants of the UNbelievers, who work themselves into a frenzy at the thought that the United States might defend itself.

All arms treaties are inherently unverifiable and unenforceable. In the treaties with the Soviet Union, the inspection protocols established were so narrowly defined that inspections could only take place in geographic locations where the Soviets did not keep missiles; furthermore no inventory of spare warheads or undeployed launchers could be made. When factory inspections were specified, the U.S. was allowed to inspect missiles only in closed containers with x-ray machines not capable of sensitive readings.

TERRORIST REGIMES BENEFIT FROM CHEMICAL WEAPONS CONVENTION

More recently, the Chemical and Biological Weapons Treaty established rigid inspection procedures for every country except those countries currently making such weapons, and, in doing so, gave UN inspectors the right to enter thousands of U.S. factories that might be using precursor materials for thousands of ordinary products. The only purpose of the treaty, which was the prime reason for support of the treaty by the megagiant U.S. chemical companies was to override the restrictions of U.S. law prohibiting shipment of pre-cursor chemicals to terrorist countries. Under the perverse requirements of the treaty, they are prohibited from refusing to ship to any country.

B. The Human Rights Treaties

The second group of UN-inspired treaties has to do with human rights. There are two ways of looking at the issue of human rights, and both at first sight seem to be using the same words to describe them. One view sees human rights as inalienable, and endowed by the Creator. The other view sees human rights as alienable in order to obtain the greatest good for the greatest number, and it is the state, or the collective of states, that determines which human rights should be allowed, and which human rights shall be taken away for the common good.

The first view is inevitably tied up with the Christian view of man or certainly with the view that man has a spiritual purpose beyond his material environment. In Western Civilization, the view that man has an ulterior end has been built into the institutions of law over the centuries, and includes safeguards to make it difficult for any special interest group to pervert the law exclusively

for their advantage. Among these safeguards are the concept of the division of powers, and limitations imposed by historic legal precedent. Precedent ensures that the practice of more than one generation determines the structure of justice and society. And when the judgments of precedent are the judgments of 1,000 years of Christian society, as is found in English Common Law (which became the law of the United States), and the 3,000 years of Biblical morality as received from Father Abraham, those judgments are more likely to uphold the view that human rights are endowed by the Creator.

The second view of human rights is entirely opposed to the first. Its view is that the purpose of law is revolution. Its purpose is to overturn in an orderly fashion the judgments of past generations, particularly those based on non-material outlooks. This law is based not on inalienable right or precedent, but on the conclusions of physical science, political science, sociology, psychiatry, and international finance. Law is interpreted and formulated not by legislators or judges, but by committees of experts. Legislatures and courts may continue to operate as in the past, but their determining purpose is to ratify the decisions of the experts, whether national or international. Their main function, as intermediaries with the people, is to override the will of the people, and to get them to accept "the rule of law," because the people cannot yet be trusted to discard the old concepts.

THE STATE VS. THE FAMILY

On the international level, therefore, the treaties on human rights serve as the new paradigm for the new man and the new freedom. The central thrust of the human rights doctrine is towards the destruction of families, exalting the individual, rather than the family, as the central unit of society, and defining the individual as a unit under state control and protection, an impersonal unit that receives material benefits within a state framework, and has no moral obligations whatsoever. Thus "freedom" is not free will and moral responsibility, but the material endowment by the state of food, shelter, sexual fulfillment, health care, education and amusement.

For the UNbeliever, the United States exhibits a disturbing paradox. UN planners every year publish statistics supposedly ranking nations according to their quality of life. The United States is consistently downgraded because of its relative lack of state guarantees for material support. Indeed, under the new definition of human rights, the United States is hardly free at all. Yet this country remains a mecca for migrating peoples all over the world, who seek to leave countries based on the "new freedom" and enter the backward social environment of the United States, legally or illegally. It is a goal of the UN human rights movement to remove this embarrassment by imposing international definitions of human rights on the domestic law of the United States.

C. The Environmental Treaties

The third kind of UN-inspired treaty has to do with international controls on the global environment. But they are not just about climate, pure water, and the air we breathe. They are about Mother Earth, who folds us all into her bosom. The environmental movement is a resurgence of the fertility religions of ancient paganism. The Globalism of the UNbelievers is personified by the Earth Mother, the Goddess, sometimes called Gaia. Gaia is She Who Must Be Obeyed. The irrationality of the global religion comes to full flower in the doctrine that Man is the most dangerous enemy of the planet.

U.N. HOSTS THE CHURCH OF MOTHER EARTH

The historic doctrine of Western Civilization is that the earth was made for Man, and not Man for the earth. Indeed, Man was given custody of the earth and all its creatures. His responsibility is that of wise stewardship, which is most effectively secured by preserving the rights of private property. For each person is more apt to take good care of property if it is his own property, just as the good farmer rotates his crops and restores the soil. No one takes care of the common pastures which belong to everybody, but each person takes great care to preserve what belongs to him. The great environmental disasters of our time are the result of government control, government interference, government corruption, or government planning. One thinks of the Chernobyl explosion, the Soviet nuclear disasters in Siberia which will put whole regions off limits to man for hundreds of years, the Three Gorges Dam in China, which is displacing millions of people and whole cities, and the destruction of the rain forests in Brazil financed by the World Bank.

These environmental treaties are designed principally to target the United States as the most successful country in the world. The Treaty on Global Warming, which is now in the process of negotiation, is based on junk science and primitive computer modeling that can't possibly determine the impact of human activities on the environment, but the impact on the United States would be severe. Moreover, the treaty specifically exempts several key developing countries that are notorious polluters, such as Brazil and China. But it would impose heavy burdens on the United States, impeding its further economic development, even though the United States has the most advanced pollution controls in the world.

Other environmental treaties are really international controls on trade and development. One treaty, which purports to control the shipment of wastes and biohazards on ocean-going vessels, leaves to a UN commission the power to define what these cargoes are. In fact, the definitions being proposed would exclude many common commodities and recyclable materials.

Another international convention, the Law of the Sea Treaty, supposedly is "in effect" because it has been ratified by the requisite number of nations, most of whom have never gone to sea. It purports to regulate traffic on the surface of the ocean [and from that standpoint is basically superfluous since the rules for ocean-going vessels have been pretty much fixed for 200 years]. But it also claims the right to set aside the historic doctrine of freedom of the seas and place the development of international waters under control of a UN corporation called the Enterprise.

The Treaty declares minerals on the seabed to be "the common heritage of all mankind," even through only the United States principally, along with a handful of other industrial nations, has the technology to explore for such minerals and extract then at deep sea pressures. The treaty would effectually prohibit U.S. corporations from mining the high seas unless they pay heavy royalties to the Enterprise, and accept UN control.

But the United States is not even a party to the treaty. President Reagan rejected the treaty during his administration. President Clinton has signed the treaty, but has not sent it to the Senate for ratification, where its chances would be in doubt. Meanwhile, the President has announced that the United States would abide by the terms of the treaty until it is ratified. Indeed, the experts say that even though the United States has not ratified and may never ratify the treaty, it is still "binding" on the United States because it has been generally accepted by the collective of nations. So the claim is that even if the United States is not a party to the treaty, or has rejected it, it is binding anyway once it has been accepted by a critical mass.

A full study of the UN-inspired and sponsored treaties is outside the scope of this paper, but suffice it to say that every one calls upon us to surrender part of our independence and our heritage.

4. Why International Law Is International Injustice

The notion that a treaty can be binding even if a nation rejects it is part and parcel of the new doctrines of international law. International law derives from the procedures which, during the seventeenth and eighteenth centuries, were called the Law of Nations. The Law of Nations was a set of guidelines developed either from bilateral agreements between two countries, or a group of countries, or from customary usage. It was based on the principle of equal sovereignty, and could not be imposed upon any nation against its will, except by a declaration of war.

In the twentieth century, the principles developed through treaty relationships and customary usage have been codified in various multilateral treaties. The United Nations in the Preamble to the Charter states that one of its purposes is "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained." In other words, one of the purposes of the United Nations is to impose international law as a mandatory doctrine on the actions of all nations. Accordingly, UN committees have been working for years on methods of codifying international law, and making it compulsory.

But the very nature of international law is that it is not compulsory. The prevailing view in American jurisprudence, as we shall see in a moment, is that international law is not obligatory. It does not really have the essential characteristics of law that constitute true justice. Therefore, if international law is treated as compulsory, it becomes international injustice.

International law consists of the customary practice of the relations between and among nations, bilateral and multilateral treaties, and the decisions of international arbitration panels. It is law only in the sense that it consists of guidelines, not specific enactments. No nation is required to accept the pronouncements of international law, except as common courtesy in international relations. Indeed, if international law should ever be considered a binding obligation, then the sovereignty of nations would be utterly overturned.

COMMON LAW VS. CONTINENTAL LAW

Moreover, international law, if imposed on the United States, would uproot our basic concepts of justice at home. International law, and treaties generally, are derived from theories of continental law, sometimes called Romano-Dutch law, whereas U.S. law, and the law of the former colonies of Great Britain, are based on the common law tradition. The term Romano-Dutch refers to a combination of Roman Law as recodified in the post medieval era by Universities such as Bologna, Salamanca, and Paris along with German Law which began to be codified under Frederick the Great. The Common Law developed in England after the invasion of William the Conqueror. The Common Law grew out of the practice of the courts, not out of legal theory in the universities. It has never been codified.

The two systems are poles apart in their content and processes, as seen most clearly in criminal cases. The Common Law is based on precedent, correct process, an impartial judge appointed directly or indirectly by the people, a jury of the defendant's peers, and legal combat between the prosecutor and the defendant's attorney. Fundamental to the common law is the right to be considered innocent until proven guilty, and a speedy trial in the jurisdiction where the alleged offence was committed.

By contrast, continental law is based on ideal norms. Frequently the judge is not impartial, but hands down the indictment and is the prosecutor. His role is then to fashion the law to suit the case to restore order to society. The person indicted under continental law is guilty until proven innocent, and juries are likely to include paid lackeys of the court instead of a jury of peers. The judge is a civil service hack ["a professional" is the term they prefer] without experience as a barrister or practitioner of the law. He has no accountability to the people either through election or confirmation by an elected body. He typically defers to academic experts, rather than to precedent.

There is another major difference. Under common law, almost every case raises an issue of public law; that is to say, of a law that is impartial and applies to all persons similarly situated. But under continental law, most cases are considered to be "private law" fashioned by experts for the individual case, and are not considered to affect the codified statute. Statutes are ideals that describe the perfect society, rather than benchmarks for individual justice. In fact, the category of "private law" that is dominant on the continent is so alien that it mystifies even the most experienced common law practitioners.

UNITED KINGDOM HAD TO SURRENDER ITS COMMON LAW WHEN IT RATIFIED MAASTRICHT

When the continental theories are applied to treaties or the interpretation of treaties, the result is a document that is full of generalities intended to be applied by specialists who have in mind the good of society rather than the good of the individual. It is tilted towards the responsibility of the collective, rather than towards personal freedom and responsibility. As a result, nearly every interpretation of "human rights" under continental law would appear to be an abuse of the legal process if it were brought into common law courts. It is noteworthy that now that the United Kingdom–England, Scotland, Wales, and northern Ireland–has submitted to the European Court sitting at Strasbourg, more than 60 fundamental tenets of the Common Law have been overturned. Thus the basic terms of international treaties often mean one thing in Europe and elsewhere, and something else entirely in the United States.

Naturally, the persons who make their living practicing in venues of international law generally argue that international law must be obeyed. But this is a parochial and self-serving view, since any other view would undermine the expertise in which they have invested their career. Freedom is too important to turn over to lawyers. A broader and more philosophical view makes it clear that international law lacks the essential characteristics of law. It lacks any mechanism for receiving the consent of the governed (to use Jefferson's phrase), and it lacks a sovereign enforcement mechanism.

These deficiencies are clearly cited in the most authoritative reference on international law published in the United States, the *Restatement of the Law of the Foreign Relations Law of the United State, Third*, an attempt to codify the relationship of U.S. law and international law. The *Restatement* says:

> The international political system is loose and decentralized. Its principle components—"sovereign" states—retain their essential autonomy. There is no "world government" as the term "government" is commonly

> understood. There is no central legislature with general law-making authority; the General Assembly and other organs of the United Nations influence the development of international law but only when their product is accepted by states. There is no executive institution to enforce law; the United Nations Security Council has limited executive power to enforce the provisions of the Charter and to maintain international law generally; within its jurisdiction, moreover, the Council is subject to the veto power of its five permanent members...There is no international judiciary with general, comprehensive and compulsory jurisdiction; the International Court of Justice decides cases submitted to it, and renders advisory opinions but has only limited compulsory jurisdiction. [Vol. I, pp.16-17]

The term "international law" therefore is a contradiction in terms. It is "law" only by analogy, that is, by comparison with true law enacted by legislatures responsible to the people and endowed with the authority to enforce it. It is "law" only to the extent that a nation-state chooses to accept it. True laws can be repealed or altered through the constitutional process; but there is no constitution governing the making of international law. Yet the international legal experts would have us believe that once a nation-state accepts a principle of international law, it can never be revoked except by a consensus of all nations. The inherent nature of sovereignty is that its authority is supreme in all matters affecting its paramount interests. The concept of "obligation" in international law depends upon the goodwill of the party obliged. As the Restatement admits:

> In the international system, law is observed because of a combination of forces, including the unarticulated recognition by states generally of the need for order, and of their common interests in maintaining particular norms and standards, as well as every state's desire generally of the need for order, and of their common interest in maintaining particular norms and standards, as well as every state's desire to avoid the consequences of violation, including damage to its "credit" and the particular reactions by the victim of a violation. [I, 19]

International law has no binding force, since it lacks the sovereign authority to impose sanctions without recourse. It is deficient, therefore, in the essential characteristic of law. Its obligation is of a lesser obligation than the force of domestic law. It has the same force, and no more, than the rules of a card game which everyone accepts for the sake of a consistent outcome. But the parties to the game can change the rules, mutually ignore the rules, or quit, if they don't care about adverse reactions. They may be concerned about the outcome if the parties on the other side pull out their six-guns and start shooting. It is usually in the national interest to have a settled routine in relations with other nations, and a predictable set of procedures. But the rules do not have the authority of real law.

That is why international law generally does not take notice of national constitutions and laws. Since international law lacks the sanction of sovereign authority, it lacks the power of obligation. International law may guide nations in conducting their interests or settling disputes, but the only authority that it possesses is the authority of consensus.

It follows, therefore, that any treaty can be abrogated or denounced with appropriate notice, or immediately in case of grave circumstances. More frequently, treaties are simply ignored when they are inconvenient.

"This Constitution," says the founding document of the Federal Government of the United States, "and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land." The Constitution, Federal laws, and treaties all can supersede state laws, but nothing in the Constitution suggests that a treaty can modify the Constitution or amend it in any way. Indeed, the sovereign authority of our nation itself is vested in the Constitution. Therefore, any treaty must be considered a contract with an equal or with an inferior, but never with a superior.

There are those who place international law as a source of law superior to the Constitution, state law, and the common law. They are eager to have the United States accept international law as a guide, even for domestic matters. They do this because they are ready to overturn our legal systems and our independence.

5. Why the United Nations is the Principal Threat to World Peace

NATIONAL SELF-DEFENSE (WITHOUT U.N. APPROVAL) IS PROHIBITED

The sovereignty and independence of the United States are incompatible with the text of the UN Charter. This is not just an opinion, or a derived conclusion. Rather, the Charter purports to make illegal the ultimate expression of national sovereignty, namely, the exercise of the national right to self-defense. Many people who have read the Charter believe the opposite; but that is only because they ignore the plain meaning of the text. The fact is that the Charter grants only a qualified, temporary right to self-defense. The Charter asserts that any nation that takes its defense into its own hands, without deferring to the Security Council, is a threat to peace. In actuality, this arrogation of power by the United Nations is the principal threat to world peace.

The United Nations was founded in 1945 during a period when collectivism seemed to be the vision of the future. The United States was steeped in the ideology of the New Deal. Great Britain had just thrown out Churchill's wartime coalition and elected a Labor Government. France had a socialist government whose principal enemy was even further left, the Communists. The Soviet Union was entering the period of post-war Stalinism. China was in the midst of a civil war between two collectivist ideologies.

The fact that the Allies had come together for a specific purpose, namely to win the war, engendered the belief that there was a common basis for keeping the peace.

There was a perceived experience that collective decision-making won the Second World War. That perception was wrong.

In reality, the United States fought the war in the Pacific virtually alone, its alliance with China weakened by the internal tilt of U.S. policy experts towards the Chinese Communists fighting against our ostensible Chinese Nationalist ally. And the war in Europe presented another scene of contradictory inequalities: The French had been defeated on their own soil, the British were exhausted and nearly defeated by Hitler's pounding, and only the United States remained strong enough to be the engine of victory. The Soviet Union was the odd man out, constrained from full cooperation by the fact that its own totalitarianism was worse than the totalitarianism the allies were fighting in Berlin.

The strange alliance of freedom and ideological totalitarianism became the model for the UN concept. The five improbable "allies" were transformed into the Permanent Members of the UN Security Council, responsible for the paradigm of future peace, their position supposedly secured forever by possession of the veto. The fall of the Iron Curtain over Eastern Europe, and the betrayal of

China to the Chinese Communists, induced caution, but not disillusionment in the halls of the United Nations. Nationalist China, one of the five principal founders, lost its supposedly permanent seat in the Security Council, and, indeed, was removed completely and summarily from the organization of peace-loving states, even though its political and economic development continued to outstrip the vast majority of UN members.

The mistaken idea that collective self-defense had won the war resulted in dangerous illusions built into the structure of the UN Charter, and the organization itself. If collective self-defense had won the war, it would win the peace. If a collective war-effort had produced the economy of the war, then world economic development would best be achieved by collective means. If the war were fought for the Four Freedoms, then the world community should be responsible for social development, educational opportunity, and health. If oppression or backwardness still existed in pockets around the world, then universal systems of international law and human rights would eliminate them.

U.N. SECURITY COUNCIL PLACED ABOVE CONGRESS

That is why the UN Charter is tainted with collectivism in every line. According to the Charter, national defense is outlawed. The Preamble actually says the Organization's aim is *"to ensure...that armed force shall not be used, save in the common interest."* Article 1 says explicitly *"The purposes of the United Nations are: 1. To maintain international peace and security, and to that end to take effective collective measures for the prevention and removal of threats to the peace."* Nothing could be plainer; note the words "armed force shall not be used." No qualification permits the use of armed force in cases of aggression. It means that national defense by armed force shall not be used. Armed force can be used in the common interest—not in the national interest, but in the common interest. The common interest is therefore defined by the Security Council, not by the country attacked.

Thus the Members agree to confer on the Security Council primary responsibility for the maintenance of international peace and security and allow the Security Council to act on their behalf, in Article 24: *"In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."*

Even the oft-quoted clause guaranteeing the inherent right of individual or collective self-defense is not a grant in its own right. It must be read carefully: Article 51 says: *"Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations**, until the Security Council has taken the measures necessary to maintain international peace and security**."* [Emphasis supplied] Thus a nation's self-defense is not an inherent right after all, but a limited right, a temporary delegation of authority until the Security Council has taken what it considers to be the measures necessary to maintain international peace and security. Once the Security Council has acted, self-defense is illegal, even if the measures are inadequate or fail.

Let us therefore review what the Charter says about national defense, which is tantamount to national sovereignty. First, *armed force shall not be used*, save in the common interest. Second the United Nations has *a monopoly on deciding what is a threat to peace*, and what measures shall be taken to insure peace. Thirdly, a nation's right to self-defense is not absolute, but *an interim measure until the collective determines whether the nation will be allowed to defend itself at all.* If these provisions are taken seriously, any nation, including the United States, could suffer serious wrong.

U.N. ARMS EMBARGO LED TO U.N. INTERVENTION

Thus Bosnia, a member of the United Nations, was not able to import arms to defend itself because the Security Council had already passed resolutions imposing an arms embargo against the territory of the former Yugoslavia, including Bosnia. The Security Council believed (wrongly, as it turned out) that an arms embargo would be more effective than Bosnian self-defense in bringing an end to war. It does not matter whether one thinks Bosnia was right or wrong in its action; what does matter is that the United Nations denied Bosnia its inherent rights, and based on a mistaken judgment at that. For it was only when Bosnia defied the United Nations, secretly and "illegally" imported arms, and achieved a military stalemate, if not solution, that the UN was able to impose "peace." The UN embargo prolonged the war, resulting in hundreds of deaths, hundreds of thousands of families dislocated, villages burned, and a whole generation ruined. Clearly, the United Nations is the threat to peace.

6. How to Create a Standing Army for the United Nations

But even going beyond the real and present danger, a further danger exists that a whole series of provisions in the UN Charter, never implemented for practical reasons, could take on new life in the face of the UN "reforms" mentioned earlier. With a World Treasury flush with cash from UN taxes, and a U.S. veto compromised either by change or by the collusion of U.S. leadership elites, the United Nations could set up its own standing army under the present terms of the Charter.

The Charter envisioned an elaborate system of military forces committed through standing bilateral agreements to the Security Council, under the joint command of a Military Staff Committee. In the real world, no member, including the United States, ever negotiated such a bilateral agreement with the Security Council to supply troops and equipment for a standing UN force. All of what we now call "peacekeeping"—and the word is not in the Charter—has been a series of limited *ad hoc* arrangements. These missions have increased sharply in scope, size, and cost in the past four years, and are a principal cause of the UN crisis.

The United Nations Charter contains two Chapters relevant to peace-keeping: Chapter VI, "The Pacific Settlement of Disputes," and Chapter VII, "Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression." It is worthwhile to examine the text in detail. Chapter VII is particularly dangerous because its full force and effect has never been put into place. If it were put into effect in conjunction with the dual "reform" project of the UNbelievers, then there is no doubt that a substantial standing army could be placed at the disposal of the UN collective.

A. Chapter VI, Pacific Settlement of Disputes Treaties

Under Chapter VI, Articles 33 and 34, the parties to any dispute are required to seek a solution by negotiation, conciliation, or arbitration, etc. If they fail, the Security Council may call upon the parties to settle their dispute peacefully, and investigate to determine whether "*the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security."*

If the parties fail to solve the dispute, the Security Council may, under Chapter VI, Article 36, "*recommend appropriate procedures or methods of adjustment*." Chapter VI makes no other reference to the kinds of measures the Security Council may

take, and does not specifically mention the use of peacekeeping forces. It is noteworthy that the term "parties" is not equivalent to "Members" or even states. Any group of insurgents against a legitimate government, if their cause is favored by the UNbelievers, can seek the assistance of the Security Council. If a legitimate government takes action against a group favored by the UNbelievers, then the legitimate government is the threat to peace.

B. Chapter VII, Peace Enforcement

Under Chapter VII, Article 39 states that *"The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security."*

Although Chapter VI gives the Security Council power to *"recommend appropriate procedures or methods of adjustment,"* it is Chapter VII that is the heart of the enforcement efforts. The United Nations has never cited Chapter VI in any enforcement action, as indeed, it can not. Instead, all Security Council resolutions that recommend enforcement refer to Chapter VII. This distinction becomes important when we review United States participation in peacekeeping. Under U.S. law, the President is given authority to assign 1,000 troops to Chapter VI missions, but no authority to assign any troops to Chapter VII missions. Yet all of the troops President Clinton has made available to UN peacekeeping operations has been for Chapter VII missions.

1. Measures Not Involving Use of Force

In Article 41, "*the Security Council may decide what measures* ***not involving the use of armed force*** *are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraph, radio, and other means of communication, and the severance of diplomatic relations."* [Emphasis supplied] These measures have been applied against Members of the United Nations, such as South Africa, and non-Members alike, such as Rhodesia.

2. Forces of Members of the United Nations

Article 42 describes the next step: "*Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such actions may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations*." [Emphasis supplied.] It is important to note that Article 42 specifies "*forces of Members of the United Nations*," not "United Nations Forces." "Other operations" seems to contemplate military action, but the command structure of military forces used in Article 42 enforcement actions is not specified. Thoughout most of the UN's history, peacekeeping operations generally did not involve troops of the major powers because such deployments were considered provocative. Troop contingents supplied by the developing countries were posted to areas of conflict. By and large, the purpose of these deployments was to eliminate friction between parties which had already agreed to a cease-fire.

But more recently, the nature of peacekeeping changed. The deployments were intended to enforce peace against warring parties where all civil order had broken down, as in Somalia, or in bitter civil wars, as in the Balkans. As a result, the major powers had to participate. Nevertheless, each action still required ad hoc agreements for each country supplying troops. The United Nations is frustrated by having to work out agreements each time a new crisis arrives. What the UNbelievers really want to do is to follow the procedure laid out in the Charter to establish a standing army for the Security Council. There is powerful support for this position which comes out at unguarded moments. Bill Clinton called for a UN standing force during his first campaign, but has been careful not to reveal this goal again.

3. Forces on Call by Special Agreement

Articles 43-51of the Charter lay out an entirely different approach from that which has been used so far. Article 43 states *"All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security."*

It further states that *"such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided....The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be subject to ratification by the signatory states in accordance with their respective constitutional processes."*

The key to this procedure is to have a standing agreement from each country to supply troops on call. The Charter says it is an obligation of every member to do so. However, no such agreement has ever been negotiated with the United States, or with any Member, in the 50-year history of the United Nations.

4. The UN Chain of Command

Under Article 45, "*Members shall hold immediately available national air-force contingents for combined international enforcement action"* under these agreements. Article 47 established "*a Military Staff Committee*" which would *"advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament."* Furthermore, "*the Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently."* Clearly, the UN Charter in Article 45 contemplates a command structure under the Military Staff Committee and the Security Council, rather than national commands under individual Members, as in Article 42.

FROM PEACEKEEPING TO PEACE ENFORCEMENT

One reason why the military force agreements and the command structures were never worked out was that, following the unwritten rules of UN personnel policies, the head of the Military Staff Committee has always been a Soviet, and now Russian, military officer. Thus the Military Staff Committee was never more than a skeleton structure with no forces to command. Now, however, with the dramatic increase in UN peace-keeping operations from 7,000 to 74,000 troops world wide in recent years, and the subtle shift from peacekeeping (where all parties are already in agreement) to peace enforcement (where the parties are not in

agreement), the fundamental questions of command and control have never been explicitly clarified, but are being resolved on an ad hoc basis, without discussion, in favor of the original Charter structure.

7. The Domestic Legal Structure of U.S. Peacekeeping

The UN Charter sets the stage for establishing a UN standing army, but the domestic legal structure of the United States establishes severe constraints on the use of U.S. troops for this purpose. Unfortunately, the Clinton Administration has been paying no heed to the restraints of law. The Charter requires a very close comparison with U.S. law.

A. The Demands of the UN Charter for the use of Act and U.S. Military Forces

Article 2 of the UN Charter states that "*All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action."* Article 25 states further*: "The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."* Article 49 *states "The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council."*

In order to implement these and other provisions of the Charter, Congress, in 1945, passed the United Nations Participation Act. This act has been amended several times, most recently in 1994 and 1996. The use of U.S. troops in fulfillment of obligations under the UN Charter is explicitly regulated by this Act, as amended.

B. The UN Participation Act and UN Charter Chapter VII Situations

Section 7 of the UN Participation Act covers cases arising out of UN Charter Chapter VII situations. Article 41 of the Charter, as noted above, authorizes the use of embargoes, suspension of travel and communications and diplomatic relations, and other measures not involving use of armed force. Under this provision, the UN Security Council imposed an arms embargo on the territories of the former Yugoslavia. Article 42 of the Charter provides that if Article 41 measures prove inadequate, the Security Council may take military measures to restore international peace. None of these measures suggest the use of UN forces under UN command. Rather they contemplate, as noted above, the use of "forces of Members of the United Nations."

Article 43 provides that Members undertake to make military forces available to the UN Security Council "on its call," according to agreements negotiated with the UN. Tracking the language of the Charter, the UN Participation Act authorizes the President *"to negotiate a special agreement or agreements with the Security Council which shall be subject to the approval of the Congress by appropriate Act or joint resolution, providing for the numbers and types of armed forces, their degree of readiness and general locations, and the nature of facilities and assistance, including rights of passage, to be made available to the Security Council on its call for the purpose of maintaining international peace and security in accordance with Article 43 of said Charter."*

Moreover, once such an agreement has been negotiated and approved by Congress, *"The President shall not be deemed to require the authorization of the Congress to make available to the Security Council on its call in order to take action under Article 42 of said Charter."* In other words, the President is required to negotiate a general agreement on the use of UN troops, and have that agreement approved by Congress. Once the general agreement is approved, the President no longer needs specific authorization to supply troops. Up to the present time, no such general agreement has been negotiated by any President or approved by Congress.

C. Action for the Peaceful Settlement of Disputes

However, further language was added to the UN Participation Act in 1949 as Section 7, describing the use of U.S. troops in actions **not** involving UN Charter Chapter VII sanctions.

This language says *"The President, upon the request by the United Nations for cooperative action, and to the extent that he finds it is consistent with the national interest to comply with such request, may authorize in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by chapter VII of the United Nations Charter...the detail to the United Nations, under such terms and conditions as the President shall determine, of personnel of the armed forces of the United States to serve as observers, guards, or in any noncombatant capacity, but in no event shall more than a total of one thousand of such personnel be so detailed at any one time."*

This language says that the President may detail troops to the United Nations without specific Congressional approval only if they are NOT enforcement actions under Chapter VII. Presumably these are actions under Chapter VI, "Pacific Settlement of Disputes." However, these troops may be used only as "observers, guards, or in any noncombatant capacity." In addition, there is a worldwide limit of 1,000 troops.

D. The President's Authority To Commit Troops

The war-making authority is a complex one, which has been discussed widely. But the fundamental issues are quite simple. The Constitution appoints the President as the Commander-in-Chief. The Constitution gives to Congress the powers to declare war, and to raise and equip armies. In addition, the Constitution gives the Congress the power to impeach and convict the President for high crimes and misdemeanors.

The evasion of the Congressional war powers by the President opens the President to impeachment. "High crimes and misdemeanors" can be whatever the Congress says they are. In practical terms, of course, none of these rights are absolute, because the actions of the President and the Legislature are co-dependent. There always is, and always should be, a healthy tension between the assertion of contrary rights by the two branches.

But in committing troops abroad, even with the approval of Congress, there is a further issue, namely whether the President, under the Constitution, has the authority to delegate his Constitutional power as Commander-in-Chief to an international body. It should be self-evident that the President has no right to delegate his constitutional powers outside of the authority of the Constitution. Some powers can be delegated within the structure of the Constitution. Yet even when the President delegates his powers to lesser officers of the United States, such as to Cabinet officers, he retains the residual authority in his office.

However, when troops are detailed to the United Nations, they no longer remain under his command. The command falls to the Military Staff Committee and ultimately to the UN Security Council. Even though the United States has a veto in the Security Council, that is only a negative power, while the power of commanding is a positive power.

In the past, e.g., during the Korean War, the problem has been glossed over by having an active duty U.S. commander serving as commander of U.S. units serving under the UN. In NATO, a similar solution was found by always having a U.S. General as

NATO Commander. Since the United States put up most of the money and provided the nuclear shield, no one objected. But how long will this be the case?

Under President Clinton, more and more the troops are assigned outside of the U.S. command structure leading back to the U.S. Commander-in-Chief. Can a soldier who takes an oath to protect the U.S. Constitution fulfill that oath when his service is no longer connected with the Constitution? Will the soldier be required to take an oath to the UN Charter?

United States participation in UN peacekeeping was supposed to be governed by the UN Participation Act of 1946 (UNPA), the general authority for U.S. activities in the UN.

During the debate in Congress in 1946 on approving the UN Participation Act, there was extensive discussion on the question of whether the President could commit troops to UN Security Council military operations solely by executive action. The House demanded participation, under the war powers of the Constitution, in any decision to go to war. The Senate Foreign Relations Committee, in its report, noted that "all were agreed on the basic proposition that the military agreements could not be entered into solely by executive action." As a result, the language of the UNPA states explicitly that the special agreement or agreements "shall be subject to the approval of the Congress by appropriate Act or joint resolution."

Louis Fisher, the Library of Congress expert on the separation of powers, declares flatly in his definitive book, *Presidential War Power,* that "nothing in...the history of the UN Charter supports the notion that Congress, by endorsing the structure of the United Nations as an international peacekeeping body, altered the Constitution by reading itself out of the war-making power."[Louis Fisher, *Presidential War Power*, University Press of Kansas, 1995, p.79]

In 1949, additional amendments were added to the UN Participation Act which allowed the President to detail armed forces personnel to the UN "to serve as observers, guards, or in any noncombatant capacity." These personnel could be used only "in support of such activities of the United Nations as are specifically directed to the peaceful settlement of disputes and not involving the employment of armed forces contemplated by Chapter VII of the United Nations Charter." In other words, these personnel could be used only as "noncombatants" for the vague Chapter VI procedures which did not contemplate military action. Congress limited the number of these Chapter VI non-combatant deployments to 1,000 troops.

In the years since this amendment was added, the UN has never cited Chapter VI as the basis of a peace-keeping mission, only Chapter VII: U.S. law allows U.S. troops to be detailed only for Chapter-VI-type operations, but the UN never authorizes Chapter-VI-type operations; it always cites Chapter VII for peacekeeping.

On the other hand, the U.S. President is bound under the terms of the United Nations Participation Act to seek a specific act of Congress to detail peace-keeping troops to the UN, and no President has ever done so. Nor has Congress ever given its agreement to any such proposal.

The contradiction is most evident in the case of Specialist Fourth Class Michael New, who, in conformity with the U.S. Constitution, U.S. law, and U.S. Army Regulations declined to obey an illegal order requiring him to strip off the Stars and Stripes and put on the uniform of an alien army, namely the blue beret and the blue shoulder patch, and carry a UN identification card to go to Macedonia. New did not refuse to go to Macedonia (he had already served with distinction in Desert Storm); but he declined to wear an alien uniform and be under the command of a foreign officer.

He was subsequently found guilty, and given a bad-conduct discharge for refusing to obey an illegal order to wear a uniform forbidden by U.S. law. Although under the operational command of NATO forces, the military mission to Bosnia is legally an action authorized by the UN Security Council under Chapter VII of the UN Charter. The Dayton Agreement says so specifically in Annex 1-A, p. 11: "[T]he United Nations Security Council is invited to authorize Member States or regional organizations and arrangements to establish the IFOR acting under Chapter VII of the United Nations Charter..." Why did not the President seek Congressional approval when the UN Participation Act, the statute governing U.S. cooperation with the United Nations, specifically requires the President to seek formal approval by Congress of a U.S.-UN troop agreement before sending military personnel to engage in a Chapter VII operation?"

Nevertheless, when lawyers for Specialist New initiated legal discovery proceedings against the government, they were astonished when they received, among other things a Joint Chiefs of Staff document, which, stated that the United States had not 1,000 troops, as authorized by law, but 89,000 troops, deployed abroad in support of peacekeeping.

The threat to U.S. national sovereignty comes not only from external pressure, but also from the actions of our own political leaders operating outside the law.

8. Conclusions: Why the Existence of the United Nations Is an Affront to Liberty and Human Dignity

In order to evaluate the United Nations objectively, we must free ourselves from the concept that U.S. membership is essential to U.S. interests, to the survival of the United Nations, and to the peace of the world. Our minds must be free to come to a conclusion that is objective, and not colored by the ideology of necessity. As long as the doctrine of the necessity of the UN clouds our minds, we will not be able to make practical decisions. We must ask ourselves the following questions:

1. Is it in the interests of the United States to adhere to the doctrine of the United Nations Charter that the inherent right to self-defense is superseded by resolutions of the Security Council?
2. Is it in the interests of the United States to support concepts of economic development that are based on social policy rather than market economy principles?
3. Is it in the interests of the United States to channel humanitarian assistance through multilateral agencies under the influence of globalist values rather than through U.S. agencies and private voluntary organizations that are guided by Western concepts of human dignity?
4. Is it in the interests of the United States to participate in multilateral disarmament programs rather then to deal directly with superpowers and rogue nations that actually threaten the peace?
5. Is it in the interests of the United States to support ideological formulations of human rights based on rationalist egalitarianism rather than on the inherent rights endowed by the Creator?
6. Is it in the interests of the United States to adhere to multilateral treaties on trade, environment, and human rights that require our country to accept decisions made by international bureaucrats not responsible to the American people?

7. Is it in the interests of the United States to support a system of world law that does not recognize the common-law precedents and procedures that are the guarantee of our liberties?
8. Is it in the interests of the United States to support international institutions that propose to tax U.S. citizens and corporations, and their financial transactions in order to redistribute wealth from the developed world to the third world?
9. Is it in the interests of the United States to accept the burden of paying for UN peacekeeping not approved by Congress, and to turn over U.S. military personnel to UN command and control?
10. Is it in the interests of the United States to accept an obligation to pay UN assessments and accept schemes of funding that are "independent of the daily financial will of member states who are unwilling to pay up"?

The answer to all these questions is "No." A truthful answer to every one of these questions indicates that, in some deep fundamental manner, the goals and aims of the United Nations are opposed to American ideals, principles, and beliefs. Its design for the world is diametrically opposite to the goals of most Americans, both for themselves and for their brothers and sisters around the world. The UN world is masked by glittering generalities about peace and cooperation; but if it is judged by the model of the American system, the UN world is one that is more totalitarian, less free for individuals and nations, and fundamentally unstable in its economic and political systems.

Some may want to debate these questions. But they should be debated with the understanding that the United States is free to answer "No" to them all if it chooses to do so. The United States should be free to withdraw from the UN, to demand modifications in the UN Charter, to refuse to finance all or any programs of the UN that the American people find detestable, or to ignore the UN if it so chooses and set up long-term or *ad hoc* coalitions of nations which have common goals and a common design for the future of world peace. It is free to do all these things, but it is especially free to say "No."

What the United States should *NOT* do is assume that the present shape and status of the UN is set in amber forever. The UN should be discarded or changed when it no longer suits our interests. There is nothing inevitable about the future of the United Nations.

Once we understand that the United Nations is not a sacred institution central to the national well-being and to the future peace of the world, we are intellectually free to withdraw from the Organization, from all the specialized agencies, from all UN economic development activities, and from all peacekeeping regimes. There is nothing being done by the UN that could not be done better by private management.

The United States should withdraw from the UN Charter and from the jurisdiction of the International Court of Justice.

The United States should repeal the UN Participation Act, and the UN Headquarters Agreement Act, thereby ceasing to provide any funding, and forcing the United Nations to find a new site for its headquarters. .

The United States should withdraw from the specialized agencies, reorganizing on a private basis any that are found to provide a worthwhile service.

The United States should withdraw from all UN environmental and human rights treaties.

The United States should serve notice that it does not need to ask the UN Security Council for permission to defend itself if attacked.

Once these actions have taken place, the United States will have broken out of the isolation imposed by the UNbelievers and be ready to take its rightful place as the leader of freedom.

No one knows what the future will bring. In 1938, the British Empire was the most powerful in the world, but by 1946 the Union Jack was mostly flying on the lids of commemorative cookie tins. In 1987 scarcely any expert on the Soviet Union foresaw anything but a hundred years of confrontation with the west; by 1990 the experts had to go into retirement. Today the United States is downsizing its military, subordinating morale to careers and political correctness, and withdrawing from historic platforms for the projection of power, such as the Philippines and Panama. If the ability of the United States to protect its interests world-wide continues to shrink, then the UN will fill the vacuum, or the UN manipulated by a rising great power, such as China.

WILL U.N. SUCCEED U.S. AS THE WORLD'S GREAT POWER?

Finally, we must not overlook the fact that the United Nations might not have to challenge the United States at all in a conflict between U.S. freedoms or national interests against global interests. Both major political parties in the United States are controlled by billionaires who are highly intolerant of those who love their country. Both parties have already colluded to push the United States to the brink of accepting UN hegemony. Those who prefer that the United States should stand strong for peace and independence should insist that we withdraw from the Organization of the UNbelievers.

About Dr. James P. Lucier, Sr.

James P. Lucier is a Senior Fellow with the James Monroe Memorial Foundation, and a member of the Board of Directors of The Conservative Caucus, Inc.

Lucier served on the staff of the U.S. Senate for 25 years, including five years as Minority (Republican) staff director of the U.S. Senate Foreign Relations Committee. During those years, he worked on a broad range of international issues, including the United Nations, the Soviet Union, the Middle East, Africa, Latin America, Asia, arms control, human rights treaties, and the structure of U.S. diplomacy. He has traveled to most of the principal countries in these geographic areas, and has attended dozens of international conferences.

Before joining the Senate staff, Lucier was Associate Editor of the Richmond *News Leader*, then the afternoon daily in Virginia's capital city. He earned an A.B. from the University of Detroit, and an M.A. and Ph.D. from the University of Michigan, Ann Arbor.

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