

the values and principles fundamental to our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young "constitutional experts" the best of luck at the We the People national finals and continued success in their endeavors.

HONORING THE NEIGHBOR-TO-NEIGHBOR FUND

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an organization dedicated to providing quality healthcare to the citizens of San Miguel County. The Uncompahgre Medical Center in Norwood, Colorado has developed the Neighbor-to-Neighbor fund, an innovative approach to funding the unexpected medical needs of the surrounding communities.

While the Medical Center's sliding fee and indigent care programs already assist the forty-percent of patients who are not insured, the fund, consisting entirely of individual contributions, covers one-time, small-scale medical and emergency needs otherwise out of reach for patients. Operating with no administrative costs, one hundred percent of contributions to the Neighbor-to-Neighbor Fund go to help San Miguel County residents in medical need. Only doctors and physician's assistants write checks on the fund, ensuring that the money serves as an instant tool for filling gaps in medical care. The fund, while usually holding less than \$1000, can cover numerous essentials, from a simple brace to fixing a serious dental problem.

Mr. Speaker, it is a great privilege to recognize the Uncompahgre Medical Center for its creativity in addressing difficult health care problems before this body of Congress and this nation. The Neighbor-to-Neighbor Fund is making a big difference in community health care with a small amount of money.

AMERICAN SOVEREIGNTY RESTORATION ACT OF 2003

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. PAUL. Mr. Speaker, I rise today to introduce the American Sovereignty Restoration Act. I submitted this bill, which would end United States membership in the United Nations, in the 107th Congress and the 106th Congress and since then conditions have made its relevance and importance more evident now than ever. The United Nations assault on the sovereignty of the United States proceeds apace; it shows no signs of slowing. Mr. Speaker, since I last introduced this measure, the United Nations has convened its International Criminal Court, which claims jurisdiction even over citizens of countries that have not elected to join the court. This means that Americans—both civilians and members of our armed services—are subject to a court that even its supporters admit does not offer all the protections guaranteed by the Constitution of the United States.

The United States continues to pay the lion's share of the U.N. budget, yet it is routinely kicked off committees like the Human Rights Committee by some of the most egregious of human rights abusing countries. This is absurd and we shouldn't have to pay for it.

As the United States faces another undeclared war for the United Nations—as is specified in the authorization for the use of force against Iraq (Public Law 107-243)—it is past time that we return to the principles of our founding fathers.

This legislation would represent a comprehensive and complete U.S. withdrawal from the United Nations. It repeals the United Nations Participation Act of 1945 and other related laws. It directs the President to terminate U.S. participation in the United Nations, including any organ, specialized agency, commission, or other affiliated body. It requires closure of the U.S. Mission to the U.N.

The legislation also prohibits the authorization of funds for the U.S. assessed or voluntary contribution to the U.N.; the authorization of funds for any U.S. contribution to any U.N. military operation; and the expenditure of funds to support the participation of U.S. armed forces as part of any U.N. military or peacekeeping operation. Finally, this legislation bars U.S. armed forces from serving under U.N. command.

The U.S. Congress, by passing H.R. 1146, and the U.S. president, by signing H.R. 1146, will heed the wise counsel of our first president, George Washington, when he advised his countrymen to "steer clear of permanent alliances with any portion of the foreign world," lest the nation's security and liberties be compromised by endless and overriding international commitments. I urge my colleagues to support this measure and I hope for its quick consideration.

In considering the recent United Nations meetings and the United States' relation to that organization and its affront to U.S. sovereignty, we would all do well to again read carefully Professor Herbert W. Titus' paper on the United Nations from which I have provided this excerpt:

It is commonly assumed that the Charter of the United Nations is a treaty. It is not. Instead, the Charter of the United Nations is a constitution. As such, it is illegitimate, having created a supranational government, deriving its powers not from the consent of the governed (the people of the United States of America and peoples of other member nations) but from the consent of the peoples' government officials who have no authority to bind either the American people nor any other nation's people to any terms of the Charter of the United Nations.

By definition, a treaty is a contract between or among independent and sovereign nations, obligatory on the signatories only when by competent governing authorities in accordance with the powers constitutionally conferred upon them. I Kent, Commentaries on American Law 163 (1826); Burdick, The Law of the American Constitution section 34 (1922) Even the United Nations Treaty Collection states that a treaty is (1) a binding instrument creating legal rights and duties (2) concluded by states or international organizations with treaty-making powers (3) governed by international law.

By contrast, a charter is a constitution creating a civil government for a unified nation or nations and establishing the authority of that government. Although the United Nations Treaty Collection defines a 'charter' as a 'constituent treaty,' leading inter-

national political authorities state that '[t]he use of the word 'Charter' [in reference to the founding document of the United Nations] . . . emphasizes the constitutional nature of this instrument.' Thus, the preamble to the Charter of the United Nations declares 'that the Peoples of the United Nations have resolved to combine their efforts to accomplish certain aims by certain means.' The Charter of the United Nations: A Commentary 46 (B. Simma, ed.) (Oxford Univ. Press, NY: 1995) (Hereinafter U.N. Charter Commentary). Consistent with this view, leading international legal authorities declare that the law of the Charter of the United Nations which governs the authority of the United Nations General Assembly and the United Nations Security Council is 'similar . . . to national constitutional law,' proclaiming that 'because of its status as a constitution for the world community,' the Charter of the United Nations must be construed broadly, making way for 'implied powers' to carry out the United Nations' 'comprehensive scope of duties, especially the maintenance of international peace and security and its orientation towards international public welfare.' Id. at 27.

The United Nations Treaty Collection confirms the appropriateness of this 'constitutional interpretive' approach to the Charter of the United Nations with its statement that the charter may be traced 'back to the Magna Carta (the Great Charter) of 1215,' a national constitutional document. As a constitutional document, the Magna Carta not only bound the original signatories, the English barons and the king, but all subsequent English rulers, including Parliament, conferring upon all Englishmen certain rights that five hundred years later were claimed and exercised by the English people who had colonized America.

A charter, then, is a covenant of the people and the civil rulers of a nation in perpetuity. Sources of Our Liberties 1-10 (R. Perry, ed.) (American Bar Foundation: 1978) As Article I of Magna Carta, puts it:

We have granted moreover to all free men of our kingdom for us and our heirs forever all liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

In like manner, the Charter of the United Nations is considered to be a permanent 'constitution for the universal society,' and consequently, to be construed in accordance with its broad and unchanging ends but in such a way as to meet changing times and changing relations among the nations and peoples of the world. U.N. Charter Commentary at 28-44.

According to the American political and legal tradition and the universal principles of constitution making, a perpetual civil covenant or constitution, obligatory on the people and their rulers throughout the generations, must, first, be proposed in the name of the people and, thereafter, ratified by the people's representatives elected and assembled for the sole purpose of passing on the terms of a proposed covenant. See 4 The Founders' Constitution 647-58 (P. Kurland and R. Lerner, eds.) (Univ. Chicago. Press: 1985). Thus, the preamble of the Constitution of the United States of America begins with 'We the People of the United States' and Article VII provides for ratification by state conventions composed of representatives of the people elected solely for that purpose. Sources of Our Liberties 408, 416, 418-21 (R. Perry, ed.) (ABA Foundation, Chicago: 1978).

Taking advantage of the universal appeal of the American constitutional tradition, the preamble of the Charter of the United Nations opens with 'We the peoples of the United Nations.' But, unlike the Constitution of the United States of America, the

Charter of the United Nations does not call for ratification by conventions of the elected representatives of the people of the signatory nations. Rather, Article 110 of the Charter of the United Nations provides for ratification 'by the signatory states in accordance with their respective constitutional processes.' Such a ratification process would have been politically and legally appropriate if the charter were a mere treaty. But the Charter of the United Nations is not a treaty; it is a constitution.

First of all, Charter of the United Nations, executed as an agreement in the name of the people, legally and politically displaced previously binding agreements upon the signatory nations. Article 103 provides that '[i]n the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.' Because the 1787 Constitution of the United States of America would displace the previously adopted Articles of Confederation under which the United States was being governed, the drafters recognized that only if the elected representatives of the people at a constitutional convention ratified the proposed constitution, could it be lawfully adopted as a constitution. Otherwise, the Constitution of the United States of America would be, legally and politically, a treaty which could be altered by any state's legislature as it saw fit. *The Founders' Constitution*, supra, at 648-52.

Second, an agreement made in the name of the people creates a perpetual union, subject to dissolution only upon proof of breach of covenant by the governing authorities whereupon the people are entitled to reconstitute a new government on such terms and for such duration as the people see fit. By contrast, an agreement made in the name of nations creates only a contractual obligation, subject to change when any signatory nation decides that the obligation is no longer advantageous or suitable. Thus, a treaty may be altered by valid statute enacted by a signatory nation, but a constitution may be altered only by a special amendment process provided for in that document. *Id.* at 652.

Article V of the Constitution of the United States of America spells out that amendment process, providing two methods for adopting constitutional changes, neither of which requires unanimous consent of the states of the Union. Had the Constitution of the United States of America been a treaty, such unanimous consent would have been required. Similarly, the Charter of the United Nations may be amended without the unanimous consent of its member states. According to Article 108 of the Charter of the United Nations, amendments may be proposed by a vote of two-thirds of the United Nations General Assembly and may become effective upon ratification by a vote of two-thirds of the members of the United Nations, including all the permanent members of the United Nations Security Council. According to Article 109 of the Charter of the United Nations, a special conference of members of the United Nations may be called 'for the purpose of reviewing the present Charter' and any changes proposed by the conference may 'take effect when ratified by two-thirds of the Members of the United Nations including all the permanent members of the Security Council.' Once an amendment to the Charter of the United Nations is adopted then that amendment 'shall come into force for all Members of the United Nations,' even those nations who did not ratify the amendment, just as an amendment to the Constitution of the United States of America is effective in all of the states, even though the leg-

islature of a state or a convention of a state refused to ratify. Such an amendment process is totally foreign to a treaty. See *Id.*, at 575-84.

Third, the authority to enter into an agreement made in the name of the people cannot be politically or legally limited by any preexisting constitution, treaty, alliance, or instructions. An agreement made in the name of a nation, however, may not contradict the authority granted to the governing powers and, thus, is so limited. For example, the people ratified the Constitution of the United States of America notwithstanding the fact that the constitutional proposal had been made in disregard to specific instructions to amend the Articles of Confederation, not to displace them. See *Sources of Our Liberties* 399-403 (R. Perry ed.) (American Bar Foundation: 1972). As George Mason observed at the Constitutional Convention in 1787, 'Legislatures have no power to ratify' a plan changing the form of government, only 'the people' have such power. 4 *The Founders' Constitution*, supra, at 651.

As a direct consequence of this original power of the people to constitute a new government, the Congress under the new constitution was authorized to admit new states to join the original 13 states without submitting the admission of each state to the 13 original states. In like manner, the Charter of the United Nations, forged in the name of the 'peoples' of those nations, established a new international government with independent powers to admit to membership whichever nations the United Nations governing authorities chose without submitting such admissions to each individual member nation for ratification. See Charter of the United Nations, Article 4, Section 2. No treaty could legitimately confer upon the United Nations General Assembly such powers and remain within the legal and political definition of a treaty.

By invoking the name of the 'peoples of the United Nations,' then, the Charter of the United Nations envisioned a new constitution creating a new civil order capable of not only imposing obligations upon the subscribing nations, but also imposing obligations directly upon the peoples of those nations. In his special contribution to the United Nations Human Development Report 2000, United Nations Secretary-General Annan made this claim crystal clear:

Even though we are an organization of Member States, the rights and ideals the United Nations exists to protect are those of the peoples. No government has the right to hide behind national sovereignty in order to violate the human rights or fundamental freedoms of its peoples. Human Development Report 2000 31 (July 2000) [Emphasis added.]

While no previous United Nations' secretary general has been so bold, Annan's proclamation of universal jurisdiction over 'human rights and fundamental freedoms' simply reflects the preamble of the Charter of the United Nations which contemplated a future in which the United Nations operates in perpetuity 'to save succeeding generations from the scourge of war . . . to reaffirm faith in fundamental human rights . . . to establish conditions under which justice . . . can be maintained, and to promote social progress and between standards of life in larger freedom.' Such lofty goals and objectives are comparable to those found in the preamble to the Constitution of the United States of America: 'to . . . establish Justice, insure domestic tranquility, provide for the common defense, promote the general welfare and secure the Blessings of liberty to ourselves and our posterity . . .'

There is, however, one difference that must not be overlooked. The Constitution of the

United States of America is a legitimate constitution, having been submitted directly to the people for ratification by their representatives elected and assembled solely for the purpose of passing on the terms of that document. The Charter of the United Nations, on the other hand, is an illegitimate constitution, having only been submitted to the United States Senate for ratification as a treaty. Thus, the Charter of the United Nations, not being a treaty, cannot be made the supreme law of our land by compliance with Article II, Section 2 of Constitution of the United States of America. Therefore, the Charter of the United Nations is neither politically nor legally binding upon the United States of America or upon its people.

#### INTRODUCTION OF H.R. 906

**HON. JACK QUINN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. QUINN. Mr. Speaker, on behalf of the gentleman from West Virginia, Mr. RAHALL, I would like to describe legislation we recently introduced, H.R. 906, the "Surface Transportation Safety Act of 2003."

Each year more than 42,000 people are killed and over three million people are injured on our nation's highways. Not only is the loss of human life tragic, but the \$230 billion annual cost to our economy is staggering. Our bill expedites the use of proven solutions to reduce the likelihood of crashes, injuries, and fatalities on our roads and bridges.

H.R. 906 accomplishes these goals without requiring additional federal funding. It is designed to utilize funds already set aside for the Section 130 Rail-Highway Grade Crossing Program and the Section 152 Hazard Elimination Program. Since their inception, these programs have allocated money to the States to reduce accidents. This legislation is designed to reallocate precious tax dollars within the current programs to make them more effective. The bill clarifies and expands project eligibility and provides funding for improved State data collection, analysis and reporting.

In 1996, the U.S. Secretary of Transportation issued a report to Congress stating that the Section 130 Rail-Highway Grade Crossing Program prevented over 8,500 fatalities and close to 39,000 injuries since 1974. This report also stated that as a result of the Section 130 program, fatal accident rates have been reduced by 87 percent. Our legislation makes two major changes to existing law that will enhance the effectiveness of this program. It changes the funding for protective devices at rail-highway grade crossings to a fixed \$150 million per year and it provides for the maintenance of protective devices at grade crossings.

H.R. 906 also makes several improvements to the Section 152 Hazard Elimination Program. First, it clarifies that these programmatic funds are to be used to produce real safety benefits by requiring that projects reduce the likelihood of crashes resulting from road departures, intersections, pedestrians, bicycles, older drivers, and construction work zones. In addition, our legislation makes fluorescent yellow-green signs in school zones, pedestrian walkways and bicycle paths eligible for funding as a safety improvement. Also added to the eligible funding list are police assistance for