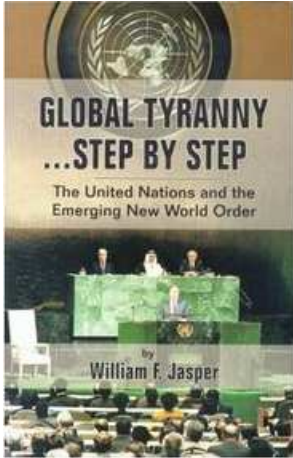


Global Tyranny ... Step by Step

by William F. Jasper

CHAPTER 6

Treaties and Treason



I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution. - Thomas Jefferson, September 1803 (1)

Treaties make international law and also they make domestic law. Under our Constitution, treaties become the supreme law of the land.... [T]reaty law can override the Constitution. Treaties, for example, ... can cut across the rights given the people by their constitutional Bill of Rights. - Secretary of State John Foster Dulles, April 11, 1952 (2)

[A]fter all, the UN Charter is the law of the land.... - George L. Sherry (CFR), The United Nations Reborn, 1990 (3)

The main political obstacle to the new world order envisioned by the one-world schemers has been, and remains, the Constitution of the United States of America. Unique in both its foundational principles and structure, the constitutional system established by America's Founding Fathers — abused though it may be by decades of sustained assault on the one hand and neglect on the other — continues to stymie the architects of totalitarian global government.

From their own experience, and from an acquaintance with history, the Americans of 1776 and 1787 well understood that the dangers to liberty from an unrestrained government were, more often than not, far greater than the threat of tyranny from a conquering foreign power. The limitations placed on government by the designers of our founding document, therefore, served as formidable bulwarks against the dangerous centralization of power in the national government; those limitations also rendered any transfers of constitutional powers of governance to an international government virtually impossible.

One of 20th century America's most passionate defenders of liberty against the encroachments of omnipotent government was Frank Chodorov, editor of *The Freeman*. Writing in 1955, in a special issue devoted to exposing and opposing "One Worldism and the United Nations," he noted:

Government is the monopoly of coercion. Its function is to prevent individuals from using violence or other coercive methods on one another, so that the business of Society — the exchange of goods, services and ideas — may be carried on in safety and tranquility. Its contribution to social progress, though necessary, is purely negative. In this country, tradition and the Constitution hold that the function of government is to protect the individual in the enjoyment of those rights which inhere in him by virtue of existence, and which are the gifts of the Creator. And in the beginning, before tradition and the spirit of the Constitution were perverted, Americans took for granted that government had no other competence.

(4)

"But the hard fact," said Chodorov, "is that this monopoly of coercion is vested in humans — of which government is necessarily composed — and that these humans are no different in make-up from those they are called upon to coerce."

(5)

That is indeed a hard fact that no amount of wishful thinking or high-flown rhetoric about global brotherhood can change. It was the recognition of just such hard realities as these that prompted Thomas Jefferson to issue his famous dictum: "In questions of power let no more be heard of confidence in man, but bind him down from mischief by the chains of the

constitution.” (6) The failure of peoples to keep government rigidly contained have time after time tragically proven the wisdom of Jefferson’s admonition.

Chodorov agreed and noted:

Thus in time the agency established for the purpose of protecting Society becomes its master. This tendency of government to expand upon its power and its prerogatives is inherent in it simply because it is composed of men.... Therefore, the concern of Society, particularly in the last few centuries, has been to find some way to keep government within bounds. Thus came constitutionalism. Thus came the idea that to safeguard freedom — from government, of course — it is necessary to keep government small, so that it can be subject to constant surveillance, and poor, so that it cannot get out of hand. (7)

Chodorov was confirming what the founders believed, that government itself must be made subject to “the rule of law.” The American republic, as a result, in its earlier years, could proudly claim to be “a government of laws, not of men.”

Another champion of freedom, John F. McManus, more recently offered the following observation about the unique foundation of American constitutionalism:

The underlying premise of the American system is the thunderous assertion in the Declaration of Independence that “all men ... are endowed by their Creator with certain unalienable Rights.” Because they are endowed with rights, the Declaration reasons, men have the power to protect their rights collectively. In other words, they have the power to form a government. The government they create is to have as its sole purpose the protection of the God-given rights of the individual. Government is not to be the distributor of wealth, the regulator of the law-abiding citizenry, or the ruler of the people. (8)

Unfortunately, there are in our midst today many powerful individuals and organizations who find such personal freedom, and the principles of governance that make it possible, totally repugnant. For both personal freedom and limitations on government power obstruct their plans to create a “new world order” for the planet.

CFR Versus the Constitution

To the Council on Foreign Relations, for example, our exquisite system with its checks and balances and separation of powers, which has earned the plaudits of renowned political observers worldwide, erects impenetrable obstacles that “militate against the development of responsible government.” In one of its very early and revealing reports, *Survey of American Relations* (1928), we find the Council lamenting:

The Roman republic and the Hanoverian monarchy described by Montesquieu and Blackstone were both governments of separation of powers maintained by checks and balances. Both were forced to achieve unity by the increase of international complications.

One went the way of executive sovereignty; the other that of parliamentary sovereignty. The difficulties in the way of either such development in the United States are obvious. While presidents have sometimes acted like dictators in brief emergencies, an intensive reaction of congressional control has always followed. The jealous control of the purse by Congress is a check which would inevitably curb an ambitious president if the electorate’s opposition to a third term should wane. Furthermore, the physical separation of the cabinet from Congress, the comparative equality of power of the two houses, rendering each a check upon the other, the “states’ rights” sentiment which prevents a gradual subordination of the Senate, and the position of the Supreme Court as final interpreter of the constitutional separation of powers — all these militate against the development of responsible government. (9) [Emphasis added]

The Council was, at this point, still struggling mightily against the triumphant “isolationism” that had ruined the internationalists’ “first try at world order,” the League of Nations. It was the one-worlders’ failure to secure the constitutionally required two-thirds majority in the Senate necessary for ratification of all treaties that doomed the League. Thus, the 1928 Council report stressed at length the need to remove this constitutional obstacle to “responsible government.” The CFR report stated:

The seriousness of the situation is increased by the apparent rigidity of the Senate’s attitude. Charles Cheney Hyde, former solicitor of the Department of State, believes that “Any constructive proposal designed to make a successful appeal to those possessed of the treaty making power of the United States must reckon with the following conditions: first, that this nation has a passion for independence; secondly, that it will not agree to be drawn into a war between other states; and, thirdly, that it will not

delegate to any outside body the right to determine what is the nature of a controversy or how it ought to be adjusted. These are facts.”

From this Professor Hyde assumes that the United States must limit her participation in international organization accordingly. Others have argued from the same premises that the Constitution must be amended to eliminate the two-thirds rule in the Senate. (10) The Council report made clear its support for the elimination of this vital restraint on executive power.

The 1928 report argued:

Substitution of a majority of both houses for two-thirds of the Senate in treaty ratification would accord with the practice of most continental European governments. It would obviate the complaints of the House and eliminate the ever-present possibility of inability to execute a treaty, valid at international law, because of the refusal of the House to agree to appropriations or necessary legislation. This would seem reasonable, in view of the constitutional provision that treaties are the supreme law of the land, and on this score was suggested in the Federal convention of 1787.

It would also render deadlocks less frequent, because one political party is much more likely to control a majority of both houses than two-thirds of the Senate.... In any case, the desirability of preventing deadlocks when treaties are as necessary as legislation should overrule these objections. (11)

The two-thirds requirement “exceeds the need for a check on administrative usurpation,” said the Council’s Survey. “... Such a division of powers,” it held, far from providing needed protection, “... has too often resulted in weakness, muddle, and delay, sometimes even in the paralysis of one of the most vital functions of modern government.” (12)

It is certain that the CFR hand-wringers would have found little if any sympathy among this nation’s founders for their interpretation of “the most vital functions of modern government.”

More than half a century later, the Establishment’s brain trusters are still venting their spleen over the aggravation the Constitution continues to cause them. In his *The Power to Lead* (1984), Professor James MacGregor Burns stated:

“Let us face reality. The framers [of the U.S. Constitution] have simply been too shrewd for us. They have outwitted us. They designed separated institutions that cannot be unified by mechanical linkages, frail bridges, tinkering. If we are to ‘turn the founders upside down’ — to put together what they put asunder — we must directly confront the constitutional structure they erected.” (13)

Professor Burns has served as co-director of Project ’87 and as a board member of the Committee on the Constitutional System (CCS), two of the Establishment’s most important agencies working to radically change the Constitution. Both organizations, heavily larded with CFR members, are ready with proposals that would drastically alter our system of government should a constitutional convention be called. Most Americans are completely unaware that our nation is dangerously close to completing the process to convene a constitutional convention. (14)

Professor Charles Hardin, a CCS founder, has written in the Committee’s important 1985 book of essays, *Reforming American Government*, that the Senate,

“should be deprived of its power to approve treaties and presidential nominations.” (15)

Moreover, Hardin believes: “The ideal is to create conditions so that the conduct of government itself will be ruled largely by conventions rather than by fixed laws.” (16) (Emphasis added)

The one-worlders have failed thus far to effect the “major surgery” on the Constitution advocated by Hardin, Burns, et al.,(17) but they continue undeterred on their subversive course. Since the Constitu’s amendment process was purposefully made difficult by the framers so as to protect against the very tampering and aggrandizement the internationalists propose, their primary strategy to create “world order,” as we have seen, has involved revising the Constitution “piece by piece” by means of “treaty law.” This gigantic fraud has been perpetrated against the American people by CFR Insiders working in concert with the media, academe, and the federal executive, legislative, and judicial branches during much of this century.

It is highly doubtful that the UN Charter would have been ratified by the U.S., or by many other countries for that matter, without inclusion of Article 2, Paragraph 7, which provides:

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.... (18)

The wording and meaning seem clear enough: Membership in the UN, as indicated by acceptance of the Charter, in no way constitutes surrender of control over domestic affairs to the world organization. As successful as the CFR's internationalist propaganda campaign was in selling the UN idea in 1945, it would have failed if there had been any admission that the real intent was to allow other nations and international bureaucrats to meddle in and dictate policies concerning our internal affairs. However, what the UN provides with one hand it takes with the other.

Article 2, Paragraph 7 of the UN Charter also states:

"... but this principle shall not prejudice the application of enforcement measures under Chapter VII."

This wording could well be used by UN officials to authorize intervention by the organization in the domestic affairs of a member nation. So, even though the first portion of Paragraph 7 would seem to prohibit any such meddling, the final portion could be construed as a loophole that would allow such intervention.

Many other UN documents contain ambiguous wording of this type. Should the UN ever decide to act contrary to its own clear prohibitions, internationalist legal scholars will focus on whichever portion of the ambiguous wording suits their fancy.

Indeed, almost before the ink on the Charter had dried, a well-orchestrated campaign was underway to undercut and reverse the meaning of Article 2, Paragraph 7. In 1946, William G. Carr, a consultant for the United States delegation at the San Francisco Conference, wrote in his book *One World In the Making*:

Under modern conditions, few acts of a nation affect only its own people.... It seems clear that no nation which signs this [UN] Charter can justly maintain that any of its acts are its own business, or within its own domestic jurisdiction, if the Security Council says that these acts are a threat to the peace. (19)
[Emphasis added]

Soon thereafter, this same theme was being transmitted via many respected sources. The April 1949 *American Bar Association Journal*, for instance, carried an article by UN staff member Moses Moskowitz contending that ... once a matter has become, in one way or another, the subject of regulation by the United Nations, be it by resolution of the General Assembly or by convention between member states at the insistence of the United Nations, that subject ceases to be a matter being "essentially within the domestic jurisdiction of the Member States." As a matter of fact, such a position represents the official view of the United Nations, as well as of the member states that have voted in favor of the Universal Declaration of Human Rights. (20)

Such incredibly arrogant advocacy of the usurpation of sovereign national powers should have met with immediate rebuke from American officials. Instead, it was embraced as our nation's official position with President Harry S Truman's claim in 1950 that "There is now no longer any real difference between domestic and foreign affairs." (21)

In like manner, President Dwight Eisenhower subsequently declared: "For us indeed there are no longer 'foreign affairs' and 'foreign policy.' Since such affairs belong to and affect the entire world, they are essentially local affairs for every nation, including our own." (22)

Dulles and Treaty Law

It was Eisenhower's Secretary of State John Foster Dulles, however, who touched off heated national debate about the issue with his highly controversial speech before the regional meeting of the American Bar Association at Louisville, Kentucky in 1952. In his formal address, Dulles asserted:

Treaties make international law and also they make domestic law. Under our Constitution, treaties become the supreme law of the land. They are, indeed, more supreme than ordinary laws for congressional laws are invalid if they do not conform to the Constitution, whereas treaty law can override

the Constitution. Treaties, for example, can take powers away from the Congress and give them to the President; they can take powers from the States and give them to the Federal Government or to some international body, and they can cut across the rights given the people by their constitutional Bill of Rights. (23)

Dulles was grossly misinterpreting the Constitution on several very important points. In fact, his dissertation was an outright assault on the basic premises of our constitutional system. It would behoove us at this point to see what the Constitution, “the supreme law of the land,” has to say about treaties and the treaty power. In the Constitution we find:

Article II, Sec. 2: “[The President] shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur....” Article III, Sec. 2: “The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority....”

Article VI: “This Constitution, 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; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

John F. McManus, writing in *The New American*, commented on an important distinction regarding the wording of Article VI that is rarely mentioned. “It must be carefully noted,” he observed, “that, within the body of the Constitution itself, the founders frequently referred to the document they had crafted as ‘this’ Constitution. At the close of the above passage, they referred to ‘the’ Constitution, and what they meant was that no state constitution or state law shall stand above the U.S. Constitution. There is no justification for holding that the document empowers the makers of treaties to undo the Constitution itself.” (24)

According to Dulles, Moskowitz, and modern Supreme Court interpretations, however, Article VI amounts to an unlimited grant of power through which the President and two-thirds of a quorum of the Senate may do virtually anything. President Eisenhower, Secretary Dulles, and their internationalist cohorts even went so far as to claim that the real danger to the Constitution came not from an expansive interpretation of the treaty power, but from attempts to explicitly and unequivocally guarantee that “treaty law” would not be able to override the Constitution. (25)

A close examination of the Constitution’s wording and the “original intent” of the framers, however, make abundantly clear that the position espoused by McManus is far more in tune with what was intended in our founding document than the opinion taken by Dulles, Moskowitz, et al. James Madison, who was the secretary of the Philadelphia Convention, the principal author of the Constitution, and has justly been called “the Father of the Constitution,” said of the scope of the treaty power:

I do not conceive that power is given to the President and the Senate to dismember the empire, or alienate any great, essential right. I do not think the whole legislative authority have this power. The exercise of the power must be consistent with the object of the delegation. (26)

In 1801, the year he began his presidency, Thomas Jefferson published his authoritative reference work, *A Manual of Parliamentary Practice*, which went through many printings and became a standard handbook used in both the House and Senate. In that book, Jefferson declared of treaty power:

1. It is admitted that it must concern the foreign nation, party to the contract, or it would be a mere nullity *res inter alias [sic] acta*. 2. By the general power to make treaties, the Constitution must have intended to comprehend only those objects which are usually regulated by treaty, and cannot be otherwise regulated. 3. It must have meant to except out of those the rights reserved to the states; for surely the President and Senate cannot do by treaty what the whole government is interdicted from doing in any way. (27)

This is not only sound legal opinion; it is plain, common sense. If the Bill of Rights and the whole Constitution were to have any lasting force and meaning, it could not have been intended that they could be completely undone by means of treaty.* Or as Jefferson rightly observed:

“I say the same as to the opinion of those who consider the grant of the treaty-making power as boundless. If it is, then we have no Constitution.” (28)

Alexander Hamilton, one of the most forceful of the Federalists and one who often clashed with Jefferson, nevertheless agreed with his distinguished adversary on this important point. Hamilton wrote:

The only constitutional exception to the power of making treaties is, that it shall not change the Constitution.... On natural principles, a treaty, which should manifestly betray or sacrifice primary interests of the state, would be null. (29)

“A treaty cannot be made,” Hamilton maintained, “which alters the Constitution of the country or which infringes any express exceptions to the power of the Constitution of the United States.” (30)

Until recent times, this was also the opinion of the vast majority of legal scholars and the federal judiciary. Supreme Court Justice Joseph Story, for instance, expressed the view commonly held by 19th century jurists when he opined:

[T]hough the power is thus general and unrestricted, it is not to be so construed as to destroy the fundamental laws of the state. A power given by the Constitution cannot be construed to authorize a destruction of other powers given in the same instrument.... A treaty to change the organization of the Government, or to annihilate its sovereignty, to overturn its republican form, or to deprive it of its constitutional powers, would be void; because it would destroy, what it was designed merely to fulfill, the will of the people. (31)

Justice Stephen J. Field’s dictum in the 1890 case of *Geofroy v. Riggs* buttressed Story’s opinion. It stated:

That the treaty power of the United States extends to all proper subjects of negotiation between our government and the governments of other nations, is clear.... It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent. (32)

In *New Orleans vs. United States* (1836), the Supreme Court held:

The government of the United States, as was well observed in the argument, is one of limited powers. It can exercise authority over no subjects except those which have been delegated to it. Congress cannot, by legislation, enlarge the federal jurisdiction, nor can it be enlarged under the treaty-making power. (33) [Emphasis added]

One of the most dedicated and articulate defenders of this view of the subordination of treaties to the Constitution was Frank Holman, past president of the American Bar Association. Beginning in 1948 with his first speech on the danger of “treaty law” given at the State Bar of California, he launched a nationwide educational effort to marshal opposition to this dangerous encroachment.

“The doctrine that the treaty power is unlimited and omnipotent and may be used to override the Constitution and the Bill of Rights,” said Holman, “... is a doctrine of recent origin and largely derived from *Missouri vs. Holland*.” (34) [Emphasis in original]

Concurring with Holman, constitutional scholar Roger MacBride maintained that the Supreme Court’s 1920 *Missouri* decision “ushered in a new era of treaty jurisprudence”³⁵ by holding that a treaty does supersede the Constitution.

Treaty Traps Proliferating

Through the misuse of the treaty-making provision, the one-worlders have taken huge strides in their effort to “turn the founders upside down.” It is of paramount importance, therefore, that Americans exercise special vigilance concerning all treaties. Unfortunately, we find just the opposite to be the case; the American public appears to be totally oblivious to the flood of treaties intended to sweep away our constitutional protections.

There was no fanfare, no opposition, and scant media coverage, for example, when the United Nations International Covenant on Civil and Political Rights sailed through the Senate on April 2, 1992 on an unrecorded vote. There was none of the intense, emotional public debate that attended the Panama Canal Treaty ratification a few years earlier, but the Civil and Political Rights Covenant (hereafter CP Covenant) represents a far greater danger to our constitutional system and to the rights of every American citizen.

During hearings on the treaty conducted by the Senate Committee on Foreign Relations, Senator Jesse Helms was the only member to register opposition. “Now this Senator and every other Member of Congress has taken an oath of office to protect and defend the Constitution of the United States,” the North Carolina solon reminded his colleagues. “And that means we should be fully committed to the rights of the individual, which are enshrined in our Constitution. And we should

be committed to the protection of these individual rights. We cannot keep the commitment if we agree to the terms of this covenant.” (36)

Why the conflict?

Because, said Helms, the “covenant calls into question the right of freedom of speech, and freedom of the press, and just punishments — they are clearly constitutional, and even the Federal/State structure of our legal system. Now any agreement that undercuts these rights is an attack on human rights, not a safeguarding of human rights. This covenant, in sum, is a step backward into authoritarianism....” (37)

Serious charges. But they were summarily dismissed by the more “sophisticated,” internationally minded members of the committee as the paranoid ravings of a hopeless super-nationalist. The serious flaws in the Covenant, however, are obvious and by no means inconsequential. In wording typical of that found in the constitutions of communist states, the Covenant acknowledges various rights of individuals, then negates those rights with all manner of conditions. Article 14, for example, states “everyone shall be entitled to a fair and public hearing....” Sound similar to the U.S. Constitution’s guarantee “to a speedy and public trial”?

Ah, but the article then declares:

“The Press and the public may be excluded from all or part of a trial for reasons of morals, public order....” (38)

It, in essence, provides legitimacy for secret trials, a hallmark of despotism throughout history. The enormous contrast between our Bill of Rights and the UN’s so-called “human rights” conventions should be evident to anyone willing to compare the documents. Article I of the U.S. Bill of Rights, for example, declares without qualification,

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press....”

By way of contrast, Article 18 of the CP Covenant states, in part, “Everyone shall have the right to freedom of thought, conscience and religion.” But then it goes on to assert: “... Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary....” (39)

Likewise, Article 21 purports to guarantee the right of peaceful assembly, but then permits the state to limit this right for “national security or public safety, public order, ... the protection of public health or morals....” (40) What dictator couldn’t drive a tank through that opening? So it goes with the UN’s treatment of all rights we take for granted under our Constitution. The Bush Administration, seeking to blunt criticism of these glaring defects, came up with five reservations, five understandings, four declarations, and numerous explanations (filling 18 pages) that it attached to the treaty. Declaration Number 2 shows the weakness of Mr. Bush’s commitment to rights:

“[I]t is the view of the United States that States Party to the Covenant should wherever possible refrain from imposing any restrictions or limitations on the exercise of the rights recognized and protected by the Covenant, even when such restrictions and limitations are permissible under the terms of the Covenant.” (41) Read it again: “should wherever possible refrain.” Translation: “Please use your dictatorial powers sparingly — if you can help it.”

As Senator Helms noted: “Many countries controlled by totalitarian governments have signed on to this covenant, laughing all the way back to the garage.” He also said,

“I have no doubt that these countries will not acknowledge our reservations, but they will use U.S. ratification to make false charges of violations of the covenant. Mark my words, that is precisely what will happen. Meanwhile, they will use the serious weaknesses of this covenant to justify their own cruel regimes.” (42)

It is not only foreign dictators who put little store in the power of reservations and declarations. The State Department’s claim, for instance, that its Declaration Number 1 makes the treaty “non-selfexecuting” (that is, it “will not create a cause of private action in U.S. courts”) is rejected by many treaty proponents here in the United States. The International Human Rights Law Group stated:

“It is not clear that such a declaration would be binding on the judiciary. Scholars and court decisions support the view that the issue whether a treaty is self-executing or not is one of construction by the courts.” (43)

Abraham Katz, president of the United States Council for International Business, concurred, stating to the Senate committee:

There are, however, no precise rules for determining whether a treaty is self executing and, consequently, there is no certain method for making this determination. Indeed the courts frequently disagree....

[S]ome federal courts may not feel bound by such a Senate declaration attached to the resolution of ratification and might nevertheless treat the ratification as being self executing.... (44)

The World Court

When the U.S. Constitution and the rights of American citizens conflict with treaties and UN covenants, as is likely to happen with increasing frequency, there are certain to be many politicians, “legal experts,” and judges who will hold that American national interests, individual rights, and domestic law must yield to the higher purposes of “world order” and “the rule of law.” In the interests of expediting this process, Establishment Insiders have been trying for decades to expand the jurisdiction and authority of the International Court of Justice (more commonly known as the World Court). (45)

This makes all the more alarming the recently renewed campaign simultaneously to strengthen the Court and entangle the U.S. in a welter of new treaties.

Writing in the Summer 1992 issue of the CFR’s Foreign Affairs, Representative Jim Leach (R-IA) declared:

“Since one of the most effective antidotes to the irrationality of ancient enmity is the swift justice of the law, a turn (or in the case of the United States, return) to the compulsory jurisdiction of the World Court would appear to be one of the most appropriate and achievable objectives of the decades ahead.”

Although the U.S. automatically became a member of the World Court in 1945 when the Senate ratified the UN Charter, we were not bound to accept its compulsory jurisdiction. The Senate resolution recognizing the Court’s compulsory jurisdiction excepted those “disputes with regard to matters which are essentially within the domestic jurisdiction of the United States.” That was not enough to satisfy many Americans who rightly asked: “But who will define ‘domestic jurisdiction?’” It was apparent that if the definition were left up to the UN or its World Court to decide, there would be very little if any “domestic jurisdiction.”

To assuage these fears, Senate Foreign Relations Committee Chairman Tom Connally (D-TX), who favored the resolution, proposed the addition of these eight words: “as determined by the United States of America.” These eight words comprise what is known as the Connally Reservation. (46) And, as author G. Edward Griffin has pointed out, these words “are all that stand between us and complete legal subjection to the whims of fifteen or nine or five or even two men [of the World Court] whose legal backgrounds and personal ideologies may be strongly antipathetic to the free world in general and to the United States in particular.” (47) Even that scant protection, however, may soon disappear — by outright repeal or by “overriding” agreements, treaties or court rulings — unless a significant portion of the American public can be roused to a robust, determined opposition to this treachery.

The deluge of treaties now in various stages of readiness and preparation — regarding the “environment” (see Chapter 7), “children’s rights” (see Chapter 8), “peace and disarmament” (see Chapters 1 and 2), and a host of other issues — has the capability of utterly destroying our Republic if they are approved. But it is not treaties alone that constitute this threat; the U.S. Department of State includes the following in its “sources of international law making”: “treaties, executive agreements, legislation, ... testimony and statements before Congressional and international bodies....” (48) The period of 1990-99 has been declared by the United Nations General Assembly to be “the United Nations Decade of International Law.”⁴⁹ As such, it being used to propel additional assaults on national sovereignty.

Americans must face up to the reality that our heritage of freedom under the “rule of law” of the Constitution is being replaced piecemeal by the tyrannical “rule of men” under the Charter of the United Nations. We must decide now, while there is yet time, which future we will choose for ourselves and our posterity.

It is worth noting that the legal status of the United Nations Charter itself is, or should be, very much in question. Speaking before the House of Representatives in 1954, Congressman Usher L. Burdick of North Dakota noted that although ratified as a treaty, the UN Charter could not legally be considered as such. Rep. Burdick charged:

“The first move was made at San Francisco, where many nations met, drew up a charter, and submitted that charter to the Senate for approval as a treaty. This document had none of the earmarks of a treaty, because the Supreme Court of the United States has held in many cases that a treaty is an agreement made between nations, to do or not to do particular things. In the case of the Charter of the United Nations, it was not an agreement between nations. It was an agreement made by the agents of several governments, and there is no contention from any quarter that the United Nations at that time was a nation with which we could make a treaty, but intended to make it an integral power at the first opportunity. How these forces for evil planned to make the United Nations a nation is clear now, since they propose at this time to build a world government by simply amending the Charter of the United Nations.” (Congressional Record, April 28, 1954)

Congressman Burdick was standing on firm ground. For as Hamilton pointed out in essay No. 75 of The Federalist Papers regarding the power of making treaties:

“Its objects are CONTRACTS with foreign nations which have the force of law, but derive it from the obligations of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign.” [Emphasis added]

Notes

1. Thomas Jefferson in letter to Wilson C. Nicholas, Monticello, September 1803, quoted by John P. Foley (ed.), *The Jeffersonian Cyclopaedia* (New York: Funk & Wagnalls, 1900), p. 190.
2. Secretary of State John Foster Dulles, “Treatymaking and National Unity,” an address delivered at the regional meeting of the American Bar Association, Louisville, KY, April 11, 1952, as recorded in *Treaties and Executive Agreements, Hearings on S. J. Res. 1 & S. J. Res. 43; Feb., Mar., & Apr. 1953, Y4.J89/2:T71/2*, p. 862.
3. George L. Sherry, *The United Nations Reborn: Conflict Control in the Post-Cold War World*, Council on Foreign Relations Critical Issues series (New York, 1990), p. 8.
4. Frank Chodorov, “One Worldism,” *The Freeman*, March 1955, p. 335.
5. *Ibid.*
6. Thomas Jefferson, quoted by Lewis C. Henry (ed.), *Best Quotations for all Occasions* (Greenwich, CT: Fawcett Publications, 1964), p. 45.
7. Chodorov, p. 335.
8. John F. McManus, “Examining the Rule of Law,” *The John Birch Society Bulletin* (Appleton, WI: June 1991), p. 4.
9. Charles P. Howland, *Survey of American Foreign Relations 1928*, published for the Council on Foreign Relations (New Haven: Yale University Press, 1928), p. 88.
10. *Ibid.*, p.111.
11. *Ibid.*, pp. 111-12.
12. *Ibid.*, p. 286.
13. James MacGregor Burns, *The Power To Lead* (New York, Simon & Schuster, 1984), as reprinted in Donald L. Robinson (ed.), *Reforming American Government: The Bicentennial Papers of the Committee on the Constitutional System*, (Boulder, CO: Westview Press, 1985), p. 160.
14. See, for example: Don Fotheringham, “The Con-Con Network,” *The New American*, February 10, 1992.
15. Charles Hardin, “Toward a New Constitution (1974),” in Donald L. Robinson (ed.), *Reforming American Government: The Bicentennial Papers of the Committee on the Constitutional System*, (Boulder, CO: Westview Press, Inc., 1985), p. 150.
16. *Ibid.*, p. 149.
17. *Ibid.*
18. *Charter of the United Nations and Statute of the International Court of Justice* (Lake Success, NY: The United Nations, Department of Public Information, 1950), p. 5.
19. William G. Carr, *One World In the Making: The United Nations* (Boston: Ginn and Company, 1946), p.45, quoted by Robert W. Lee, *The United Nations Conspiracy* (Appleton, WI: Western Islands, 1981), p. 120.
20. Moses Moskowitz, “Is the U.N.’s Bill of Human Rights Dangerous? A Reply to President Holman,” *American Bar Association Journal*, Vol. 35, April 1949, p. 285.
21. Foreword by President Truman, *Foreign Affairs Policy, Series 26*, Department of State publication #3972, September 1952, quoted by G. Edward Griffin, *The Fearful Master: A Second Look At The United Nations* (Appleton, WI: Western Islands, 1964), p. 186.
22. President Dwight Eisenhower, speech at St. John’s College, Anapolis Maryland, May 22, 1959, quoted by Griffin, p. 186.
23. Dulles, *loc. cit.*
24. John F. McManus, “Treaties versus the Constitution,” *The New American*, July 27, 1992, p. 44.
25. Frank E. Holman, *Story of the “Bricker” Amendment* (New York: Committee for Constitutional Government, Inc., 1954), p. 23.
26. James Madison, quoted by Jonathan Elliot, *The Debates in the Several State Conventions on the Adoption of the*

- Federal Constitution (originally published in 1830; republished 1937, J. B. Lippincott), Vol. 3, p. 514.
27. Thomas Jefferson, *A Manual of Parliamentary Practice* (New York: Clark & Maynard, 1873), p.110, quoted by Roger Lea MacBride, *MacBride, Treaties Versus the Constitution* (Caldwell, ID: The Caxton Printers, Ltd., 1956), pp. 37-38.
28. Thomas Jefferson in letter to Wilson C. Nicholas, Monticello, September 1803, quoted by John P. Foley (ed.), *The Jeffersonian Cyclopaedia* (New York: Funk & Wagnalls, 1900), p. 190.
29. Richard B. Morris (ed.), *Alexander Hamilton and the Founding of the Nation* (New York: The Dial Press, 1957), p. 203.
30. *Hamilton's Works*, Volume 4, p. 342, quoted by Holman, *Story of the "Bricker" Amendment*, p. 28.
31. *Supreme Court Justice Story*, quoted by MacBride, p. 35.
32. Justice Stephen J. Field, quoted in J. C. Bancroft Davis (reporter), *United States Reports*, Volume 133: *Cases Adjudged in The Supreme Court at October Term, 1889* (New York and Albany: Banks & Brothers, 1890), pp. 266-67.
33. Stephen K. Williams, LLD. (ed.), *Cases Argued and Decided in the Supreme Court of the United States: 9, 10, 11, 12 Peters*, Book 9, *Lawyers' Edition* (Rochester, NY: The Lawyers Co-operative Publishing Co., 1888), p. 735 (Peters 10, p. 662).
34. Holman, p. 28.
35. MacBride, p. 51.
36. Senator Jesse Helms in "International Covenant on Civil and Political Rights," hearing before the Committee on Foreign Relations, United States Senate, November 21, 1991 (Washington: U.S. Government Printing Office, 1992), p. 2.
37. *Ibid.*
38. *The International Covenant on Civil and Political Rights in The International Bill of Human Rights: Fact Sheet No. 2* (United Nations, November 1989), p. 32.
39. *Ibid.*, p. 33.
40. *Ibid.*, p. 34.
41. *Congressional Record*, April 2, 1992, pp. S 4783-84.
42. Helms, p. 2.
43. Statement of International Human Rights Law Group in "International Covenant on Civil and Political Rights," Hearing before the Committee on Foreign Relations, United States Senate, November 21, 1991 (Washington: U.S. Government Printing Office, 1992), p. 130.
44. Statement of the U.S. Council for International Business, by Abraham Katz President, in "International Covenant on Civil and Political Rights," Hearing before the Committee on Foreign Relations, United States Senate, November 21, 1991 (Washington: U.S. Government Printing Office, 1992), p. 180.
45. See, for example: Robert W. Lee, "Restraining the World Court," *The New American*, September 7, 1992, pp. 17-18.
46. Griffin, p. 188.
47. *Ibid.* Note further: There are 15 justices on the World Court. In accordance with Article 25 of the Statute of the International Court of Justice, "A quorum of nine judges shall suffice to constitute the Court" to conduct business. Since a majority of the nine can render judgments, this means that five justices can decide a case. Article 26 states: "The Court may from time to time form one or more chambers, composed of three or more judges as the Court may determine, for dealing with particular categories of cases...." In such cases, decisions can be rendered by as few as two judges. See *Statute of the International Court of Justice in Review of the United Nations Charter: A Collection of Documents* by the Subcommittee on the United Nations Charter of the U.S. Senate Committee on Foreign Relations. (Washington: U.S. Government Printing Office, 1954).
48. *Digest of United States Practice in International Law 1973*, quoted by Ernest S. Easterly III, "The Rule of Law and the New World Order," pre-publication draft, p. 10.
49. "1990s declared UN Decade of International Law," *UN Chronicle*, March 1990, p. 77.