March 8, 2001

Questions for Secretary of State Colin Powell before the House Committee on International Relations

Secretary Powell, thank you for your time and please answer the following questions:

1. On the topic of the International Criminal Court, I have two questions. I am pleased that the administration, as well as the Chairman of this Committee, have spoken against the ICC treaty as an infringement upon U.S. sovereignty. As a policy matter, can you explain why the administration has not spoken similarly against the WTO, the International War Crimes Tribunal, or the idea of fighting wars based on UN or NATO resolutions and why these instrumentalities are any less threatening to our sovereignty? Also on the ICC topic, if the administration is not going to pursue ratification of the treaty, will you support my resolution, H Con Res 23, calling on the President to declare to all nations that the United States does not assent to the treaty and that the signature of former President Clinton should not be construed to mean otherwise?

2 . Since World War II, each of our Presidents have engaged in wars -- both big and small, from Korea to the continued bombing of Iraq -- without an explicit declaration of war from

Congress. Yet, the Constitution clearly vests the decision to go to war (as opposed to its execution by the commander-in chief, once declared), with the Congress. If, however, the "war decision" is allowed to come from Presidential directives or UN resolutions, of what value to the American people is the Constitutional constraint upon a President who would otherwise wage war without Congressional approval? Do you believe the War Powers Resolution is unconstitutional? If so, why? If not, why not?

3. Is it not clear that a U.S. treaty, although it is called the law of the land, was never intended to be used to amend our Constitution?

4. Why do we trade and subsidize a country like China, pursue talks with Iran and North Korea, and act as a conduit for peace in the Middle East while all we seem to know what to do with Iraq is bomb, kill, and impose sanctions? Surely we are not expected to believe Saddam Hussein is the only totalitarian in power today?

5. Is not the continued bombing of Iraq an act of war? Where does the administration get its authority to pursue this war? Is this policy not in violation of our Constitution that says only Congress can declare war? There is not even a UN resolution calling for the US-British imposed no-fly zone over Iraq. Our allies have almost all deserted us on our policy toward Iraq. Is it not time to talk to the Iraqis? We talked to the Soviets at the height of the Cold War, surely we can do the same with Iraq today. We trade with and subsidize China and we talk to the Iranians, surely we can trade with Iraq . . . ?

6. If investors of a foreign nation had a stake in oil production in the Gulf of Mexico and their country was dependent on oil imports for subsistence, is that country justified in militarily dominating the Gulf and use of U.S. soil for basing operations? My guess is Americans would be furious even if done with our government official's approval. Yet we expect the Arab world -- a world quite different from ours -- to accept our presence and domination. Is it not possible for our policy in the region to show more "humility" rather than pursue a policy that incites Islamic fundamentalists against us leading to what they see as acts of self defense and we see as acts of terrorism?

7. How would you, the U.S. government, and the American people respond if a foreign power subsidized subversive groups whose goal it was to overthrow our government as we are doing with the Iraqi National Congress?

8. In your earlier remarks before this committee you said that you regard the military as a vital component of U.S. foreign policy. I am wondering if you, as a former military officer, would comment on the antiquated idea of a military draft and selective service registration. I believe you have spoken against the draft in the past. Do you still hold that a draft is unwarranted? Would you support ending draft registration?