

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 amendatory process provided for in that document. *Id.* at 652.

Article V of the Constitution of the United States of America spells out that amendatory 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 amendatory 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

traffic and speed management in construction work zones and the installation of barriers between construction work zones and traffic lanes for the safety of motorists and workers.

Mr. Speaker, roadway construction, maintenance and repair are readily apparent on our highways and in our neighborhoods. Construction work zone crashes killed 1,079 people in 2001. This is a 20 percent increase since 1995, not to mention the thousands of injuries that occur each year. These deaths and injuries will continue to escalate if we do not address this problem now. In this regard, H.R. 906 directs the Secretary of Transportation to issue a rule requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments.

To judge the effectiveness of these two safety programs, our bill requires a new biennial report to Congress without creating an unfunded mandate. States can use these funds to fulfill all data compilation, analysis, and reporting requirements. Finally, this bill maintains the flexibility States currently have to transfer funds from the two safety set-aside programs to the Interstate Maintenance, Congestion Mitigation and Air Quality, National Highway System, Bridge Replacement and Rehabilitation and Recreational Trails programs.

I urge my colleagues to cosponsor and support this important safety legislation.

#### PERSONAL EXPLANATION

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. GALLEGLY. Mr. Speaker, on February 27, 2003, I was unable to vote on the Greenwood Substitute to H.R. 534, the Human Cloning Act of 2003 (rollcall 37). Had I been present I would have voted "no." Similarly, I was not present to vote on the motion to recommit H.R. 534 (rollcall 38) but I would have voted "no." On final passage of H.R. 534, I was not present, but would have voted "yea" (rollcall vote 39).

#### HONORING SONJA MARIA MONTANO

### 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 the achievements of Sonja Maria Montano, a resident of La Junta, Colorado, before this body of Congress and this nation.

Over the past year, Sonja has received wide acclaim and numerous awards from Poetry.com, which first published her work, as well as the International Society of Poetry and Symposiums. Sonja was one of only thirty poets in the world invited to present her work to the ISPS spring convention in 2002. Now, Sonja's work has earned one of thirty-five nominations for the society's grand prize, presented by Pulitzer Prize winning poet W.D. Snodgrass.

Sonja, a promising writer as a teenager, gave up opportunities in creative writing to stay close to home and eventually raise a family. She found her voice again at the age of thirty-one when she began writing poetry on a bet with her nine-year-old son. After years of apprehension and reservations about her writing, Sonja has decided to become a poet.

Mr. Speaker, it is a great privilege to recognize Sonja Maria Montano before this body of Congress and this nation for her courage and creativity in pursuing her dreams. I wish her every success in her new career.

#### DARIEN'S 2003 CITIZEN OF THE YEAR

### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mrs. BIGGERT. Mr. Speaker, I rise today in honor of Father Gavin Quinn, the 2003 Citizen of the Year for Darien, Illinois.

The City of Darien lies within Illinois' 13th Congressional District. Because of residents like Father Quinn, Darien easily lives up to its motto—"a nice place to live."

If you happen to find yourself in Darien, there is a good chance that you will hear Father Quinn's name mentioned, not only by members of his church community, but also among the many other residents of Darien. He seeks out anyone who can use a helping hand or a friend. He is especially valued for his work with teenagers, single parents and the sick and dying. Regularly visiting hospitals, he works to lift the human spirit or offer a willing ear.

Father Gavin is best described by one of his fellow citizens, who said: "He is an extraordinary man who knows how to identify people in need and find a way of ministering to them. Father Gavin is a very compassionate man who reaches out to people of all faiths and in all walks of life. In short, I can think of no one who has made Darien a better place to live than Father Gavin Quinn."

I could not agree more. Father Quinn is the kind of person who transforms a city into a community. Congratulations to Father Gavin Quinn, Darien's 2003 Citizen of the Year.

#### RECOGNIZING NATIONAL PEACE CORPS DAY

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, March 6, 2003*

Mr. UDALL of Colorado. Mr. Speaker, last Friday, February 28th, we celebrated National Peace Corps Day, honoring the 168,000 Americans who have served as volunteers since the creation of the Peace Corps in 1961. These amazing men and women have served our nation in 136 countries. Peace Corps volunteers have made enormous contributions in the areas of agriculture, business development, education, health, and the environment, and in so doing have improved the lives of individuals and communities around the world. The Peace Corps has become an enduring symbol of our nation's commitment to encour-

age progress and create opportunity in the developing world.

My own background as an educator and director at Outward Bound for twenty years taught me about the importance of national and community service. But I also have strong connections to the Peace Corps through my great state of Colorado and through my family. Colorado has one of the highest levels of recruitment of Peace Corps volunteers nationwide, and returned Peace Corps Volunteers in the 2nd Congressional District alone number over 500. Of course, the most important Peace Corps connection for me is my mother, who served as a volunteer in Nepal decades ago.

Because of these connections I have a special interest in advancing the ability of the Peace Corps to play an important role in these new times. I believe we must work to continue to promote world peace and friendship through the people-to-people approach of the Peace Corps. That's why I worked with my colleague Rep. SAM FARR in the last Congress to introduce legislation known as the Peace Corps Charter for the 21st Century Act. We have reintroduced the bill again in this Congress as H.R. 250.

The "Peace Corps Charter" strengthens the Peace Corps in a number of ways. It restates and further promotes its goals—to provide technical assistance to those in need around the world, to promote better understanding of Americans on the part of the peoples served, and to bring the world home to America. It authorizes funding to allow for a Peace Corps expansion to 15,000 volunteers in five years. It reaffirms the independence of the Peace Corps. It authorizes a number of reports, such as one on host country security. It spells out a commitment to recruit and place Peace Corps volunteers in countries where they could help promote mutual understanding, particularly in areas with substantial Muslim populations. It establishes training programs for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases, such as HIV/AIDS. It streamlines and empowers the Peace Corps Advisory Council, with an added focus of making use of the expertise of Returned Peace Corps Volunteers. Finally, the bill creates a grant program to enable Returned Peace Corps Volunteers to use their experience and expertise to continue to carry out the goals of the Peace Corps through specific projects.

The Peace Corps is one of the most admired and successful initiatives ever put in place. I'm proud that the following young people from the 2nd Congressional District are presently serving in countries all over the world: Vanessa Adams, Ben Armitage, Shaun Cosgrove, Amy Ellerman, Thomas Fleming, Megan Haldy, Rebecca Knerl, Lydia Labelle, Lynell Lacey, Benjamin Liu, Erica Manteuffel, Kelly Oberg, Stephanie Ogden, Kelly O'Rourke, Johanna Patrick, Matthew Rice, Kathleen Shannon, Mary Simonson, and Robert Sweetman.

A pebble tossed into a still pond creates ripples that begin small and grow larger. Peace Corps volunteers have had this same effect on the people they have touched. The Peace Corps experience exemplifies how individuals can make a tremendous difference in the lives and perceptions of people in developing countries as well as people right here at home.

National Peace Corps Day honors the volunteers, past and present, and reaffirms our