

the counselor of the State Department, and Deputy Treasury Secretary Robert Kimmitt met with Annan and his deputy, Mark Malloch Brown, at the secretary general's Sutton Place residence. There was no one else present.

The two presidential envoys asked Annan to use his unique "convening powers" to help organize international meetings that would lead (by this fall, the Americans hope) to the unveiling of a new "Iraq Compact"—an agreement between the Iraqi government and major international donors that would commit Baghdad to a series of political and economic reforms in return for substantially more international aid. (Iraqi Prime Minister Nouri al-Maliki called Annan the same day to make an identical request.)

This is a good idea—and quite similar to suggestions from many administration critics. With the battle for Baghdad raging, it remains to be seen whether an Iraq Compact will work—or even get off the ground—but it is certainly an important step in the right direction for Iraq and for American policy.

For Annan and the United Nations, Bush's request poses an ironic and difficult challenge. On the one hand, the administration is asking for help on the worst problem it faces, acknowledging, however belatedly and reluctantly, that once again, the United Nations is not only relevant but at times indispensable to the United States. On the other hand, the resentment among the majority of U.N. member states over the way the institution has been treated recently, especially by Washington's current U.N. ambassador, makes any effort to get the United Nations to help the United States far more difficult.

How to treat the United Nations has been a particular dilemma for President Bush, since opponents of the organization form an important part of the administration's core constituency. Internal disagreements over the past five years about whether to support it or abandon it, to use it or bypass it, have both weakened the organization and led to reduced U.S. influence even as more and more intractable issues are thrown into its hands.

The United Nations is facing major budgetary problems caused primarily by American insistence on a six-month budget cycle instead of the normal two-year cycle. It must deal with growing shortfalls in the U.S. contribution to peacekeeping funding, despite Washington's calls for more peacekeepers in Darfur and elsewhere. And it is confronted by a deadlock over rebuilding the headquarters complex in New York—a deadlock whose main cause is the administration's failure to push Congress for proper funding. (This is particularly difficult to understand, since the U.N. signature building, its 38-story East River office tower—built in 1950 and never subject to modern safety codes—is widely acknowledged to be the major building in New York most vulnerable to a terrorist attack. For example, when the president visits it, the Secret Service closes down FDR Drive beneath it—but what about the rest of the time?)

Still, even though Annan and the world body have been diminished by Washington, he and his colleagues simply cannot refuse to help on the Iraq matter; it is their responsibility as international civil servants to go where the problems are worst and then to do their best. And, on the basis of private talks with Annan, Malloch Brown and administration officials, I have no doubt that they intend to do just that. In fact, Malloch Brown has already agreed to travel to Baghdad very soon for preliminary meetings that the United Nations and the United States hope will culminate later this year in a high-level conference in the region. As Annan moves into his last six months as secretary general,

this would be the right way to end a turbulent decade in that office—with a genuine contribution to the cause of peace in Iraq.

It is, however, impossible not to note the irony and the implications of what has happened in the past two weeks between Washington and the United Nations. Once again, an administration that has underfunded, undersupported and undermined the United Nations has turned to it, almost in desperation, for help.

The lesson should be clear: Despite the enormously self-destructive actions of many other member states, especially the group of developing nations called the G-77, the United Nations still serves U.S. foreign policy interests in many important ways. Not only Iraq but also Iran, Darfur, Afghanistan and the difficult negotiations just started over Kosovo's final status—all issues of vital importance to the United States—have now ended up in the United Nations. To weaken this institution further, as has happened in recent years, serves no clear American national security interest. To strengthen it would make it more valuable to the United States and to every nation that seeks conflict resolution, stability and economic progress. With the maneuvering over the selection of Annan's successor underway, it is time for Washington—and this must include Congress—to put behind it a sorry period of confusion and offer the United Nations more support, both financial and political, in return for the things it needs in Iraq and elsewhere.

PERSONAL EXPLANATION

HON. CATHY McMORRIS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Miss McMORRIS. Mr. Speaker, due to circumstances beyond my control, I was unable to make votes Monday because of unexpected plane difficulties en route to Washington, DC. Had I been present, I would have voted "yea" on both H.R. 5061 as well as H.R. 2563.

A NEW KIND OF LAW IN A NEW KIND OF WAR

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 2006

Mr. SIMMONS. Mr. Speaker, I rise to submit for the RECORD a column that appeared in The New London Day on July 9. It was written by Glenn Sulmasy, an associate professor of law at the U.S. Coast Guard Academy and a noted expert on national security law. The title of the op-ed piece is "A New Kind of Law in a New Kind of War."

America is not at war with a traditional enemy, but a network of civilians who swear allegiance to radical Islam. Consequently, the various laws that have historically governed international conflicts do not seem to fit well with our current situation. Nevertheless, we have spent a lot of time discussing the present and future conditions of the combatants in our custody. In his column, Glenn Sulmasy offers a series of recommendations providing a framework for this important debate. He makes an especially compelling case for a National Security Court system.

America's critics do little more than attack the current system. While such criticism is important, it is not always constructive. We need to think of new ways to handle the detention and adjudication of enemy combatants.

In the book *In Time of War*, which details President Roosevelt's treatment of eight Nazi saboteurs in 1942, Pierce O'Donnell argues that our enemies "would forcibly impose their nihilistic, totalitarian ideology on society through violence and intimidation. That is precisely why this just struggle—characterized as a war on terror—should not be tainted by compromising our historic respect for justice, constitutional liberties and international law."

As we take steps to defend America from a terrorist threat, we cannot lose sight of the values we are defending. For this reason, I urge my colleagues to take a few minutes and read Glenn Sulmasy's column, which outlines a new kind of law for a new kind of war.

[From the New London Day, July 9, 2006]

GUANTANAMO BAY: NEW KIND OF LAW FOR NEW KIND OF WAR

(By Glenn Sulmasy)

Last week, in *Rumsfeld vs. Hamdan*, the Supreme Court decided that the military commissions for the jihadist detainees in Guantanamo Bay are not lawfully constructed. I disagree. However the realities of maintaining international support and ensuring domestic consensus on fighting the global war demands we look for alternatives for detaining and trying jihadists. Regardless of how the Court decided in *Hamdan*, the commissions have failed.

The Court has forced the opponents of military commissions to offer legitimate solutions. The best solution available is the creation of a National Security Court system.

The global war on terror has created ambiguities in both the laws of armed conflict and how best to fight this new war. The asymmetric threat of international terror, the lack of a clear national enemy, the problems with the military commissions in Guantanamo Bay, allegations of torture and the recent constitutional issues surrounding wiretap efforts of the National Security Agency all highlight the lack of an appropriate body of law to govern this new conflict. Nowhere is this ambiguity more evident than in the United States' handling of detainees.

The "enemies" in this war are men and women who fight not for a nation but for ideology, do not wear standard military uniforms and, as doctrine, flout the laws of war. These new "warriors" have created extreme difficulties since they are not conventional prisoners of war (regardless what the recent ruling has asserted) and thus (with all due respect to Justice John Paul Stevens) the Geneva Conventions simply do not apply to them. Adjudicating their status and crimes has become increasingly chaotic. It initially appeared that the military tribunals (currently referred to as military commissions by the Bush Administration) would provide the appropriate venue for handling the prosecution of the detainees. But now, over four years later, there has not been a completed prosecution. More than 500 detainees remain in Guantanamo Bay and supposedly another 450 are being held in Afghanistan.

As this problem grows, the U.S. needs a new approach. Our own federal courts system, the standard courts-martial system and other traditional methods, won't work. A healthy, bipartisan debate on "what" to do next is critical. This is a new war, one that mixes law enforcement and warfare, and does not fit neatly in either category.