

sales were the advanced Russian-made S-300 air defense system and heavy tanks. Although Centre TV did not name the countries receiving arms from Kazakhstan, Britain's Guardian reported on August 14, 2001 that the S-300's may have ended up in Sudan. In any event, the United States has had many run-ins with the Nazarbayev regime over arms sales. Early last year, for example, Kazakhstan sold forty MIG fighters to North Korea. And on June 4, 1997, the Washington Times reported that the U.S. had protested plans by Kazakhstan to sell advanced air defense missiles to Iran. So there is a disturbing pattern of arms sales to rogue states and no known commitment by Nazarbayev to end them. He needs to make such a commitment, and now!

Finally, It has come to my attention that on September 14, 2001 the Swiss Federal Department of Justice made available to the U.S. Department of Justice the findings of a lengthy investigation of corruption involving President Nursultan Nazarbayev of Kazakhstan, a former director of Mobil Oil, Mr. J. Bryan Williams, and a senior official of the Geneva-based bank Credit Agricole Indosuez. According to Swiss press reports, the Swiss investigation into money laundering and other corrupt activities has established the existence of a bribery chain set up in the 1990's by James Giffen, a U.S. businessman who reportedly acted as a mediator between several oil companies and officials of the government of Kazakhstan, including President Nazarbayev. The U.S. Department of Justice has been investigating Giffen's activities since last year.

I would thus urge President Bush not to host someone whose regime has been condemned by leading human rights organizations, has trafficked in arms with rogue states, has been ambiguous in its support of the war on terrorism, and is under investigation by both Swiss and U.S. law enforcement agencies. Further, a priority objective of U.S. policy should be to insist that Mr. Nazarbayev clean up his act.

LET PRIVATEERS TROLL FOR BIN LADEN

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 4, 2001

Mr. PAUL. Mr. Speaker, I recommend my colleagues read the attached article "Let Privateers Troll for Bin Laden" by Larry Sechrest, a research fellow at the Independent Institute in Oakland, California, and a professor of economics at Sul Ross State University. Professor Sechrest documents the role privateers played in the war against pirates who plagued America in the early days of the Republic. These privateers often operated with letters of marque and reprisal granted by the United States Congress.

Professor Sechrest points out that privateers could be an effective tool in the war against terrorism. Today's terrorists have much in common with the pirates of days gone by. Like

the pirates of old, today's terrorists are private groups seeking to attack the United States government and threaten the lives, liberty, and property of United States citizens. The only difference is that while pirates sought financial gains, terrorists seek to advance ideological and political agendas through violence.

Like the pirates who once terrorized the high seas, terrorists today are also difficult to apprehend using traditional military means. We have seen that bombs and missiles can effectively and efficiently knock out the military capability, economy and technological infrastructure of an enemy nation that harbors terrorists. However, recent events also seem to suggest that traditional military force is not as effective in bringing lawless terrorists to justice.

When a terrorist stronghold has been destroyed by military power, terrorists simply may move to another base before military forces locate them. It is for these reasons that I believe the drafters of the Constitution would counsel in favor of issuing letters of marque and reprisal against the terrorists responsible for the September 11 attacks.

Secretary of Defense Rumsfeld recently acknowledged the role that private parties, when provided sufficient incentives by government, can play in bringing terrorists to justice. Now is the time for Congress to ensure President Bush can take advantage of every effective and constitutional means of fighting the war on terrorism. This is why I have introduced the Air Piracy Reprisal and Capture Act of 2001 (HR 3074) and the September 11 Marque and Reprisal Act of 2001 (HR 3076). The Air Piracy Reprisal and Capture Act of 2001 updates the federal definition of "piracy" to include acts committed in the skies. The September 11 Marque and Reprisal Act of 2001 provides Congressional authorization for the President to issue letters of marque and reprisal to appropriate parties to seize the person and property of Osama bin Laden and any other individuals responsible for the terrorist attacks of September 11. I encourage my colleagues to read Professor Sechrest's article on the effectiveness of privateers, and to help ensure President Bush can take advantage of every available tool to capture and punish terrorists by cosponsoring my Air Piracy Reprisal and Capture Act and the September 11 Marque and Reprisal Act.

LET PRIVATEERS TROLL FOR BIN LADEN

(by Larry J. Sechrest)

In the wake of the Sept. 11th attacks, a group of American businessmen has decided to enlist the profit motive to bring the perpetrators to justice. Headed by Edward Lozzi of Beverly Hills, California, the group intends to offer a bounty of \$1 billion—that's billion with a "b"—to any private citizens who will capture Osama bin Laden and his associates, dead or alive.

Paying private citizens to achieve military objectives seems novel but is hardly untried. Recall Ross Perot's successful use of private forces to retrieve his employees from the clutches of fundamentalist Muslims in Iran in 1979.

We are all familiar with bail bondsmen, who employ bounty hunters to catch bail-jumping fugitives. Less familiar are two U.S.

companies, Military Professional Resources Inc. and Vinnell Corporation, which provide military services to governments and other organizations worldwide.

Historically, private citizens arming private ships, appropriately called "privateers," played an important role in the American Revolution. Eight hundred privateers aided the seceding colonists' cause, while the British employed 700, despite having a huge government navy.

During the War of 1812, 526 American vessels were commissioned as privateers. This was not piracy, because the privateers were licensed by their own governments and the ships were bonded to ensure that their captains followed the accepted laws of the sea, including the humane treatment of those who were taken prisoner. Congress granted privateers "letters of marque and reprisal," under the authority of Article I, Section 8 of the U.S. Constitution.

Originally, privateering was a method of restitution for merchants or shipowners who had been wronged by a citizen of a foreign country. Privateers captured the ships flying the flag of the wrongdoers' nation and sailed them to a friendly port, where a neutral admiralty court decided whether the seizure was just. Wrongful seizures resulted in the forfeiture of the privateers' bond to the owners of the seized ship.

If the seizure was, just, the ship and cargo were sold at auction, with the bulk of the proceeds going to the privateer's owners and crew. The crews were volunteers who shared in the profits, and the investors viewed the venture as remunerative—albeit risky,

Privateering soon evolved into a potent means of warfare. Self-interest encouraged privateers to capture as many enemy ships as possible, and to do it quickly. Were privateers successful in inflicting serious losses on the enemy? Emphatically, yes. Between 1793 and 1797, the British lost 2,266 vessels, the majority taken by French privateers.

During the War of the League of Augsburg (1689-1697) French privateers captured 3,384 English or Dutch merchant ships and 162 warships, and during the War of 1812, 1,750 British ships were subdued or destroyed by American privateers. Those American privateers struck so much fear in Britain that Lloyd's of London ceased offering maritime insurance except at ruinously high premiums. No wonder Thomas Jefferson said, "Every possible encouragement should be given to privateering in time of war."

If privateering was so successful, why has it disappeared? Precisely because it worked so well. Government naval officers resented the competitive advantage privateers possessed, and powerful nations with large government navies did not want to be challenged on the seas by smaller nations that opted for the less-costly alternative—private ships of war.

In sum, the armed forces of the U.S. government are not the only option for President Bush to defeat bin Laden, his al Qaeda network, and "every terrorist group with a global reach." The U.S. military is not necessarily even the best option.

Let's bring back the spirit of the privateers. By letting profits and justice once more go hand-in-hand, victims and their champions can have an abundance of both, rather than a paucity of either.