

RECOGNITION OF ARMY  
SPECIALIST JACOB PALMATIER

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 8, 2005*

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the life of Army Specialist Jacob Palmatier who was recently killed in action fighting for freedom in Iraq.

Palmatier was a 29-year-old from Springfield, Illinois who served as an Army Specialist assigned to the 1st Battalion, 30th Infantry Regiment, 3rd Brigade, 3rd Infantry Division based at Fort Benning, GA. Palmatier went to Springfield's Lutheran High School and later entered Illinois College, where he graduated magna cum laude with a degree in English. He excelled in languages, learning to speak fluent Japanese as well as some Norwegian, Russian and French. He had been in Iraq for less than a month when he was killed outside of Baghdad by a roadside bomb.

Palmatier is survived by his wife Bridget of Rochester whom he married in 2003 and his parents David and Margaret Palmatier of Springfield. I am proud of the service this young man gave to our country and the service his fellow troops perform every day. Not enough can be said about Army Spc Palmatier. It is troops like him that are risking their lives day in and day out to ensure our freedom here at home and to others throughout the rest of the world. I salute him and my best wishes go out to his family and all the troops fighting to ensure freedom and democracy.

A SPECIAL TRIBUTE TO JOHN  
KAUFFMAN ON THE OCCASION  
OF HIS RETIREMENT

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 8, 2005*

Mr. GILLMOR. Mr. Speaker, it is my great pleasure to pay special tribute to Mr. John Kauffman, upon his retirement as the Managing Editor of the Advertiser-Tribune Newspaper in Tiffin, Ohio.

John Kauffman, like many young Americans, entered his adulthood by proudly serving his country as a member of the United States Navy. After John's enlistment, he attended and graduated from The Ohio State University where he was an integral part of the student newspaper, The Lantern.

Upon graduation, John embarked on his journalistic career at the Ypsilanti Press in Michigan and later served as Editor of the Kenton Times. Then in 1981, John accepted his current position as Managing Editor of the Advertiser-Tribune where he has provided constant leadership.

Drawing upon his past experiences, John has brought stability and journalistic integrity to a newspaper which has seen tremendous changes. As Managing Editor, John remained cognizant of the Advertiser-Tribune's rich history which can be traced to 1832 with the be-

ginnings of the Seneca Advertiser and its predecessor, the Seneca Patriot. With this rich history in mind, John has displayed great leadership by effectively communicating the mission at hand and adapting to the ever changing world around him.

Through John's drive and leadership, the Advertiser-Tribune instituted a Sunday edition in 1989, daily publishing in 1990 and converted to a morning publishing cycle in 1992. After 23 years of distinguished service to the residents of Tiffin and Seneca County, John leaves behind the legacy of a paper inspired by dedication and compassion.

In addition to John Kauffman's commitment to the Advertiser-Tribune, he has shown an unwavering desire to be an active participant in his community. Whether it is his activity in his local church, or his participation in the League of Women Voters' candidates' night, John has continued to lead by example.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to Mr. John Kauffman. Our communities are well served by having such honorable and giving citizens, like John, who care about their well being and stability. We wish John and his family all the best as we pay tribute to one of Ohio's finest citizens.

HONORING THE ACHIEVEMENTS OF  
GUADALUPE COUNTY JUDGE  
DONALD SCHRAUB

**HON. HENRY CUELLAR**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 8, 2005*

Mr. CUELLAR. Mr. Speaker, I rise today to honor County Judge Donald L. Schraub for his years of contribution to the Guadalupe County community as an educator, business professional and county judge.

Born in LaVernia, Texas, Judge Schraub graduated from LaVernia High School. He attended the University of Texas at Austin and earned a Bachelors Degree in Zoology and a Teaching Certificate.

Before becoming an elected official, Schraub committed years in education and business. Judge Schraub started as a biology teacher in Midland, Texas before returning to the Seguin Independent School District to teach Earth Science. After getting a Master's degree in Education, Schraub continued to serve the school district by becoming a school counselor.

Schraub then worked 12 years for the Wholesale Beverage Distribution Company. Following his retirement from business, Schraub returned to be a school counselor in the Nixon Independent School District.

As the current Guadalupe County Judge, Schraub has aimed to provide a stable, well balanced fiscal base for the county while insuring the needs of the taxpayer are met. In the Alamo Area Council of Governments, Judge Schraub serves on the Housing Finance, Planning and Program Development, and Rural Area Judges Committees.

In his spare time, Judge Schraub likes to hunt, fish, and go camping. Married to his wife Gloria for 16 years, Schraub and his family also enjoy attending the local Christ Lutheran

Church. His family has attended the same Christ Lutheran Church for four generations.

Mr. Speaker, I am honored to have this opportunity to recognize Judge Donald L. Schraub, and to thank him for his years of public service and positive influence on both the young and old of our community.

RECOGNIZING JESSICA POPE'S APPOINTMENT TO THE DISTRIBUTIVE EDUCATIONAL CLUBS OF AMERICA'S INTERNATIONAL TEAM

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 8, 2005*

Mr. BURGESS. Mr. Speaker, I rise today to commend Jessica Pope of Little Elm High School, located in the 26th Congressional District of Texas, for her win of the Distributive Education Clubs of America's (DECA) state competition. Winning this competition puts her on DECA's International Team competing in Anaheim, California later this spring.

I congratulate Jessica Pope for this outstanding achievement. Jessica first had to qualify for the state competition through a series of tests and district competitions. At the state competition, Jessica excelled past the 100-question test plus a role-playing event, which Jessica completed in front of a panel of judges. Out of about 150 contestants in Jessica's event, she was named one of the top nine.

Jessica's teacher, Diana Reynolds, also deserves recognition because she urged Jessica to compete at the Distributive Education Clubs of America events. Teachers, like Ms. Reynolds, encourage our youth to perform at their highest potential helping to build a better America.

I am proud of the education system in Texas, especially our involved parents and teachers at Little Elm High School, who commit their lives and time to fostering growth in their students. Jessica is a stellar example of how our combined efforts are paying off. Congratulations to Jessica, her parents, Diana Reynolds and Little Elm High School.

INTRODUCING THE AMERICAN  
SOVEREIGNTY RESTORATION  
ACT OF 2005

**HON. RON PAUL**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, March 8, 2005*

Mr. PAUL. Mr. Speaker, I rise today to reintroduce the American Sovereignty Restoration Act. I submitted this bill, which would end United States membership in the United Nations, in the 106th, 107th, and 108th Congresses and if anything, conditions have made its relevance and importance more evident now than ever. The United Nations assault on the sovereignty of the United States proceeds apace; it shows no signs of slowing. Mr. Speaker, since I last introduced this measure, the United Nations has been embroiled in

scandal after scandal, from the Oil for Food Scandal to several recent particularly appalling sex scandals.

The United States has wasted more than 30 billion taxpayer dollars on the United Nations and has received in return only contempt from an organization that scoffs at traditional notions of limited government and sovereignty.

Indeed, even though the United States pays the lion's share of the UN budget, UN bureaucrats are still not satisfied. They want direct access to U.S. taxpayer money without the U.S. government middleman. A current example of this determination to tax American citizens is the Law of the Sea Treaty. The "International Seabed Authority" created by the Law of the Sea Treaty would have the authority to—for the first time in history—impose taxes on American businesses and citizens. This treaty may be ratified at any time by the U.S. Senate and UN taxation of Americans will become a reality.

This legislation would represent a comprehensive and complete U.S. withdrawal from the United Nations. It repeals the United Nations Participation Act of 1945 and other related laws. It directs the President to terminate U.S. participation in the United Nations, including any organ, specialized agency, commission, or other affiliated body. It requires closure of the U.S. Mission to the UN.

The legislation also prohibits the authorization of funds for the U.S. assessed or voluntary contribution to the UN; the authorization of funds for any U.S. contribution to any UN military operation; and the expenditure of funds to support the participation of U.S. armed forces as part of any UN military or peacekeeping operation. Finally, this legislation bars U.S. armed forces from serving under UN command.

The U.S. Congress, by passing H.R. 1146, and the U.S. President, by signing H.R. 1146, will heed the wise counsel of our first President, George Washington, when he advised his countrymen to "steer clear of permanent alliances with any portion of the foreign world," lest the nation's security and liberties be compromised by endless and overriding international commitments. I urge my colleagues to support this measure and I hope for its quick consideration.

In considering the recent United Nations meetings and the United States' relation to that organization and its affront to U.S. sovereignty, we would all do well to again read carefully Professor Herbert W. Titus' paper on the United Nations from which I have provided this excerpt:

It is commonly assumed that the Charter of the United Nations is a treaty. It is not. Instead, the Charter of the United Nations is a constitution. As such, it is illegitimate, having created a supranational government, deriving its powers not from the consent of the governed (the people of the United States of America and peoples of other member nations) but from the consent of the peoples' government officials who have no authority to bind either the American people nor any other nation's people to any terms of the Charter of the United Nations.

By definition, a treaty is a contract between or among independent and sovereign nations, obligatory on the signatories only when made by competent governing authorities in accordance with the powers constitu-

tionally conferred upon them. I Kent, Commentaries on American Law 163 (1826); Burdick, *The Law of the American Constitution* section 34 (1922). Even the United Nations Treaty Collection states that a treaty is (1) a binding instrument creating legal rights and duties; (2) concluded by states or international organizations with treaty-making power; (3) governed by international law.

By contrast, a charter is a constitution creating a civil government for a unified nation or nations and establishing the authority of that government. Although the United Nations Treaty Collection defines a "charter" as a "constituent treaty," leading international political authorities state that— "[t]he use of the word 'Charter' [in reference to the founding document of the United Nations] . . . emphasizes the constitutional nature of this instrument." Thus, the preamble to the Charter of the United Nations declares "that the Peoples of the United Nations have resolved to combine their efforts to accomplish certain aims by certain means." *The Charter of the United Nations: A Commentary* 46 (B. Simma, ed.) (Oxford Univ. Press, NY: 1995) (Hereinafter U.N. Charter Commentary). Consistent with this view, leading international legal authorities declare that the law of the Charter of the United Nations which governs the authority of the United Nations General Assembly and the United Nations Security Council is "similar . . . to national constitutional law," proclaiming that "because of its status as a constitution for the world community," the Charter of the United Nations must be construed broadly, making way for "implied powers" to carry out the United Nations' "comprehensive scope of duties, especially the maintenance of international peace and security and its orientation towards international public welfare." *Id.* at 27

The United Nations Treaty Collection confirms the appropriateness of this "constitutional interpretive" approach to the Charter of the United Nations with its statement that the charter may be traced "back to the Magna Carta (the Great Charter) of 1215," a national constitutional document. As a constitutional document, the Magna Carta not only bound the original signatories, the English barons and the king, but all subsequent English rulers, including Parliament, conferring upon all Englishmen certain rights that five hundred years later were claimed and exercised by the English people who had colonized America.

A charter, then, is a covenant of the people and the civil rulers of a nation in perpetuity. Sources of Our Liberties 1-10 (R. Perry, ed.) (American Bar Foundation: 1978). As Article 1 of Magna Carta, puts it:

We have granted moreover to all free men of our kingdom for us and our heirs forever all liberties written below, to be had and holden by themselves and their heirs from us and our heirs.

In like manner, the Charter of the United Nations is considered to be a permanent "constitution for the universal society," and consequently, to be construed in accordance with its broad and unchanging ends but in such a way as to meet changing times and changing relations among the nations and peoples of the world. U.N. Charter Commentary at 28-44.

According to the American political and legal tradition and the universal principles of constitution making, a perpetual civil covenant or constitution, obligatory on the people "and their rulers throughout the generations, must, first, be proposed in the name of the people and, thereafter, ratified

by the people's representatives elected and assembled for the sole purpose of passing on the terms of a proposed covenant. See 4 *The Founders' Constitution* 647-58 (P. Kurland and R. Lerner, eds.) (Univ. Chicago Press: 1985). Thus, the preamble of the Constitution of the United States of America begins with "We the People of the United States" and Article VII provides for ratification by state conventions composed of representatives of the people elected solely for that purpose. Sources of Our Liberties 408, 416, 418-21 (R. Perry, ed.) (ABA Foundation, Chicago: 1978).

Taking advantage of the universal appeal of the American constitutional tradition, the preamble of the Charter of the United Nations opens with "We the peoples of the United Nations." But, unlike the Constitution of the United States of America, the 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 amendment 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 legislature of a state or a convention of a state refused to ratify. Such an amendment 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.

HONORING THE CONTRIBUTIONS OF COMAL COUNTY COMMISSIONER JAN KENNADY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 2005

Mr. CUELLAR. Mr. Speaker, I rise today to recognize Jan Kennady for a lifetime of dedicated public service.

Jan Kennady served on the New Braunfels City Council from 1993-1996, and as Mayor of New Braunfels from 1996-1999. Her energy and organizational skill were a tremendous boon to New Braunfels, and she was honored by the Texas State Legislature with a resolution expressing the State's appreciation.

She has also worked for years as a volunteer leader and organizer, and has been honored with multiple awards, including 1995 Citizen of the Year, the Chamber of Commerce President's Award, the Women of Distinction Award, and the 10 Outstanding Republican Women Award. In 1998, Governor Bush appointed her to a three-year term on the Texas Commission on Volunteer and Community Service. Her work on education, senior health, and other issues has earned her the thanks of a grateful community.

Jan Kennady is a model of initiative, commitment, and talent. She has made her city, her State, and her party stronger by her serv-

ice. Today, she continues to serve her fellow Texans as Comal County Commissioner. I am honored to have this opportunity to recognize Jan Kennady, and to thank her for all she has done for those people whose lives she has touched.

Mr. Speaker, I am honored to have had this opportunity to recognize the many achievements of Comal County Commissioner Jan Kennady.

THE UNACCOMPANIED ALIEN CHILD PROTECTION ACT OF 2003

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 8, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, no child should be left to fend for herself in a complex immigration system that even you and I would fear. This is why today I am again introducing the Unaccompanied Alien Child Protection Act.

It is true that in 2002 Congress transferred the care, custody, and placement of unaccompanied alien children from the Department of Justice to the Department of Health and Human Services to improve the treatment children receive when encountered at our borders. This is certainly a big step in the right direction and I commend the Department of Health and Human Services for taking important steps to improve the care and custody of these vulnerable children. But these positive actions did not end the plethora of problems unaccompanied children experience when they come into contact with our immigration authorities.

Health and Human Services inherited a system that relied upon a variety of detention facilities to house children and was given little legislative direction to implement their new responsibilities. As a result, some children from repressive regimes or abusive families continue to fend for themselves in a complex legal and sometimes punitive system, without knowledge of the English language, with no adult guidance, and with no legal counsel. Some unaccompanied children are treated in a manner that our country usually reserves for criminals, not helpless victims.

The Unaccompanied Alien Child Protection Act would not change the ultimate decision on what happens to the quest by children for permanent safe haven in America. It would ensure that while the decision-making process is underway, children are housed in a humane and civil way and that those deciding are accurately informed about the facts of each case and the law.

Consider the compelling story of Esther, a nine-year-old victim of abuse, neglect and abandonment by her parents. She escaped to the U.S. with relatives who later turned her over to immigration authorities at the age of fourteen. Esther was detained for over six months in a juvenile jail and represented by an unscrupulous attorney who failed to appear at her immigration hearing, leaving her defenseless. The immigration judge ordered Esther to leave the United States.

Well after the Homeland Security Act transferred the care and custody of unaccompanied