

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