

Hearings Scheduled in September

Will the Senate Be Told the Truth About the Law of the Sea Treaty?

The Senate should be told that ratification of the U.N. Convention on the Law of the Sea (UNCLOS) would help to establish a new global or transnational legal order and undermine America's constitutional republic. The World Federalists, who played a key role over many years in drafting and promoting the treaty, admitted the obvious in 1997 -- that UNCLOS brings into being "the elements of a limited world government."¹



Radical Harvard Professor Louis B. Sohn saw the U.N. Convention on the Law of the Sea as part of a plan for a world government that would include a U.N. "peace" force armed with nuclear weapons.

This should not be too surprising because its main architect, Harvard Law Professor and international lawyer Louis B. Sohn, believed in world government. Sohn was not only a key author of UNCLOS but offered a detailed proposal to transform the United Nations into a world government. In his book, *World Peace Through World Law*, he said that he wanted this world government to maintain hundreds of thousands of troops, military bases and be armed with nuclear weapons. The purpose, he said, would be to disarm "each and every nation and to deter or suppress any attempted international violence."

Of course, this "world authority" would also require a "United Nations Revenue System," drawing taxes from "each nation" of the world, he said.

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UNCLOS was seen as a major step down this road. The World Federalists declared that, by “establishing global governance” over the seabeds of the oceans and by stipulating that mining of those areas beyond national jurisdiction “should require payment of royalties” to a United Nations body, UNCLOS has created “a funding resource that would be independent of voluntary contributions by the treaty member nations.”

Hence, through UNCLOS, global taxes on the U.S. would come into effect.

What also may not be known is that Sohn and identified Soviet spy Alger Hiss, a top State Department official at the time, both participated in the conferences that resulted in the creation of the United Nations in 1945.

Sohn’s book, *World Peace Through World Law*, first published in 1958 and co-authored with Grenville Clark of the World Federalists, is considered a classic by World Federalists and is listed in the “timeline” of the history of world federalism.² Sohn’s writings are also featured in the book, *Uniting the Peoples and the Nations: Readings in World Federalism*.

In the preface to the book, Robert Woito writes that UNCLOS is an example of “how the broad principles outlined in *World Peace Through World Law* can be applied to a specific problem.” Sohn, he noted “played a significant role in the Law of the Sea conference.”

Harold Hongju Koh, the Dean of Yale Law School who is being talked about as a possible Supreme Court nominee in a Hillary Clinton presidential administration,³ has declared that Sohn’s work on UNCLOS was one of several areas in which he helped draft global “constitutions” to manage international affairs. Koh called this the “transnational legal process” and noted that Sohn’s book, *World Peace Through World Law*, was part of a “stunningly ambitious global project.” Koh said that, “unfortunately,” Sohn’s “sweeping blueprint” did not come to pass.

As far as UNCLOS is concerned, Sohn’s fingerprints are all over it.

Sohn, who died in 2006, “shaped the Law of the Sea Convention and the Law of the Sea Tribunal...”⁴ He was, according to a tribute in his honor, “instrumental” in shaping the U.N. Convention on the Law of the Sea.⁵

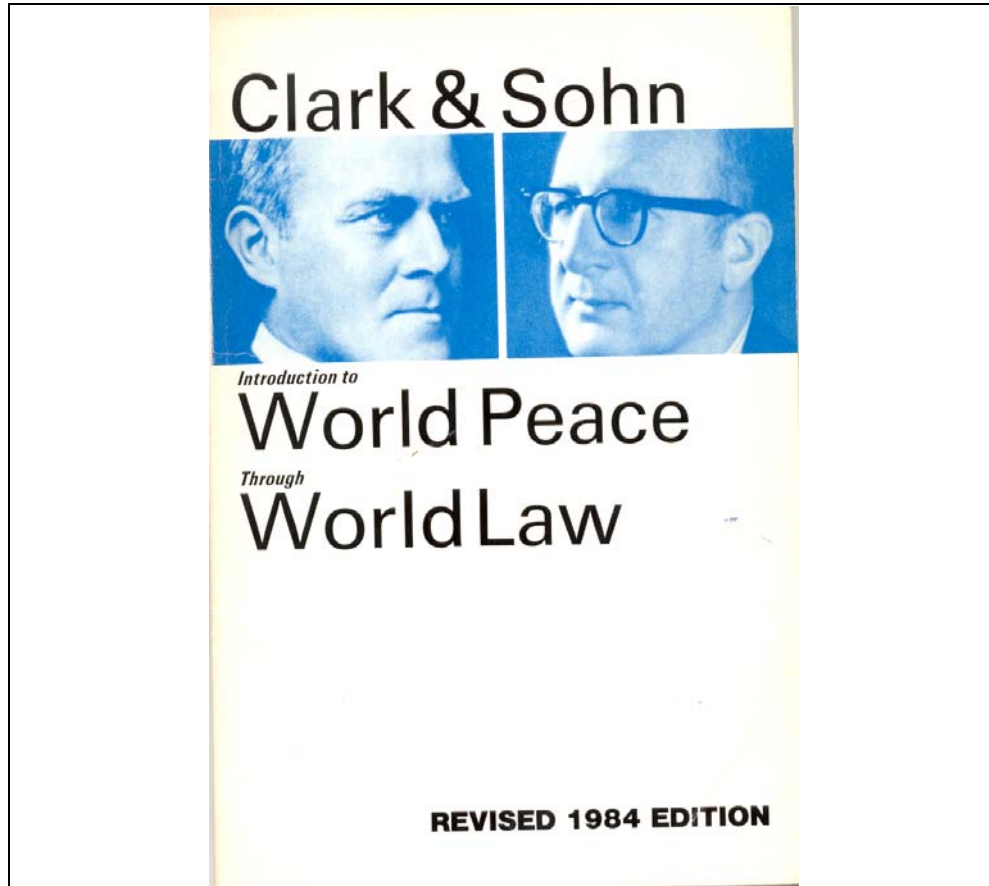
In *World Peace Through World Law*, one of his underlying principles was the need for “equitable management of mankind’s common resources – especially outer space and the oceans...” Sohn proposed a “United Nations Ocean Authority” that would eventually be expressed in UNCLOS as the International Seabed Authority, a vehicle to control vast areas of the oceans beyond the authority of sovereign states.

The recipient of awards and medals from the American Society of International Law and the World Federalists of Canada, Sohn declared in *World Peace Through World Law* that “the race to exploit the oceans and the seabed can lead to new disastrous conflicts unless this ‘common heritage of mankind’ is put under United Nations management and supervision.”

This revolutionary, even Marxist, concept, did become part of UNCLOS. And it was one reason why President Ronald Reagan rejected it. James L. Malone, President Reagan’s personal representative to the Law of the Sea Conference, wrote in the Spring 1984 issue of *Foreign Policy* that the “common

heritage of mankind” term had been “distorted” by the authors of the treaty. He wrote:

“Rather than recognize the seas as belonging to no country or individual but open to those willing to take the risk and invest the labor necessary to derive benefit from the abundant resources the seas contain, many countries sought instead to build a law of the sea (LOS) regime upon the assumption that every state shares ownership of the oceans in an undivided property interest.”



In addition to a U.N. Ocean Authority, Sohn urged creation of:

- A United Nations Outer Space Authority
- A World Development Authority
- World judicial tribunals
- A United Nations Peace Force, with a strength of between 200,000 and 400,000
- A United Nations Peace Force Reserve with a strength of between 300,000 and 600,000
- United Nations military bases
- A United Nations Revenue System

Sohn believed that the U.N. Peace Force would have “the most modern weapons and equipment,” including nuclear weapons. He wanted the U.N. to produce and supply its own weapons through a United Nations Military Supply and Research Agency.⁶

Colleagues Praise Sohn’s Role in UNCLOS

While Sohn’s role in crafting UNCLOS has not been the subject of examination by the Senate, his colleagues in the academic and legal communities are fully aware of what he proposed and what he did.

“Louis contributed significantly to the formulation of a text for the U.N. Convention on the Law of the Sea,” noted Detlev F. Vagts, Bemis Professor of International Law Emeritus at Harvard Law School.⁷

Thomas M. Franck, the Ida and Murrary Becker Professor Emeritus at the New York University School of Law, gave Sohn specific credit for Annex 7 of UNCLOS, “which established a model for the mandatory peaceful resolution of disputes.” Franck said that “many” representatives of “landlocked and disadvantaged states” during negotiations on UNCLOS “were former students [of Sohn] like me.”⁸

Daniel Barstow Magraw, president of the Center for International Environmental Law, identified Sohn as “one of four chief negotiators on the U.S. delegation to the Third United Nations Conference on the Law of the Sea (UNCLOS III), which eventually produced the 1982 Law of the Sea Convention.” He quoted Elliott Richardson, the head of the U.S. delegation and “a student in the first class Louis taught at Harvard Law School,” as saying that Sohn was “an indispensable resource” for the U.S. delegation and the conference as a whole.

Magraw conceded, however, that Sohn’s book, *World Peace Through World Law*, envisioned “an unusually strong world government...”⁹

As the Senate prepares to hold a hearing on UNCLOS in September, it is long past time to consider the influence of Sohn and other like-minded extremists and radicals. Even those who favor the pact should welcome an examination of his writings. After all, he co-authored the book, *The Law of the Sea in a Nut Shell*, and was considered an expert on the treaty.

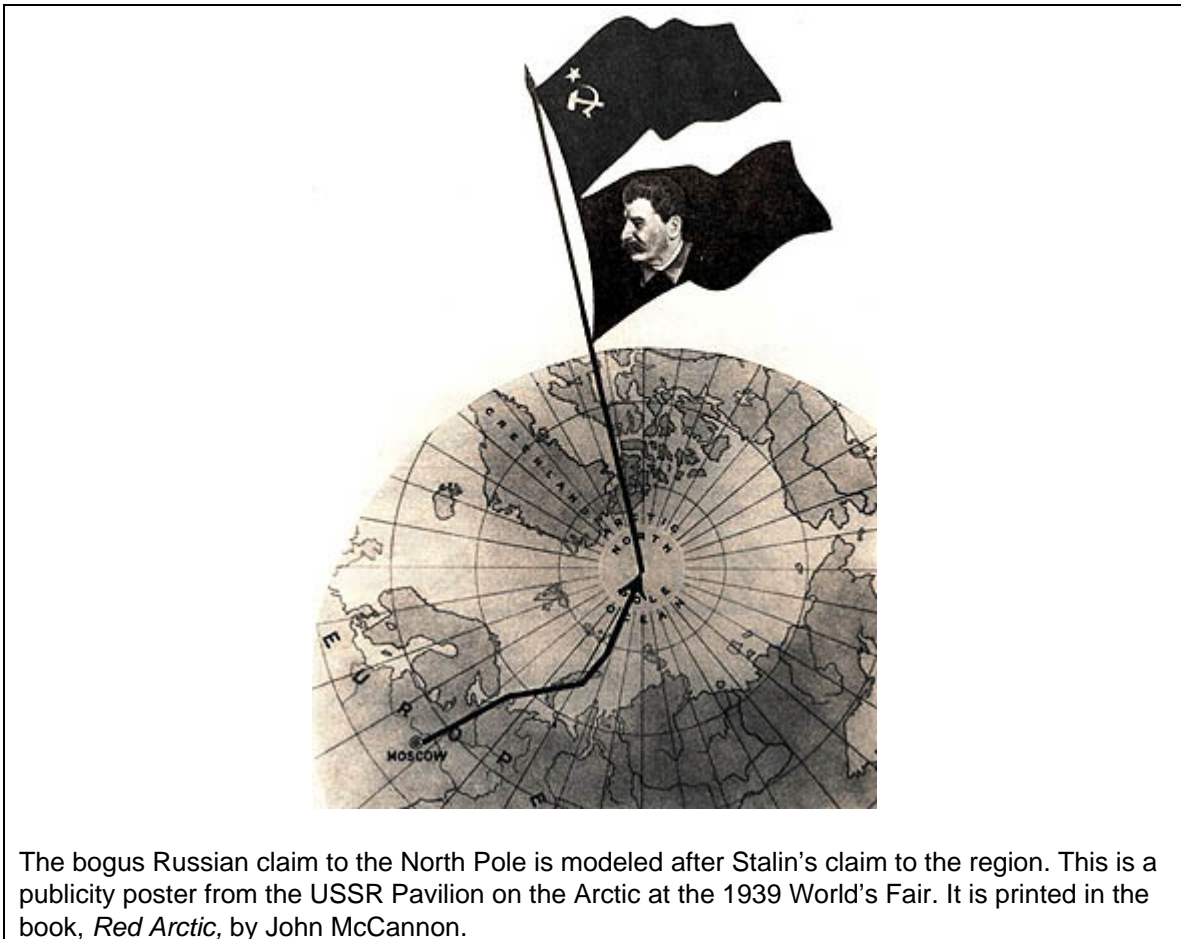
While Sohn spent many years in academia, his work for the U.S. Government included being a:

- Consultant on Disarmament, U.S. Department of State. 1960.
- Counselor on International Law, U.S. Department of State. 1970-1971.
- U.S. Delegate to the Law of the Sea Convention. 1974-1982.

The timing of the latter is significant. Sohn ended his career as a delegate to the Law of the Sea Convention after President Reagan took office. Reagan believed the delegation had given short shrift to U.S. interests and formally

announced on July 9, 1982, that the U.S. could not accept the pact and would not be a party to it.

The wisdom of Reagan's rejection of the treaty has been reconfirmed by recent events. A bogus Russian claim¹⁰ to the North Pole region, previously rejected by the U.N. Commission on the Limits of the Continental Shelf (CLCS), is being submitted to that body again. If the CLCS decides the next time in favor of the Russians, and the U.S. has since ratified the treaty, the decision could invalidate historical American claims to the Pole and the seabed under it. This could mean turning over tens of billions of dollars worth of oil and gas and precious minerals to the Russians.



The CLCS, like so many international bodies, cannot be counted on to give the United States a fair hearing. It is one of many flaws, perhaps the fatal flaw, in UNCLOS. But it is one of the legacies of Louis Sohn's work on the treaty.

UNCLOS proponents, including the Citizens for Global Solutions, the new name of the World Federalist Association, claim that the U.S. will sacrifice its interests in the Arctic region unless it ratifies the treaty. The group declared in an e-mail to its supporters dated August 15:

“Earlier this month, Russia planted its flag on the seabed beneath the North Pole, calling international attention to its longstanding yet dubious claim to the strategically important and oil-, gas-, and mineral-rich Lomonosov Ridge. Other nations, including the U.S., could enjoy rights in the Arctic, but only State Parties to the Law of the Sea Treaty make such claims - or challenge the claims of others. The Senate should ratify the treaty immediately, as President Bush has requested.”

But the assertion that “only State Parties to the Law of the Sea Treaty make such claims” is false. As James L. Malone, Reagan’s representative to the Law of the Sea Conference, pointed out in the Spring 1984 issue of *Foreign Policy*, “Refusal to accept the treaty cannot deprive any state of its previously existing rights.”

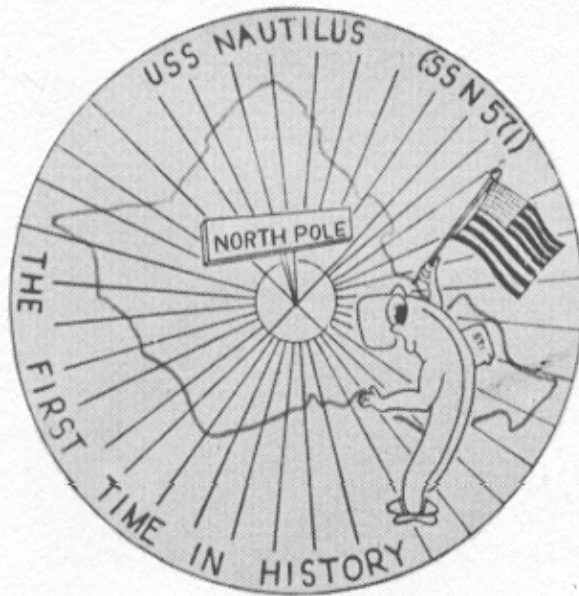
In fact, two U.S.-based companies, United Oil and Gas Consortium Management Corporation and the Oceanic Strategic Metals Corp., have made claims to resources in the Arctic and Pacific Oceans.

Peter Sterling, president of United Oil and Gas Consortium Management, sent an August 15 letter to Senator Joseph Biden, chairman of the Senate Foreign Relations Committee, urging rejection of UNCLOS. His letter said, in part:

“We want to warn the Senate against getting the U.S. entangled in a global bureaucracy, together with an international tribunal, that could frustrate and defeat the ability of private U.S. companies to compete in the international arena and harvest these resources for the benefit of the American people and the world. We believe the Senate should want to respect and protect the rights of U.S. companies.

“The fact is that the United States -- and U.S. companies -- currently have complete freedom of action in regard to making such claims and acting in our own interests. We can pursue these claims under what is called customary international law. All that is required is that the United States protect the claims that have been made, in accordance with U.S. law, for development of these resources. Ratification of UNCLOS could negate these claims, leaving our companies at the mercy of international commissions, agencies and tribunals dominated by anti-American foreign interests and judges.

“The establishment under UNCLOS of the International Seabed Authority (‘ISA’), known as the Authority, with control over the ‘area’ beyond national jurisdiction, is an unnecessary and major impediment to the functioning of our free enterprise system. The



This appears in U.S. Navy Commander William R. Anderson's book, *First Under the North Pole*. It shows the American flag being symbolically planted by the USS Nautilus in 1958. The Russians acknowledge that American explorers set foot there first. However, the U.S. State Department will not stand by these American claims.

Authority is given the power to collect taxes or revenue from private companies such as ours seeking to develop natural resources for the common good. The 'Enterprise' of the Authority is authorized to channel some of this revenue and even technology used by private companies to other countries which had no role in developing it."

Sterling added:

"In light of the recent controversy over the Russian claim to the North Pole region, and whether the U.N. will play a role in resolving it, we should make the additional point that our claim to explore and drill for hydrocarbon resources in the Arctic Ocean is entirely consistent with American claims in the area and, therefore, should be protected along with them. Even the Russians have recognized that American explorers, one of them U.S. Navy Commander Robert E. Peary, discovered the North Pole and claimed it for the U.S. in 1909. On top of that, the USS Nautilus traveled under the Pole in 1958 and restated America's claim to the region 'for the United States and the United States Navy,' as recounted by Nautilus commander William R. Anderson in his book, *First Under the North Pole*."

Sterling asked Biden for the opportunity to testify against UNCLOS.



Yale Law School Dean Harold Hongju Koh is a disciple of Louis Sohn and possible Hillary Clinton nominee to the U.S. Supreme Court.

The Continuing Influence of Louis B. Sohn

An October 24, 2006, tribute to Sohn was titled, “The Law of the Sea in the Twenty-First Century: A Symposium in Remembrance of Louis B. Sohn.”¹¹ Participants included Commander James Kraska, in charge of Oceans Policy on the Joint Staff of the Pentagon; American Society of International Law President and Columbia Law Professor José Alvarez; World Bank Deputy General Counsel David Freestone; White House Counsel Harriet Miers, Professor John Norton Moore of the University of Virginia Law School; and Harold Hongju Koh.

Another participant was Caitlyn L. Antrim, daughter of Navy Admiral Richard Nott Antrim. Caitlyn, once known as Lance Antrim, is a transsexual who now runs a pro-treaty organization, the Center for Leadership in Global Diplomacy, and has declared that ratification of UNCLOS would be “an honor to Louis Sohn.”

Several State Department officials were in attendance, including Ambassador David A. Balton, Deputy Assistant Secretary for Oceans and Fisheries.

“We honor and remember our friend and colleague Louis B. Sohn by focusing on a field of law he helped establish and influence, the law of the sea,” they said in tribute to him.

Koh, the Dean of Yale Law School, said that Sohn was “quite literally present at the creation of the U.N.” and “became nothing less than an architect of the new world order.”¹²

Koh, who served as Assistant Secretary of State for Democracy, Human Rights and Labor in the Clinton Administration, referred to Sohn as “my grandfather in the law” because Koh and his father had studied under “his watchful eye.” His chief of staff from 1999-2001 in the Clinton Administration was Charles J. Brown, now the president and CEO of the Citizens for Global Solutions (CGS), the new name of the World Federalist Association (WFA).

Obviously, the name was changed in order to divert public attention away from its origins in the world government movement. CGS has collaborated with the Open Society Institute of George Soros against John Bolton's nomination as U.S. Ambassador to the U.N.

CGS says that its funders include:

- CarEth Foundation
- JEHT Foundation
- The Arca Foundation
- The Robert J. Bauer Family Foundation
- The Better World Fund
- The Raymond and Elizabeth Bloch Education and Charitable Foundaton
- The Bydale Foundation
- The Community Foundation of New Jersey
- The Ford Foundation
- The Edward and Verna Gerbic Family Foundation
- The Glickenhau Foundation
- The Albert A. and Bertram N. Linder Foundation
- The Stewart R. Mott Charitable Trust
- The New York CommunityTrust
- The Planethood Foundation
- The Ploughshares Fund
- The Rockefeller Brothers Fund
- The TAUPO Fund
- The Tides Foundation
- The United Nations Foundation
- The Whitehead Foundation

The World Federalists are sometimes regarded as small and without much influence, but the fact is that prominent personalities such as Walter Cronkite, the former CBS Evening News anchorman, are world federalists. What's more, President Clinton and then-First Lady Hillary Clinton endorsed the group's activities during the time of the Clinton Administration.

President Clinton had sent a message to the group on the occasion of the WFA's awarding of a "global governance" award to his Deputy Secretary of State Strobe Talbott. In his message to the group, dated June 22, 1993, Bill Clinton noted that Norman Cousins, the WFA founder, had "worked for world peace and world government." Clinton didn't disagree with those goals, adding, "Best wishes...for future success."

Mrs. Clinton provided a video presentation at an October 19, 1999, World Federalist Association award ceremony to present the Norman Cousins Global Governance Award to Walter Cronkite.¹³ Mrs. Clinton's comments were delivered in the context of commending Walter Cronkite and the WFA. For his part, Cronkite declared that "we must strengthen the United Nations as a first step

toward a world government” and that America must “yield up some of our sovereignty.” Mrs. Nane Annan, the Swedish wife of then-U.N. Secretary-General Kofi Annan, was among those honoring Cronkite.

Cronkite called for passage of several U.N. treaties, including:

- The treaty to ban land mines
- The Law of the Sea Treaty
- The Comprehensive Nuclear Test Ban Treaty
- The Convention to Eliminate All Forms of Discrimination Against Women
- The Convention on the Rights of the Child
- The treaty for a permanent International Criminal Court.

Cronkite also declared, “Today we must develop federal structures on a global level. We need a system of enforceable world law -- a democratic federal world government -- to deal with world problems.”

In the World Federalist Association booklet, "The Genius of Federation: Why World Federation is The Answer to Global Problems," the group describes how UNCLOS, the International Criminal Court and other treaties are important steps on the road to world government.



Charles Brown of the World Federalists worked for Harold Hongju Koh, Yale Law School Dean, in the Clinton State Department.

It says that a "world federation," a euphemism for world government, can be achieved by advancing "step by step toward global governance, using the U.N....Let the U.N. establish new agencies such as an International Criminal Court (which can try individuals for violations of international law) or a U.N. Arms Control and Disarmament Agency (which can set up a program for arms

reduction with certification capabilities and punishments for individuals who try to defy it." The booklet goes on to say that "An organization is already in the process of being developed to control the exploitation of ocean resources, and similar agencies could be created to govern Antarctica and the moon."

By adding more power, authority and functions to the United Nations, "national sovereignty would be gradually eroded until it is no longer an issue."

This is a variation of the "World Peace Through World Law" approach advocated by Sohn and carried forward by many others.

A World Peace Through Law conference, held in Geneva in 1969, was co-chaired by Earl Warren, Chief Justice of the United States, who said that "the treaty making power" of the U.S. and other nations was "perhaps the most potent, realistic and wholesome instrumentality for peace that can be exercised in our complex world." He added:

"To have a world ruled by law we need more treaties of universal acceptance. We need hundreds and perhaps thousands of new or updated treaties to govern and guide the ever-growing number of contacts and relations between man and man; government and government. Since law internationally grows through voluntary acceptance by more and more nations or more and more treaties; a major need is a new mechanism which is capable of encouraging more and more nations to accept more and more international treaties."

The same view is apparently held by John B. Bellinger III, Legal Adviser to the Secretary of State, who declared in a June 6 speech that the Bush Administration is currently seeking immediate Senate ratification of 35 different "treaty packages," including UNCLOS.¹⁴

Bellinger, who received his J.D. from Harvard Law School, said that international law "binds us in our domestic system" and that the Bush Administration entered into 429 international agreements and treaties last year alone. He bragged that "...I have a staff of 171 lawyers, who work every day to furnish advice on legal matters, domestic and international, and to promote the development of international law as a fundamental element of our foreign policy."

According to Bellinger, "Our Constitution does not prescribe isolationism. To the contrary, it promotes our active participation in the development and enforcement of international law."

Before going to the State Department, Bellinger served as Senior Associate Counsel to the President and Legal Adviser to the National Security Council. Before that, he served as Counsel for National Security Matters in the Criminal Division of the Department of Justice from 1997 to 2001. His official bio describes him as a member of the Council on Foreign Relations and the American Council on Germany and a Fellow of the British-American Project.

While UNCLOS was changed in some ways over the years, in his book, *The Sovereignty Revolution*, written shortly before his death but published in

2004, Alan Cranston, the former Senator from California, described the treaty as the “most far-reaching and comprehensive system created thus far by the global community...” Cranston, who was a president of the United World Federalists (1949-52), declared that Article 137 “contains a unique provision that elevates sovereignty to a new and unprecedented level. It formally declares that in the open sea and everything beneath it all humanity is sovereign.”

In other words, the global community assumes jurisdiction and control.

U.S. military officials who support the treaty act as though they do not understand that the far-left activists behind UNCLOS were also instrumental in promoting the International Criminal Court (ICC), which could prosecute and imprison American troops and military and civilian leaders on dubious war crimes charges.

Elisabeth Mann Borgese, who was also associated with the World Federalist Movement and organized the “Pacem in Maribus” (Peace in the Oceans) conferences that laid the groundwork for UNCLOS, believed that UNCLOS could be a vehicle through which the U.N. could inhibit the exercise of U.S. military power.

Borgese became known as the “Mother of the Oceans” or “First Lady of the Oceans” for her role in crafting and promoting UNCLOS. She not only stated her admiration for Karl Marx, the father of communism, but was an ardent advocate of the New International Economic Order.

The U.N. Environment Program (UNEP) noted that, “It was in 1967, while serving as a Fellow of the Centre for Democratic Institutions, that Professor Mann Borgese shifted her focus of attention to the law of the sea, which she recognized as an area of growing environmental crisis and a possible test-bed for ideas she had developed concerning a common global constitution.” The UNEP gave Borgese its “Environment Prize” in 1987.

Other key players in UNCLOS were Sam and Miriam Levering, left-wing Quakers and World Federalists who formed a non-governmental organization called the “Neptune Group” to lobby for the treaty. The Friends Committee on National Legislation, a Quaker group, reported that the Leverings “negotiated with governments on the treaty’s final language.”

In their own book, *Citizen Action for Global Change*, it is revealed that the Leverings regarded one draft of the treaty as “Louis Sohn’s treaty” because he had spent “a couple months” in 1970 helping write it. They especially liked the sections on “sharing revenue” and the “management system” – the International Seabed Authority – “set up to serve the broader interests of humanity.” They considered Sohn to be someone who wanted the treaty to promote “global governance.”

ASI Asks for Hearings On Treaty Origins

In a May 24 letter to Senator Joseph Biden, chairman of the Senate Foreign Relations Committee, America’s Survival, Inc. (ASI) asked for the opportunity to testify against UNCLOS and provide some important information about the history of this treaty, after having researched its origins at the U.N. in

New York City and at the Friends Historical Collection at Guilford College in North Carolina.

ASI discovered, by examining original source material in the United Nations Division for Ocean Affairs and the Law of the Sea, that the critically important groundwork on the treaty took place in the “Pacem in Maribus” conferences organized by Borgese. One of the proposals that emerged from the first such conference was an “Ocean Development Tax” to be imposed by an “ocean regime” on ocean produce. The revenue, Borgese said, would underwrite the activities of the U.N. The proposal was eventually inserted into the treaty disguised as fees or payments from U.S. and other corporations to the International Seabed Authority.

The Guilford College papers demonstrate the activities that engaged Sam and Miriam Levering as they wrote and promoted the pact.



Senator Joseph Biden, chairman of the Senate Foreign Relations Committee, wrote an article for the Wall Street Journal under the headline, "How I Learned to Love the New World Order." He has emerged as one of the strongest advocates of making NATO, once an anti-Communist alliance, into a military arm of the U.N. He supported creation of the International Criminal Court.

In response to the ASI letter, Biden’s office sent an unsatisfactory reply restating the Senator’s pro-treaty position and ignoring the offer to provide testimony.

This raises the possibility that the Senate could be denied important information necessary to the ratification debate.

ASI believes that, rather than ratify the treaty, the U.S. should build up its military power. As James L. Malone testified, “Ultimately, the global protection of U.S. navigational rights depends upon the perceived capability and will of the

United States to protect those rights.” He explained that, “Ultimately it is the U.S. Navy that will guarantee American interests.”¹⁵

However, at a July 17, 2007, panel discussion sponsored by the American Enterprise Institute, Susan Biniaz, an Assistant Legal Adviser in the U.S. Department of State, said, "I think someone said how few ships there are compared to how many there used to be. We don't have the capacity to be challenging every maritime claim throughout the world solely through the use of naval power. And [we] certainly can't use the Navy to meet all the economic interests."

These comments came in response to evidence that the number of U.S. Navy ships is down to 276, from a high of 594 under President Reagan. If present trends continue, according to the American Shipbuilding Association, we are heading down to a 180-ship-Navy.

It is important to emphasize that Biniaz did not dispute these figures. Instead, she acknowledged them during the course of saying that they justified dependence on a treaty negotiated under the auspices of the U.N. to protect America's military and economic interests.

The ultimate objective of those behind the treaty can be seen in the Fall 2002 edition of the Center for War/Peace Studies newsletter, *Global Report*, which carried the headline “National Sovereignty: Obstacle to Peace.”

Both Sohn and Borgese served on the board of this far-left group. Arvid Pardo, another longtime member of the board of the Center for War/Peace Studies, was also a major advocate for UNCLOS and became known as the Father of the Law of the Sea Conference.

The board included other figures such as George Soros, Walter Cronkite and communist folksinger Pete Seeger.¹⁶

Seeger, who supported Stalin's tyranny “for most of his life,” as noted by Ronald Radosh,¹⁷ spent two years at Harvard. “Seeger knew students at Harvard who were Communists and, with the idea in mind of a more equitable world, he eventually became one himself,” noted the April 17, 2006, *New Yorker*. Seeger accepted the Harvard Arts Medal in 1996 and a Kennedy Center Honors Medal from President Bill Clinton. “I am still a communist,” he says.¹⁸

The proposals of the Center for War/Peace Studies include:

- Establishing a standing U.N. peacekeeping force, individually recruited and owing its first loyalty to the world organization, with its own U.N. Training Academy.
- Setting up a United Nations Bank and Treasury, perhaps with its own global currency, and a system to collect independent revenues.¹⁹

Several friends and colleagues have said that Sohn played a key role in the founding of the United Nations. For example, Koh described Sohn as “present at the creation” of the U.N. Daniel Barstow Magraw said that Sohn

“participated in the 1945 drafting conference in San Francisco that created the United Nations, as well as in events leading up to the conference.” Jose E. Alvarez said that Sohn was among the “international lawyers” who “built the U.N.”

Louis Sohn, Alger Hiss and the United Nations

It is interesting and significant that associates of Sohn do not publicly mention the role played by Alger Hiss, a top State Department official exposed as a Soviet spy, in founding the U.N. along with Sohn. For his part, in interviews featured on the U.N. website, Hiss noted with pride that he served as the secretary of the U.S. delegation at the Dumbarton Oaks Conference, which laid the foundation for the U.N., and that he then went on to serve as the secretary of the U.N. conference itself. These facts cannot be disputed.

Stephen C. Schlesinger’s book, *Act of Creation: The Founding of the United Nations*, makes no mention of Sohn. However, Schlesinger does document the role played by Hiss, who attended Johns Hopkins University and then Harvard Law School. He says that Hiss was:

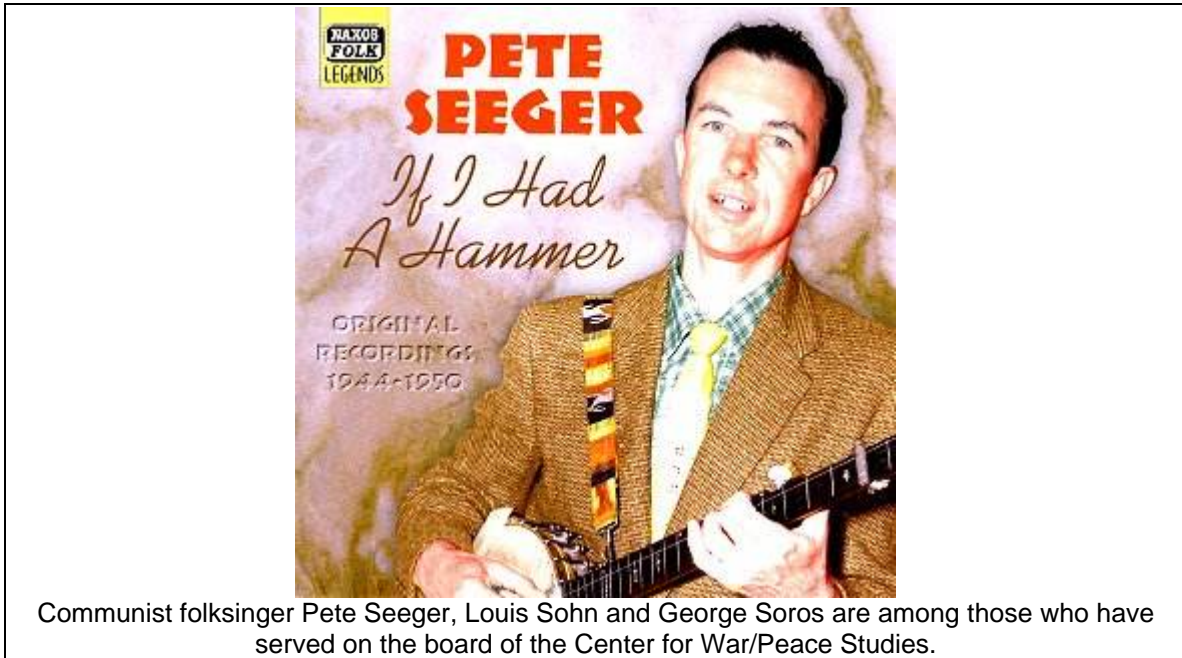
- Acting secretary-general of the United Nations, originally appointed to that post on the recommendation of President Franklin Roosevelt and Secretary of State Edward Stettinius. Hiss “supervised” U.S. and foreign participants.
- A “highly visible figure” at the San Francisco U.N. conference “in his administrative role” and had “accountability for all the ‘nuts and bolts’ of the conference.”
- Attended many of the private meetings on U.N. matters held by Secretary Stettinius in his penthouse suite at the Fairmont Hotel.²⁰

After his passing, then-U.N. Secretary-General Kofi Annan issued a statement praising Sohn and noting that he was “a member of the United States delegation at the San Francisco conference in 1945, at which the United Nations Charter was drawn up, and also, from 1974 to 1982, at the conference which drafted the International Convention on the Law of the Sea.”²¹

Strangely, nothing surfaces in the public record about Sohn’s relationship, if any, with Hiss. It seems incredible that they could not have come into contact with one another at some point in the proceedings. They were at the same meetings and were both public figures.

It is important to note that Sohn was among a group of prominent Soviet and American citizens to hold a conference on U.S.-Soviet relations in 1961. Another member of the U.S. delegation was Dr. Joseph E. Johnson, described by author Dan Smoot as “an old friend and former associate of Alger Hiss in the State Department, who succeeded Hiss as President of the Carnegie Endowment

for International Peace.” Johnson attended the Dumbarton Oaks Conference in 1944 as well as the San Francisco conference in 1945.



Communist folksinger Pete Seeger, Louis Sohn and George Soros are among those who have served on the board of the Center for War/Peace Studies.

A Senate hearing into Louis Sohn’s writing of UNCLOS should examine his role in the founding of the U.N. and his relationship, if any, with Alger Hiss.

The potential problem, at least for Senate liberals, is that it could lead to the exposure of other international lawyers in the U.S., including some in the Departments of State and Defense, who share the extreme views of Sohn as well as Hiss.

Hiss was a major figure in the State Department until he came under scrutiny for his communist connections. It wasn’t until 1950 that Hiss was convicted of perjury for denying he was a Soviet spy and sentenced to prison.

In a real sense, Sohn picked up where Hiss left off. Sohn was a prominent academic and State Department consultant who was actively involved in the American Bar Association, the American Law Institute, and the American Society of International Law for the rest of his life.

A long-overdue inquiry into Sohn’s extremist views -- and their influence on a generation of law students -- could lead directly to Harold Hongju Koh, the Dean of Yale Law School, who referred to Sohn as “my grandfather in the law” and gave a major speech at the July national convention of the liberal American Constitution Society (ACS), a new and controversial organization that “promotes a progressive vision of the Constitution, law and public policy.” Another address was given by New York Democratic Senator Charles Schumer, who said that the Senate should not confirm another U.S. Supreme Court nominee under President Bush “except in extraordinary circumstances.”

In his remarks to the group, Koh declared that it was relevant to consider “international and foreign law” in deciding U.S. Supreme Court cases and urged the “selective incorporation of foreign law and international law into U.S.

jurisprudence...” He said that the mission of the ACS should include “adapting to changing times in a globalizing world” and that we need a “progressive, evolving vision” of the U.S. Constitution in various areas of human conduct and activity. He urged U.S. courts to “craft a set of judicial canons to govern the relationship between domestic and international law.” ²²



Koh differentiates between the “transnationalist” versus “nationalist” wings of the Supreme Court. His favored “transnationalists” are Justices Breyer, Souter, Stevens and Ginsburg. The “nationalists” are Justices Roberts, Thomas, Scalia, and Alito. The “swing” justice, he says, is Kennedy. The next appointment, he declared in a May 17, 2006, address to the American Law Institute, will be “pivotal.”

The ACS, which is regarded as the left-wing counterpart to the conservative Federalist Society, thanked over 40 law firms and “public interest” groups for sponsoring the conference. Its official conference report specifically identified the following foundations and groups as financial contributors:

- AFL-CIO
- Atlantic Philanthropies
- Deer Creek Foundation
- The Ford Foundation
- The Gill Foundation
- Walter and Elise Haas Fund
- Open Society Institute
- Overbrook Foundation
- Polis Schultz Gift Fund
- Rosenbaum Foundation
- The Sandler Family Supporting Foundation
- The Spingold Foundation
- The Streisand Foundation
- Service Employees International Union

The ACS was established in 2001 at an event featuring Supreme Court Justice Ruth Bader Ginsburg, appointed to the Court by President Bill Clinton, and Senator Hillary Clinton.²³ Ginsburg, who has encouraged the citation of foreign law in Supreme Court constitutional rulings, delivered the address "Looking Beyond Our Borders: The Value of a Comparative Perspective in Constitutional Adjudication," at ACS's 2003 national convention.²⁴

This trend so alarmed some in Congress that House Resolution 97 was introduced in 2005. It declared:

"Expressing the sense of the House of Representatives that judicial determinations regarding the meaning of the Constitution of the United States should not be based on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States.

"Whereas the Declaration of Independence announced that one of the chief causes of the American Revolution was that King George had `combined to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws';

"Whereas the Supreme Court has recently relied on the judgments, laws, or pronouncements of foreign institutions to support its interpretations of the laws of the United States, most recently in *Lawrence v. Texas*, 123 S.Ct. 2472, 2474 (2003);

"Whereas the Supreme Court has stated previously in *Printz v. United States*, 521 U.S. 898, 921 n.11 (1997), that `We think such comparative analysis inappropriate to the task of interpreting a constitution . . . ';

"Whereas Americans' ability to live their lives within clear legal boundaries is the foundation of the rule of law, and essential to freedom;

"Whereas it is the appropriate judicial role to faithfully interpret the expression of the popular will through the Constitution and laws enacted by duly elected representatives of the American people and our system of checks and balances;

"Whereas Americans should not have to look for guidance on how to live their lives from the often contradictory decisions of any of hundreds of other foreign organizations; and

“Whereas inappropriate judicial reliance on foreign judgments, laws, or pronouncements threatens the sovereignty of the United States, the separation of powers and the President's and the Senate's treaty-making authority: Now, therefore, be it

“Resolved, That it is the sense of the House of Representatives that judicial interpretations regarding the meaning of the Constitution of the United States should not be based in whole or in part on judgments, laws, or pronouncements of foreign institutions unless such foreign judgments, laws, or pronouncements inform an understanding of the original meaning of the Constitution of the United States.”

The resolution passed the House Subcommittee on the Constitution by an 8-3 vote and was forwarded to the House Judiciary Committee. But no further action was taken. It has been reintroduced by Rep. Tom Feeney (Fla.) as House Resolution 372 and has 49 co-sponsors.

Both the American Bar Association and the ACLU oppose it.

In regard to the Supreme Court's use of foreign and international law in deciding cases, Ken I. Kersch, assistant professor of politics at Princeton University, says that what we are witnessing is a “transnational turn” by the Court that is “part of a larger, more intellectually sophisticated effort to transform American constitutional law and its interpretation.” He says that, “For judges to import foreign and international law and the policy preferences of other states in this manner raises disturbing questions about what it means to swear to uphold the Constitution of the United States.”²⁵

He urged Congress to address this “innovation,” saying that judges should be called upon to justify “their efforts to move beyond the U.S. Constitution as the law of the land.”

Kersch warned of a “new global system” coming into being. Indeed, it could take a dramatic step forward with Senate ratification of Louis Sohn's Law of the Sea Treaty.

Please contact the Senate Foreign Relations Committee and ask that America's Survival, Inc. be given the opportunity to testify about the origins of UNCLOS. The Committee on Foreign Relations is located at the Dirksen Senate Office Building, Room 439, Washington, D.C. 20510-6225. The Majority (Democratic) phone is (202) 224-4651. The Minority (Republican) phone is (202) 224-6797. However, like the chairman, Democratic Senator Joseph Biden, the ranking Republican, Senator Richard Lugar, supports UNCLOS.

¹ World Federalist Association Fiftieth Anniversary Historical Survey, 1947-1997, World Federalist Association, pages 21, 22.

² <http://wfm.org/site/index.php/articles/534>

³ Citing reports by the Yale Daily News, the Wall Street Journal law blog reports that “he’s on nearly everyone’s short list for the Supreme Court should a Democrat take over the White House.” Professor Stephen Bainbridge of UCLA raises the possibility that Koh would subordinate U.S. values to international opinion. See:

http://www.professorbainbridge.com/2007/04/the_scary_prosp.html

⁴ <http://www.washingtonpost.com/wp-dyn/content/article/2006/06/13/AR2006061301542.html>

⁵ <http://www.law.gwu.edu/News/News+Stories/2006+Sohn+Symposium.htm>

⁶ All of these proposals and quotations can be found in *World Peace Through World Law*, Revised 1984 edition.

⁷ <http://www.harvardilj.org/print/96>

⁸ <http://www.harvardilj.org/print/95>

⁹ <http://www.harvardilj.org/print/98>

¹⁰ One of the alleged photos of a Russian submarine under the North Pole was actually of the search for the wreckage of the Titanic. The photo and video of the Russian flag allegedly being planted on the seabed must be questioned as well. See

<http://www.usasurvival.org/ck8.17.07.shtml>

¹¹ <http://www.law.gwu.edu/News/News+Stories/Louis+B.+Sohn+Symposium+102406.htm>

¹² <http://www.harvardilj.org/print/97>

¹³ Available for viewing at <http://www.usasurvival.org/ck07.20.07.shtml>

¹⁴ <http://www.state.gov/s/l/rls/86123.htm>

¹⁵ James L. Malone, Nineteenth Annual Conference, “Toward Senate Consideration of the 1982 Law of the Sea Convention,” June 30, 1995, Russell Senate Office Building, Washington, D.C. Sponsored by the Center for Oceans Law and Policy, University of Virginia School of Law, page 2.

¹⁶ <http://www.cwps.org/old/GR58.pdf> Also see: <http://www.cwps.org/staff.html>

¹⁷ <http://www.nysun.com/article/56379>

¹⁸ http://www.theconnection.org/shows/2000/04/20000406_b_main.asp

¹⁹ <http://www.cwps.org/bt.html>

²⁰ Stephen Schlesinger, *Act of Creation: The Founding of the United Nations: A Story of Superpowers, Secret Agents, Wartime Allies and Enemies, and Their Quest for a Peaceful World* (Boulder, Colorado: Westview Press, 2003) page 103.

²¹ <http://www.un.org/News/Press/docs/2006/sgsm10534.doc.htm>

²² <http://acslaw.org/pdf/Dean%20Koh%20-%20Back%20to%20the%20Future.pdf>

²³ Barbara Olson, author of *Hell to Pay. The Unfolding Story of Hillary Rodham Clinton* (Regnery Publishing, Inc. 1999), told this author that Hillary Clinton “has a political ideology that has its roots in Marxism. In her formative years, Marxism was a very important part of her ideology...”

²⁴ http://www.humanrightsfirst.org/us_law/inthecourts/Ginsburg_transcript_080203.pdf

²⁵ http://americanfuture.net/?page_id=174