getting cheap, illegal nannies is typical of the stratum. These people do not believe in reality. Their idea of reality is having a consensus of support for a policy, which gives them the political power to implement a policy roughshod with the least political resistance. As to what the consequences of that policy might be in practice, they are not concerned. They believe, like the Nazis in fact, perhaps worse than Nazis, that if they have the political authority and consensus to carry out a policy, that that policy will succeed in the universe as well as in the political domain by virtue of that power. They believe, in a sense, in magic. They're superstitious. This is very dangerous.

They're not concerned with the fact that the ozone story is a hoax. Or with the fact that eliminating these chlorofluorocarbons [CFCs] means that no jet aircraft will be safe to fly, because without halon as a fire extinguisher, I'd hate to have people fly on a jet aircraft. The refrigeration cycle upon which we've come to depend over the past 40 years, no longer exists; there's the danger of food spoilage, mass deaths. Meanwhile, there's no danger at all from these CFCs in respect to UV radiation in the atmosphere. The whole thing is a hoax. They don't care about that, they care about opinion.

They don't care that what they're converging upon in a health reform, is worse than what the Nazis did in the 1930s. This is killing the useless eaters. The only kind of physician who will be left standing is, of course, Dr. [Jack] Kevorkian, of Michigan, the pathologist who's killing people. That's what it heads toward.

They don't care. They don't worry about this or that sort of thing. Maybe they can be brought to the point that they do. But the great danger in the United States is the indifference to the fact that when you do something, it has a consequence, and rather than considering whether you have the support to enforce the policy, you ought to be concerned with something down the road: What is the consequence of trying to put that policy through, and do you want the result that you're going to get, as opposed to the result that you propose to seek?

And that is the danger in the whole system, that we have forgotten the values. The problem is accentuated by their self-inoculation against what they call value judgments. They are concerned with "sensitivity." Exemplary is, the City of New York, recently, has decided not to call its most famous institution the Bronx Zoo, because, they say, the word zoo has come to have unpleasant connotations for some people. Therefore we're not going to call it a zoo anymore, we're going to call it a wildlife sanctuary!

We have dictionary nominalism, with a dictionary written by a lunatic, run wild toward our national life, and policy is made in a framework in which these standards of judgment are prevalent. We have become a nation like that in Jonathan Swift's *Gulliver's Travels* to the land of the Houyhnhnms, in which we are ruled over by the rear-ends of horses, and we are Yahoos. If this doesn't stop, there's not much chance for good government, under such circumstances.

United States can arm Bosnia legally

by Edward Spannaus

On May 27, a bipartisan group of senators and congressmen, led by Sens. Robert Dole (R-Kan.) and Richard Lugar (R-Ind.) and Rep. Henry Hyde (R-Ill.), introduced legislation which would commit the United States to breaking the arms embargo imposed against Bosnia-Hercegovina by the United Nations, by providing up to $200 million in military assistance upon a request from the Bosnian government (see *EIR*, June 11 for text of bill). In a press conference announcing the introduction of the bill, Senator Dole said that his purpose was to support President Clinton's professed desire to lift the arms embargo.

President Clinton has recognized the fact that the U.N. arms embargo worked to the strict advantage of the Serbian forces, by cutting off the Bosnian (and Croatian) forces from receiving weapons and ammunition, while the Serbs took over the military stocks and equipment of the former Yugoslav Armed Forces. But, in the face of fierce British and French opposition, the President and Secretary of State Warren Christopher pulled back from their commitment to arm the Bosnians.

On June 8, the House Foreign Affairs Committee, by a 24-15 vote, attached the bill to lift the arms embargo as an amendment to the foreign aid authorization bill; it is expected to come to the House floor for a full vote sometime around June 16.

The primacy of Article 51

A few days before the introduction of the bill, Bosnian U.N. Amb. Muhamed Sacirbey made an urgent plea for the international community to recognize Bosnia's right to self-defense under Article 51 of the United Nations Charter. "Under Article 51," Sacirbey said, "any state can call upon other member states to assist it in self-defense against an aggression. That is a primary right, one which supersedes any other resolutions or any other articles of the Charter."

Article 51 of the U.N. Charter reads: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by members in the exercise of

this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Just as under U.S. law the Constitution prevails over an inconsistent law (the supremacy clause), the U.N. Charter must prevail over a resolution which is inconsistent with the Charter.

From a series of discussions with congressional officials familiar with the bill, *EIR* has determined that the clear intention of the bill's sponsors is to commit the United States to unilaterally lifting the arms embargo against Bosnia. Such unilateral action by the United States government is completely lawful both as a matter of international law and domestic law.

Embargo is in violation of international law

The very credible argument of the bill's sponsors is that the U.N. arms embargo resolutions, Resolutions 713 and 727, are not binding on Bosnia, because Bosnia was admitted to full membership in the U.N. *after* these resolutions were passed, and the issue was never revisited by the U.N. after Bosnia was admitted. Furthermore, both the United Nations and the Conference on Security and Cooperation in Europe (the "Helsinki Conference," or CSCE) have declared Serbia to be the aggressor toward Bosnia.

Indeed, they argue, for the United States to provide military assistance to Bosnia-Hercegovina would not violate international law, but in fact would vindicate it.

The arms embargo was imposed on Yugoslavia by U.N. Security Council Resolution 713 on Sept. 25, 1991. The embargo was expanded by Resolution 727 on Jan. 5, 1992, so as to include any new nations emerging out of the former Yugoslavia.

But, after the imposition of the arms embargo, the facts and circumstances obviously changed. Bosnia voted for independence on March 1, 1992. After this, the siege of Sarajevo began, as well as other fighting. The government of Serbia intervened directly in the fighting by providing significant military support to the Serbian-allied irregular forces. The CSCE declared that Serbia and the Yugoslav National Army (JNA) were committing aggression against Bosnia-Hercegovina in early May 1992. Shortly after this, Bosnia-Hercegovina was admitted to the United Nations with full membership rights, on May 22, 1992. About a week later, the United Nations Security Council condemned Serbia for its continued failure to respect the territorial integrity of Bosnia-Hercegovina.

Under the provisions of Article 51, the Security Council had the obligation to restore international peace and security when Bosnia came under attack. It failed to do so. Therefore the self-defense and collective-defense provisions of Article 51 are still in effect, and these override the United Nations Security Council resolutions which imposed the arms embargo.

There is a secondary debate over the issue of *who* decides whether Article 51 is in effect, and whether the Security Council has restored "peace and security." Is this decision made by the victim of the aggression, or by the Security Council? Opponents of lifting the embargo are likely to argue that it is the Security Council which decides.

However, in the 1990-91 Persian Gulf war against Iraq, the Bush administration took the position that it was the *victim* of the aggression (i.e., in that case, Kuwait) which determined whether U.N. Security Council measures were adequate. Opponents of U.S. intervention argued that it would violate international law for the United States to invade Iraq, but the U.S. government position was that Kuwait, not the Security Council, decides. So by this precedent, the victim, i.e., Bosnia, decides—which is what the Dole-Lugar legislation would provide for, by triggering arms assistance when the government of Bosnia asks for it.

U.S. can violate U.N. embargo

Under domestic law, the United States clearly can ignore a resolution of the U.N. Security Council. The strongest precedent for this is the U.S. violation of the trade embargo against Southern Rhodesia which was imposed by the U.N. Security Council in 1966, and then expanded in 1968. In 1971, Congress adopted the "Byrd Amendment" to the Strategic and Critical Materials Stock Piling Act, which provided that the President could not prohibit imports of chromium from Southern Rhodesia.

A lawsuit was brought by natives of Rhodesia who could not return to their country, and also by U.S. congressmen who had been refused entrance into Rhodesia. The suit was dismissed by the U.S. District Court, which held that Congress, by passing the Byrd Amendment, had clearly intended to nullify a treaty commitment under the United Nations Charter, and that it is fully within the power of Congress to do just that.

On appeal, the U.S. Court of Appeals for the District of Columbia Circuit said that it was clear that the purpose and effect of the Byrd Amendment "was to detach this country from the U.N. boycott of Southern Rhodesia in blatant disregard of our treaty undertaking." The appeals court concluded: "Under our constitutional scheme, Congress can denounce treaties if it sees fit to do so, and there is nothing the other branches of government [i.e., the courts] can do about it."

The case is known as *Diggs v. Shultz*, 470 F.2d 461 (D.C. Cir. 1972).

Thus, legally and morally, the United States can and should provide military assistance to Bosnia-Hercegovina upon the request of that besieged nation, notwithstanding any U.N. resolutions which unlawfully impede a sovereign nation's right to self-defense.