



The Promise of Never Again

The Struggle to Prevent Genocide in the Post-Holocaust Era

*Students Handouts and
Supporting Materials for Teachers*

Lesson 2: The Totally Unofficial Man A Holocaust Survivor’s Campaign to End Genocide

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Examples of Mass Murder and Acts of Barbarism Prior to World War II

Name(s): _____

- In the 1st century, Julius Caesar's campaign in Gaul took more than a million lives, and a million more were enslaved.
- The Albigensian Crusade of 1209, waged against the Cathars and spanning 40 years, led to the extermination of populations, cities and crops in Southern France. (In one town, fifteen thousand men, women, and children were slaughtered wholesale—many of them in the sanctuary of the church).
- The slave trade, beginning in the 16th century, was responsible for the murder of about 17 million African blacks.
- The conquest of the Americas from the 16th through the 19th centuries led to the murder of tens of millions of Native Americans.
- Zwede, under the rule of Shaka Zulu, annihilated the Ndwandwe people of South Africa in 1826.
- During the Taiping Rebellion in China (1851-64), approximately 30 million people were killed.
- Under the rule of King Leopold II of Belgium, the exploitation of indigenous people in the Congo, in part for the production of rubber, caused the population to halve between 1880 and 1920; over 10 million were the victims of murder, starvation, exhaustion and disease.
- From 1914–1923, the Young Turks slaughtered 600,000–1.5 million Armenians and 300,000–600,000 Pontian Greeks in the Ottoman Empire, and several hundred thousand others were exiled.
- The Soviet leader, Joseph Stalin, was responsible for the deaths of as many as 40 million people within the borders of the Soviet Union during the 1930s and 1940s.

Quotes About Sovereignty

Name(s): _____

In Support of Sovereignty

“Just what is it that America stands for? If she stands for one thing more than another it is for the sovereignty of self-governing people.” --Woodrow Wilson, 28th president of U.S. (1856 - 1924)

“All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.” --Article 2(4) of the United Nations Charter

“Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state.” -- Article 2(7) of the United Nations Charter

Critique of Sovereignty

“In the absence of justice, what is sovereignty but organized robbery?” --Saint Augustine (354-430 C.E.)

“The sovereignty system is no longer consonant with either peace or justice.” -- John Foster Dulles, Commission to Study the Bases of a Just and Durable Peace (est. 1943)

“Sovereignty must not be used for inflicting harm on anyone, whether citizen or foreigner.”
-- From *Omnipotent Government* by economist and social philosopher Ludwig von Mises, 1944

“In the next century, nations as we know it will be obsolete; all states will recognize a single, global authority...Perhaps national sovereignty wasn't such a great idea after all... But it has taken the events in our own wondrous and terrible century to clinch the case for world government.” --Strobe Talbot (Deputy Secretary of State under Clinton), quoted in *Time*, July 20, 1992.

“It is undeniable that the centuries-old doctrine of absolute and exclusive sovereignty no longer stands...Underlying the rights of the individual and the rights of peoples is a dimension of universal sovereignty that resides in all humanity.” --Former U.N. Secretary General Boutros-Boutros Ghali, in *Foreign Affairs*, Winter 1992-93

“There are a lot of very brilliant people who believe that the nation-state is fast becoming a relic of the past.” -- President Bill Clinton, quoted in *New York Times*, November 25, 1997

The Totally Unofficial Man Raphael Lemkin and the Struggle for a Genocide Convention

Name(s): _____

In 1957 the New York Times described the Polish-born Jewish lawyer, Raphael Lemkin, as “that exceedingly patient and totally unofficial man.” They were referring to Lemkin’s single-minded and virtually single-handed struggle to establish a [convention](#) in international law that would prevent and punish the crime of [genocide](#). By the time the New York Times description had been written, Lemkin had already labored tirelessly for almost a quarter-century toward the realization of this goal. During the intervening years, Hitler and the Nazis waged a crusade of unprecedented hatred and systematic violence that led to the slaughter of approximately six million Jews and five million others.

When the Holocaust began, the word genocide did not even exist and there were no treaties among the world’s nations to compel action against such atrocities. Raphael Lemkin recognized the need for such an international law and pact long before his contemporaries, and launched an official campaign just about the time Hitler rose to power in the early 1930s. Lemkin’s foresight, however, predates the Nazi era and began to come into focus even during his childhood years.

The Emergence of a Vision

From an early age, Raphael Lemkin experienced hatred and wanton violence firsthand. In 1906, when he was just a boy of 6 years, 70 Jewish people were murdered and 90 gravely injured in a [pogrom](#) that took place in the Bialystok region of Poland where Lemkin lived. Following the massacre, an angry mob tore open the victims’ stomachs and stuffed them with feathers.

During World War I, Lemkin—then a teenager—fled with his family from the advancing German army into the forest, where one of his brothers died of pneumonia and malnourishment. Their farmhouse was destroyed by artillery fire and the soldiers made off with their crops, cattle, and horses.

At about the same time, hundreds of miles from Poland, the Young Turk government—stating that there was no room for Christians in Turkey—had set in motion the brutal starvation and murder of nearly a million Armenians. Mehmed Talaat, the Turkish interior minister at that time, was one of the engineers of the savage campaign.

Soghomon Tehlirian was a survivor of what is known today as the [Armenian genocide](#), but his relatives were not as fortunate. At the age of 19, Soghomon and his family were marched out of their town with other Armenians. During this death march, his sisters were raped, his brother’s head was split open with an ax, and his mother was shot. Soghomon woke one day from a blow to his head that left him unconscious to find himself in a field of corpses and to learn that he was his family’s only survivor.

After the war, Soghomon had difficulty sleeping and experienced frequent epileptic seizures. Overcome by grief and anger, he joined an Armenian group secretly plotting to assassinate Turkish leaders responsible for the slaughter. In March of 1921, twenty-four year old Soghomon

traveled to Berlin, where Mehmed Talaat—the former Turkish interior minister—was living peacefully as a private citizen in Germany. Though a Turkish court had found Talaat and other leaders responsible for mass murder and sentenced them to death, the German government refused to transfer Talaat back to Turkey. On March 14, Soghomon Tehlirian approached Talaat on a Berlin street and shot him in the back of the head, shouting, “This is to avenge the death of my family!” Soghomon was later acquitted of the crime by reason of what would be called today “temporary insanity.”

Raphael Lemkin was a student in Poland at the time of the assassination. He was troubled by the turn of events and questioned his professors about why Talaat was not arrested for his crimes. Lemkin was disturbed by the answer: There was no law in existence under which he could be arrested. The inviolability of state [sovereignty](#) at that time—the exclusive right of a government or ruler to exercise supreme authority over a nation—kept the Germans from interfering in the affairs of an autonomous state. “It is a crime for Tehlirian to kill a man,” Lemkin challenged, “but it is not a crime for his oppressor to kill more than a million men?”

A Law against “Barbarity” and “Vandalism”

Lemkin was chilled by what he had learned of the Armenian slaughter and the failure of the world community to act both during and after the massacre. He believed that if such an atrocity could happen once, it could happen again unless far-reaching changes were made in international law and practice.

In 1933, Lemkin, then a lawyer, made plans to speak at an international criminal law conference in Madrid about the Armenian slaughter and Hitler’s rise to power. He drafted a new law that would prohibit the destruction of nations, races and religious groups, and punish the perpetrators wherever they were caught regardless of their nationality or where the crimes were committed. The proposed law sought to safeguard against “barbarity”—the physical destruction of a group—and “vandalism”—the destruction of a group’s culture.

Lemkin found few supporters for his ideas despite growing Nazi oppression and the flight of Jewish people from Germany by the thousands. Most European countries between the world wars were struggling economically, looking inward toward their own growth and stability, and unwilling to rethink the sacred notion of state sovereignty. Many were skeptical of Lemkin’s predictions about Hitler. In Poland, Lemkin was reprimanded by the Foreign Minister for “insulting our German friends” and was fired by the Warsaw government as deputy public prosecutor for refusing to limit his criticisms of Hitler. Lemkin was blocked from presenting his new law at the Madrid conference, but refused to give up and went on to speak at law conferences throughout Europe during the 1930s.

World War II Begins

In 1939, one week before invading Poland, Hitler is said to have commented to his military chiefs: “It was knowingly and lightheartedly that Genghis Khan sent thousands of women and children to their deaths. History sees in him only the founder of a state.... The aim of war is not

to reach definite lines but to annihilate the enemy physically. It is by this means that we shall obtain the living space we need. Who today still speaks of the massacre of the Armenians?"

The invasion of Poland marked the official start of World War II, but the Jews and other "undesirable" groups had already suffered for six long years under Nazi rule. Though many throughout Europe and America turned a blind eye to the coming horror, Raphael Lemkin understood the harsh reality. As the Nazi army entered Poland, Lemkin fled to the train station with only a shaving kit and summer coat.

When the train station was bombed, Lemkin was forced to retreat to the woods, where he witnessed further bombing attacks and the death of many from starvation, disease and exhaustion. Lemkin was fortunate to eventually find a Jewish family in Soviet-occupied Poland who agreed to shelter him. From there, he was able to catch a train to Eastern Poland, where his brother and parents lived. He begged them to flee with him, but they refused to believe their lives were at risk. "I read in the eyes of all of them one plea," wrote Lemkin. "Do not talk of our leaving this warm home, our beds, our stores of food, the security of our customs... We will have to suffer, but we will survive somehow."

Lemkin Flees to Safety

Lemkin fled alone to Lithuania and then on to Sweden, where he lectured on international law. It was there that he started collecting the legal decrees recorded by the Nazis in each occupied country. Lemkin reasoned that if he could demonstrate the systematic abuse of the law as an instrument of hate and murder, he would generate support for his campaign against "barbarity" and "vandalism."

In 1941, Lemkin was offered a position at Duke University in North Carolina thanks to a colleague there for whom he had done some translating. From Sweden, Lemkin traveled by rail through the Soviet Union, by ship to Japan and then on to Canada and finally Seattle. Another long train ride brought Lemkin across the U.S. to North Carolina, where he delivered a speech on the day of his arrival at a dinner with the President of Duke University. "If women, children and old people would be murdered a hundred miles from here, wouldn't you run to help?," Lemkin appealed to the American audience. "Then why do you stop this decision of your heart when the distance is 3,000 miles instead of a hundred?"

Lemkin wasted no time in arranging hundreds of similar presentations to women's organizations, colleges, chambers of commerce, and other groups, trying to win support for his law. His assertion that Jewish people were being annihilated by the Nazis, however, was frequently met with disbelief or indifference.

When Hitler declared war on the United States in December of 1941, the U.S. War Department hired Lemkin as an international law expert, but they too were unmoved by his claims of a Jewish extermination. Undeterred, Lemkin reached out directly to President Roosevelt, but was told to put his proposal in a one-page memo. "[How do you] compress the pain of millions, the fear of nations, the hopes for salvation from death [into one page]?", Lemkin questioned.

Several weeks later a courier delivered Roosevelt's response, which said that he saw difficulty adopting such a law at the present time.

While the Allies persisted in their efforts to defeat the Nazis, they refused to declare as a war aim the rescue of the Jews, and rejected proposals to expand the number of Jewish refugee admissions. The widespread lack of concern that Lemkin encountered again and again led him to state that a "double murder" was taking place—one by Hitler and the other by the allied leaders, who knew full well what was taking place but refused to take action.

In May 1943, a Polish Jew named Szmul Zygielbojm took his own life to protest this lack of action. Zygielbojm was a member of the Polish National Council in London and, like Lemkin, traveled throughout Europe trying to raise awareness about the plight of the Jews. In his final letter, which he addressed to the Polish government in exile, he wrote: "By my death I wish to make the strongest possible protest against the passivity with which the world is looking on and permitting the extermination of the Jewish people. I know how little human life is worth today, but as I was unable to do anything during my life, perhaps by my death I shall help to break down the indifference of those who have the possibility now, at the last moment to save those Polish Jews still alive, from certain annihilation."

Sadly, Zygielbojm's suicide made little impact on public opinion. Most people—perhaps because they could not grasp the notion of an entire group being exterminated simply for existing—continued to respond with disbelief. After meeting with a Polish diplomat about the fate of the Jews, Supreme Court Justice Felix Frankfurter responded, "I don't believe you." When the diplomat protested, Frankfurter explained, "I do not mean that you are lying. I simply said I cannot believe you." Walter Laqueur, a historian who studied why the world community remained passive in the face of eye-witness accounts of the Holocaust, wrote, "While many...thought that the Jews were no longer alive, they did not necessarily believe that they were dead."

The Crime That Has No Name

Beset by public indifference and despair, Raphael Lemkin considered taking his own life as Szmul Zygielbojm had done, but he had invested too much in his cause to give up. Moved by the words of British Prime Minister Winston Churchill—"We are in the presence of a crime that has no name"—Lemkin decided that his campaign needed a name that would stir compassion and outrage. He sought a term to replace "barbarity" and "vandalism," a word that would suggest not only mass extermination, but also other forms of systematic annihilation of people and cultures—deportation, the separation of men from women and children from parents, suppression of intellectual life, destruction of art, and so forth.

Lemkin was inspired by George Eastman, who named his new camera "Kodak" in 1888 because it was short, hard to mispronounce, and unlike other product names in the field. Lemkin similarly searched for a word that would be easy to remember and distinctive, and that would also arouse strong feelings of moral outrage. He eventually chose *genocide*, which is a combination of the Greek for race or tribe (*geno*) and the Latin for killing (*cide*). Lemkin defined his new term as "a coordinated plan of different actions aiming at the destruction of

essential foundations of the life of national groups, with the aim of annihilating the groups themselves.” He stressed that although murder is the worst expression of genocide, death is not the only indicator that genocide is taking place. Other signs include the destruction of political and social institutions, language, religion, economic security, health, and culture. “It takes centuries and sometimes thousands of years to create a natural culture,” Lemkin asserted, “but genocide can destroy a culture instantly, like fire can destroy a building in an hour.”

Lemkin’s new term and his campaign to establish an international law against genocide brought much criticism from around the world. Would a simple word make a difference? Could the existence of such a term stop a ruthless leader like Hitler? If genocide only exists where there is intent to annihilate a group, how could such intent be proven? Even some of the survivors of Nazi brutality preferred silence over the establishment of such a term, claiming that no word could ever capture the horrors they had experienced. Despite the skepticism, Lemkin put all of his hope in the new term, which quickly caught on throughout the world and was entered into Webster’s New International Dictionary in 1944.

During that same year, Lemkin published “Axis Rule in Occupied Europe,” a 712 page book on the laws instituted by Axis powers in 19 Nazi-occupied countries and territories in Europe. The book discussed his proposed international law and treaty to prevent and punish genocide, as well as ways to compensate survivors. It also argued that citizens who do nothing to stop genocide and those who offer aid to the perpetrators bear a certain degree of guilt: “The present destruction of Europe would not be complete and thorough had the German people not accepted freely [the Nazi] plan, participated voluntarily in its execution and up to this point profited greatly therefrom.”

The Aftermath of World War II

After World War II, the world was shocked as the [Nuremberg trials](#) revealed the full extent of Nazi atrocities. The indictment of all 24 defendants for “deliberate and systematic genocide” marked the first official use of the new term, but Lemkin was frustrated by the outcome of the trial. Though some 5,000 Nazis were charged with war crimes and many high-ranking Nazi officials were convicted and punished, the court prosecuted only those “crimes against humanity” committed after Hitler invaded other countries. In doing so, the court was treating the violation of state sovereignty as the basis for all charges rather than asserting that mass murder is a crime whenever and wherever it takes place. None of the defendants were officially convicted of genocide as Lemkin had defined it, leaving open the possibility that future tyrants could exterminate a group inside their own borders without consequence.

This possibility was made all the more horrifying as Lemkin discovered the fate of his own family during the Holocaust. After the war, he spent a great deal of time trying to track down his relatives. In Nuremberg, Lemkin met up with his brother, his brother’s wife and their two sons. There he learned that they were the sole survivors of the Lemkin family—at least 49 others had perished in the Warsaw ghetto, the concentration camps or on Nazi death marches. Though distraught, Lemkin grew more resolute in his efforts to prevent another genocide.

A New United Nations Provides Hope

After Nuremberg, Lemkin dedicated himself to challenging the rigid notion of state sovereignty, and to institutionalizing the prevention and punishment of genocide in international law. He set his sights on the new United Nations, which had already identified piracy, forgery, and trade in women, slaves, and drugs as international crimes. “It seems inconsistent with our concepts of civilization,” Lemkin argued, “that selling a drug to an individual is a matter of worldly concern, while gassing millions of human beings might be a problem of internal concern. It seems also inconsistent with our philosophy of life that abduction of one woman for prostitution is an international crime, while sterilization of millions of women remains an internal affair of the state in question...Certainly human beings and their cultures are more important than a ship and its cargo. Surely Shakespeare is more precious than cotton.”

In New York, Lemkin aggressively lobbied the United Nations General Assembly, which had initiated discussion on the question of a genocide [resolution](#). He emphasized the impact of genocide not only on its victims, but on all of humanity through diminishment of the world’s cultural inheritance. “Our whole heritage is a product of the contributions of all peoples. We can best understand this when we realize how impoverished our culture would be if the so-called inferior peoples doomed by Germany, such as the Jews, had not been permitted to create the Bible, or to give birth to an Einstein, a Spinoza; if the Poles had not had the opportunity to give to the world a Copernicus, a Chopin, a Curie; the Czechs, a Huss, a Dvorak; the Greeks, a Plato and a Socrates; the Russians, a Tolstoy and a Shostakovich.”

On December 11, 1946 the United Nations General Assembly unanimously passed [Resolution 96\(I\)](#), which stated that “Genocide is a...denial of the right of existence [that] shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.” In addition, the resolution affirmed that genocide is punishable under international law, encouraged United Nations Member States to enact legislation to prevent and punish this crime, and recommended that countries cooperate with one another to achieve these goals.

While resolutions are a formal expression of opinion or intent, they are not a source of actual law. So in August of 1948, Raphael Lemkin traveled to Geneva in order to press his case with the United Nations subcommittee responsible for drafting the genocide convention, which would act as a binding international agreement or law. Fifteen years after Raphael Lemkin had initiated his campaign for a law against “barbarity” and “vandalism,” the [Convention on the Prevention and Punishment of the Crime of Genocide](#) was passed unanimously on December 9, 1948. It marked the first time the United Nations had adopted a human rights treaty.

When commentators sought out Lemkin for remarks on his achievement, he was nowhere to be found. Reporters finally located him that evening, alone and weeping in a dark assembly hall. He described the convention as an “epitaph on his mother’s grave” and a recognition that “she and many millions did not die in vain.” Emotionally and physically exhausted, Lemkin was admitted two days later to a Paris hospital, where he remained for three weeks.

Toward Ratification

For the next two years, Raphael Lemkin spent most of his waking hours petitioning United Nations Member States so that he could secure the twenty endorsements needed to [ratify](#) the convention and make it official international law. The twentieth country signed on in October of 1950, a day Lemkin referred to as one “of triumph for mankind and the most beautiful day of my life.”

Despite passage of the convention into international law, there still remained a significant barrier. No law of this magnitude could be enforced without the support of the United States. Though the U.S. had been the first country to sign the convention in 1948 and President Truman strongly endorsed it, the measure did not get the two-thirds vote needed from the Senate to become U.S. law. Opponents of the law claimed that the language was too vague, that the definition of genocide was unclear and it would be problematic to prove intent. They said the law wasn't specific enough about the nature of the violence or the number of victims required to warrant intervention. Some felt that the law went too far by trying to make “internal social changes,” and feared that it could be interpreted to force U.S. involvement where there weren't serious enough violations to infringe on another country's sovereignty. Still others argued that the standard for genocide was not rigorous enough, and that the U.S. could be targeted for its past treatment of Native Americans and African Americans (despite the fact that the convention did not allow for retroactive penalty).

The text of the genocide convention may not have been flawless, but this was no different than many other laws passed by the United States, which has a long history of debate and disagreement over the interpretation of its own constitution. In reality, opposition to the convention was driven by hostility toward any infringement on U.S. sovereignty, and by the isolationist and anti-foreign belief that the U.S. should be exempt from international law.

Lemkin himself was the target of intolerance and anti-Semitic attacks. H. Alexander Smith (R.-NJ) of the Senate Foreign Relations Committee noted that the “biggest propagandist” for the convention was “a man who comes from a foreign country who...speaks broken English.” He added that he was “sympathetic with the Jewish people, [but] they ought not to be the ones who are propagandizing [for the convention], and they are.” Despite the fact that Lemkin single-handedly conceived of the genocide convention and devoted his life to it for twenty years, he was not invited to testify in the congressional hearings on ratification.

The Cold War Weakens Support

The invasion of South Korea by North Korea in 1950 caused a delay of the vote on the genocide convention. As the U.S. became embroiled in the Korean War, anti-foreign feelings and criticisms of the United Nations escalated, which further weakened support for the convention. Anti-Communist sentiment also led to accusations that the United Nations was a socialist institution bent on destabilizing the U.S. and advancing a Communist plot to rule the world.

When President Eisenhower took office in 1953, many thought he would be a strong supporter of the genocide convention. The former World War II General witnessed the devastation of the Nazi Holocaust firsthand. “We are told that the American soldier does not know what he is

fighting for,” wrote Eisenhower to the Army Chief of Staff after liberating the Buchenwald concentration camp. “Now, at least, he will know what he is fighting against.” Eisenhower’s commitment to prevent another genocide, however, yielded to the growing anti-United Nations movement.

Despite the increasingly hostile climate, Lemkin persevered, beginning work on a four-volume history of genocide and forming the U.S. Committee for a United Nations Genocide Convention, which was made up of a broad selection of leaders from the women’s movement, labor unions, churches, Jewish organizations, and other community groups. The Senate Foreign Relations committee suppressed all potential hearings on the convention throughout the 1950s despite the fact that Lemkin was nominated for a Nobel Peace Prize in 1950, 1951, 1952, 1958 and 1959.

On August 28, 1959, Raphael Lemkin died, alone and penniless, of a heart attack at the age of 59. Seven people attended his funeral. The New York Times wrote, “Diplomats of this and other nations who used to feel a certain concern when they saw a slightly stooped figure of Dr. Raphael Lemkin approaching them in the corridors of the United Nations need not be uneasy anymore. They will not have to think up explanations for a failure to ratify the genocide convention for which Dr. Lemkin worked so patiently and so unselfishly for a decade and a half...Death in action was his final argument—a final word to our own State Department, which has feared that an agreement not to kill would infringe upon our sovereignty.”

Renewed Efforts

After Lemkin’s death, the convention languished in the Senate until Senator William Proxmire (D-WI) took up the cause in 1967, by which time 70 nations had already ratified it. “The Senate’s failure to act has become a national shame,” Proxmire declared. “I serve notice today that from now on I intend to speak day after day in this body to remind the Senate of our failure to act and of the necessity for prompt action.”

From 1967 to 1986, Proxmire made good on his promise, delivering 3,211 speeches on the genocide convention. During this period, the following instances of genocide or mass slaughter occurred throughout the world:

- In 1968, Nigeria responded to Biafra’s attempted secession by waging war against the Christian Ibo resistance and by cutting off food supplies to the civilian population, resulting in the murder and starvation of more than 1 million people.
- Beginning in 1971, after Bengali nationalists made an appeal for autonomy, Pakistani troops killed 1-2 million Bengalis and raped about 200,000 girls and women.
- In 1972, after a violent Hutu-led rebellion in Burundi, members of the ruling Tutsi minority hunted down and killed tens of thousands of Hutu, the rate of slaughter reaching a thousand per day. Between April and September, 100,000-150,000 Burundian Hutu were murdered.
- From 1975 through 1978, approximately 2 million Cambodians (out of a population of eight million) were slaughtered, starved or worked to death in forced labor communes by the Khmer Rouge regime under Pol Pot.

As each of these massacres took place, the U.S. maintained a policy of silence and nonintervention, and in some cases provided support to or engaged in normalized relations with the genocidal regimes. Proxmire highlighted these atrocities within Congress and pressed for action, including passage of the genocide convention. “The true opponents to ratification...are not groups or individuals,” asserted Proxmire in 1967. “They are the most lethal pair of foes for human rights everywhere in the world—ignorance and indifference.”

Lemkin’s Aspiration Finally Fulfilled

Nineteen more years passed before an international controversy involving the embarrassment of a U.S. president finally prompted passage of the genocide convention in the United States. In 1985, President Ronald Reagan was scheduled to visit a cemetery in Bitburg, West Germany to lay a wreath and commemorate the 40th anniversary of the end of World War II. When the press reported that 49 Nazi soldiers were buried in the cemetery and that President Reagan had declined requests to visit Holocaust memorials during the trip, a firestorm of protest erupted. The President proceeded with his trip so as not to back down under public pressure, and on his return searched for ways to restore a favorable public image.

Ratification of the genocide convention was suggested by one of Reagan’s advisors as a way to appease his critics, and within a year the genocide convention had cleared the Senate Foreign Relations Committee and come up for a full vote in the Senate, where it was ratified in 1986.

The Senate, however, attached a number of “RUD’s” (reservations, understandings and declarations) to the convention that shielded the U.S. from potential charges of genocide in the future. These conditions state that the United States (1) will not undertake any treaty obligation that is inconsistent with the U.S. constitution or effects change in U.S. law or practice; (2) will leave implementation of the convention largely to the states; and (3) will not submit to the jurisdiction of the International Court of Justice to decide disputes about the application or interpretation of the convention.

In essence, the RUD’s allow the United States to dispense with any charges that conflict with national interest, thereby weakening the genocide law in the U.S. and making it more of a symbolic than a functional act. These stipulations have also garnered resentment from the international community. By 1989, nine European countries had filed formal objections to some of the RUD’s in the U.S. ratification resolution, expressing concern with U.S. hostility toward international law.

Notwithstanding the limitations of the law, the U.S. Senate passed “implementing legislation” that finalized the ratification process for the [Genocide Convention Implementation Act](#)—also known as the [Proxmire Act](#)—in October 1988. The law makes genocide punishable by life imprisonment and fines of up to \$1 million. President Reagan marked the passage of the law with these words:

“We gather today to bear witness to the past and learn from its awful example to make sure we are not condemned to relive its crimes...During the Second World War, mankind witnessed the most heinous of crimes—the Holocaust. After the war, the nations of the world came together

and drafted the genocide convention as a howl of anguish and an effort to prevent and punish future acts of genocide...We finally close the circle today by formally [joining] 97 nations of the world in condemning genocide and treating it as a crime...I am delighted to fulfill the promise made by Harry Truman to all the peoples of the world—and especially the Jewish people. I remember what the Holocaust meant to me as I watched the films of the death camps after the Nazi defeat in World War Two. Slavs, Gypsies, and others died in the fires as well. And we've seen other horrors this century—in the Ukraine, in Cambodia, in Ethiopia. They only renew our rage and righteous fury and make this moment all the more significant for me and all Americans. We pay tribute to those who suffered...with our action today.”

Glossary

1. **Armenian Genocide:** From 1914–1923, the Young Turk government slaughtered 600,000–1.5 million Armenians and 300,000–600,000 Pontian Greeks in the Ottoman Empire, and several hundred thousand others were exiled.
2. **Convention:** A formal agreement between states for regulation of matters affecting all of them, especially an international agreement dealing with a specific subject, such as the treatment of prisoners of war.
3. **Genocide:** The deliberate and systematic destruction of an entire national, racial, religious, cultural or ethnic group; acts committed with the intent to destroy, in whole or in part, such groups, including killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; and forcibly transferring children of the group to another group.
4. **Nuremberg Trials:** The general name for the International Military Tribunals or two sets of trials set up by the victorious Allies of World War II (the U.S., France, Great Britain and the Soviet Union) to prosecute Nazis involved in the Holocaust. The trials were held in the German city of Nuremberg from 1945 to 1949. During the first set of trials, twenty-four of the most important captured (or still believed to be alive) leaders of Nazi Germany and six organizations were tried for crimes against peace, war crimes, and crimes against humanity. The second set of trials prosecuted lesser war criminals.
5. **Pogrom:** An organized, often officially encouraged massacre or persecution of a minority group, especially one conducted against Jews. (From the Yiddish for devastation).
6. **Ratify:** to formally approve or make an agreement official, valid or effective; to adopt or affirm a law or treaty.
7. **Resolution:** A formal statement of a decision or expression of opinion or intent voted by an official body or assembled group such as the U.S. Congress or United Nations.
8. **Sovereignty:** The exclusive right of a government or ruler to exercise supreme authority over a nation; complete independence and self-government with freedom from external control.

Source: Power, Samantha (2002). "A Problem from Hell": America and the Age of Genocide. New York: Perennial

The Totally Unofficial Man **Questions for Discussion or Homework**

Name(s): _____

The Emergence of a Vision

1. What early experiences did Raphael Lemkin have that motivated him to work toward an international law against genocide?
2. How did the Armenian genocide specifically influence Lemkin?
3. Define the idea of state sovereignty in your own words.

A Law against “Barbarity” and “Vandalism”

4. Why was Lemkin’s idea for a law against “barbarity” and “vandalism” met with resistance and indifference in the 1930s?
5. How did the notion of state sovereignty act as an obstacle to Lemkin as he worked toward an international law against “barbarity” and “vandalism”?

World War II Begins

6. What did Hitler mean when he said, “Who today still speaks of the massacre of the Armenians?” How did this statement relate to Lemkin’s ideas and goals?
7. What is the significance of the following sentiment, which Lemkin’s family expressed about fleeing the Nazis: “We will have to suffer, but we will survive somehow.”

Lemkin Flees to Safety

8. What did Lemkin mean when he asked an audience, “...Why do you stop this decision of your heart when the distance is 3,000 miles instead of a hundred?” Do you think that people’s interest and sympathy in response to a crime is tied to nationality and geography?
9. Why do you think that the world responded with disbelief or indifference to mounting evidence about the extermination of Jewish people during World War II?
10. What did Lemkin mean when he said a “double murder” was taking place? Do you agree with this statement? Why or why not?

The Crime That Has No Name

11. Why did British Prime Minister Winston Churchill describe the Nazi atrocities as “a crime that has no name?”
12. Why did Lemkin choose the term genocide to describe the “crime that has no name”? In your own words, describe how Lemkin defined this new term so that it meant something broader than mass murder.
13. What criticism did Lemkin receive regarding the new term, genocide? Do you agree or disagree with this criticism?
14. Lemkin wrote, “The present destruction of Europe would not be complete and thorough had the German people not accepted freely [the Nazi] plan, participated voluntarily in its execution and up to this point profited greatly therefrom.” Do you agree that bystanders during the Holocaust deserve blame for doing nothing to stop the crimes?

The Aftermath of World War II

15. What role did the new idea of genocide play in the Nuremberg Trials following World War II?
16. Why was Lemkin disappointed with the outcome of the trial?

A New United Nations Provides Hope

17. What arguments did Lemkin use to persuade the United Nations to pass a resolution against genocide?

Toward Ratification

18. Why did the U.S. Senate reject the Genocide Convention in 1948? What were some of the objections raised?

The Cold War Weakens Support

19. How did the Korean War and the emerging Cold War weaken support for the Genocide Convention in the U.S.?
20. Following Lemkin's death, a NY Times reporter wrote, "Death in action was his final argument—a final word to our own State Department, which has feared that an agreement not to kill would infringe upon our sovereignty." What did the journalist mean by this statement? How could an "agreement not to kill" interfere with U.S. sovereignty?

Lemkin's Aspiration Finally Fulfilled

21. Describe in your own words the "RUD's" that the U.S. attached to the Genocide Convention and what impact these reservations had on the law.

Document Based Questions (DBQ) on the Genocide Resolution and Conventions

Name(s): _____

General Document Analysis

1. List at least three ideas that you think represent the core meaning of the document.
2. Describe who drafted the document and when it was written.
3. Describe why the document was written, citing examples from the text.
4. Discuss the historical context of the document. (What was going on in the U.S. and/or the world at the time it was written?)
5. List at least three questions that the document raises for you.

Document Specific Questions

1. The United Nations General Assembly Resolution on The Crime of Genocide (1946) states that the “punishment of the crime of genocide is a matter of international concern.” Discuss why behavior that occurs within the borders of a sovereign nation is of international concern or may warrant international intervention.
2. The United Nations General Assembly Resolution on The Crime of Genocide (1946) states that the “denial of the right of existence of entire human groups...results in great losses to humanity in the form of cultural and other contributions represented by these human groups...” Discuss the ways in which genocide negatively impacts not only the targeted groups, but all of humanity.
3. The United Nations General Assembly Resolution on The Crime of Genocide (1946) states that the “denial of the right of existence of entire human groups...is contrary to moral law and to the spirit and aims of the United Nations.” Discuss the “spirit and aims” of the United Nations and the ways in which the targeting of a group for oppression or destruction is contrary to these aims.
4. The United Nations General Assembly Resolution on The Crime of Genocide (1946) includes political groups as a potential target of genocide. However, the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948) omits mention of political groups. Do you think the targeting of a political group for destruction represents genocide? Why do you think the United Nations omitted this category in the final text of the convention?

5. Article 2 of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948) includes in the definition of genocide "...acts committed with intent to destroy." The U.S. Genocide Convention Implementation Act of 1987 uses similar language: "...with the specific intent to destroy." Do you think that *intent* is sufficient to charge an individual or public official with the crime of genocide? In what ways do you think intent can be established or demonstrated?
6. The United States was the first nation to sign the Genocide Convention in 1948, but did not ratify and implement the law until 1988. Why did it take the U.S. so long to accede to the Convention? Discuss the attitude toward sovereignty and resistance to international law that existed during the Cold War period.

General Questions About the United Nations and International Human Rights

1. What are human rights? Where do they come from? Who has them?
2. What is the difference between human rights and civil rights?
3. What are the major categories of rights upheld by the United Nations?
4. What is the difference between a Resolution, a Covenant, a Treaty, a Protocol, a Convention and a Declaration?
5. What does it mean when a nation signs a treaty? Ratifies a treaty? Accedes to a treaty? What are the advantages and disadvantages of acceding to a treaty with "reservations"?
6. What is the role of the United Nations in protecting human rights? What tensions exist between the universality of rights and the sovereignty of individual nations?
7. Do you think the U.S. should subordinate its own political and judicial process to international norms?

December 11, 1946

United Nations General Assembly Resolution, 1946

96 (I). The Crime of Genocide

Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.

Many instances of such crimes of genocide have occurred when racial, religious, political, and other groups have been destroyed, entirely or in part.

The punishment of the crime of genocide is a matter of international concern.

The General Assembly, therefore,

Affirms that genocide is a crime under international law which the civilized world condemns, and for the commission of which principals and accomplices - whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds --are punishable;

Invites the Member States to enact the necessary legislation for the prevention and punishment of this crime;

Recommends that international co-operation be organized between States with a view to facilitating the speedy prevention and punishment of the crime of genocide, and, to this end,

Requests the Economic and Social Council to undertake the necessary studies, with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

Fifty-fifth plenary meeting,
11 December 1946

(RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY DURING THE SECOND PART OF ITS FIRST SESSION FROM 23 OCTOBER TO 15 DECEMBER 1946, Lake Success, New York, 1947.)

Convention on the Prevention and Punishment of the Crime of Genocide

**Approved and proposed for signature and ratification or accession by
General Assembly resolution 260 A (III) of 9 December 1948**

entry into force 12 January 1951, in accordance with article XIII

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world,

Recognizing that at all periods of history genocide has inflicted great losses on humanity, and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required,

Hereby agree as hereinafter provided:

Article 1

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article 2

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

Article 3

The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide;
- (e) Complicity in genocide.

Article 4

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Article 5

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention, and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

Article 6

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

Article 7

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition. The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

Article 8

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

Article 9

Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or for any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

Article 10

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December 1948.

Article 11

The present Convention shall be open until 31 December 1949 for signature on behalf of any Member of the United Nations and of any nonmember State to which an invitation to sign has been addressed by the General Assembly. The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations. After 1 January 1950, the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 12

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting Party is responsible.

Article 13

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a process-verbal and transmit a copy thereof to each Member of the United Nations and to each of the non-member States contemplated in article 11. The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession. Any ratification or accession effected, subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

Article 14

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force. It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period. Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

Article 15

If, as a result of denunciations, the number of Parties to the present Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

Article 16

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General. The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

Article 17

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following:

- (a) Signatures, ratifications and accessions received in accordance with article 11;
- (b) Notifications received in accordance with article 12;
- (c) The date upon which the present Convention comes into force in accordance with article 13;
- (d) Denunciations received in accordance with article 14;
- (e) The abrogation of the Convention in accordance with article 15;
- (f) Notifications received in accordance with article 16.

Article 18

The original of the present Convention shall be deposited in the archives of the United Nations. A certified copy of the Convention shall be transmitted to each Member of the United Nations and to each of the non-member States contemplated in article XI.

Article 19

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

U.S. Genocide Convention Implementation Act of 1987

(a) **Basic Offense.**— Whoever, whether in time of peace or in time of war, in a circumstance described in subsection (d) and with the specific intent to destroy, in whole or in substantial part, a national, ethnic, racial, or religious group as such—

- (1) kills members of that group;
- (2) causes serious bodily injury to members of that group;
- (3) causes the permanent impairment of the mental faculties of members of the group through drugs, torture, or similar techniques;
- (4) subjects the group to conditions of life that are intended to cause the physical destruction of the group in whole or in part;
- (5) imposes measures intended to prevent births within the group; or
- (6) transfers by force children of the group to another group; or attempts to do so, shall be punished as provided in subsection (b).

(b) **Punishment for Basic Offense.**— The punishment for an offense under subsection (a) is—

- (1) in the case of an offense under subsection (a)(1), where death results, by death or imprisonment for life and a fine of not more than \$1,000,000, or both; and
- (2) a fine of not more than \$1,000,000 or imprisonment for not more than twenty years, or both, in any other case.

(c) **Incitement Offense.**— Whoever in a circumstance described in subsection (d) directly and publicly incites another to violate subsection (a) shall be fined not more than \$500,000 or imprisoned not more than five years, or both.

(d) **Required Circumstance for Offenses.**— The circumstance referred to in subsections (a) and (c) is that—

- (1) the offense is committed within the United States; or
- (2) the alleged offender is a national of the United States (as defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101)).

(e) **Nonapplicability of Certain Limitations.**— Notwithstanding section 3282 of this title, in the case of an offense under subsection (a)(1), an indictment may be found, or information instituted, at any time without limitation.